

STANDING COMMITTEE ON ADMINISTRATION AND
PROCEDURE

Latimer House Principles

AUGUST 2009

Report 2

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Resolution of Appointment

In 1995 the Legislative Assembly for the Australian Capital Territory (“the Assembly”) adopted Standing Order 16, which established the Standing Committee on Administration and Procedure (“the Committee”).

Standing Order 16 authorises the Committee to inquire into, and report on, among other things, the practices and procedure of the Assembly.

Terms of Reference

On 11 December 2008, the Assembly resolved:

“That the Standing Committee on Administration and Procedure:

- (1) inquire into appropriate mechanisms to coordinate and evaluate the implementation of the Latimer House Principles in the governance of the ACT; and
- (2) report to the Assembly by the last sitting week in June 2009.”.

The Assembly resolved on 7 May 2009 to move the inquiry reporting date to the last sitting week in August 2009.

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RECOMMENDATIONS

RECOMMENDATION 1

The Committee recommends that following consultation with the Standing Committee on Administration and Procedure, the Speaker appoint a suitably qualified person to conduct an assessment of the performance of the three arms of government in the ACT against the Latimer House Principles.

RECOMMENDATION 2

The Committee recommends that the independent assessment be undertaken mid-term of each Assembly, and the resultant report tabled in the Assembly by the Speaker.

RECOMMENDATION 3

The Committee recommends that continuing resolution 8A be amended as follows:

Insert new paragraph 2A:

(2A) In the second year after a general election, following consultation with the Standing Committee on Administration and Procedure, the Speaker shall appoint a suitably qualified person to conduct an assessment of the implementation of the Latimer House Principles in the governance of the ACT, with the resultant report:

- (a) to be tabled in the Legislative Assembly by the Speaker; and
- (b) to be referred to the Standing Committee on Administration and Procedure for inquiry and report.

RECOMMENDATION 4

The Committee recommends that potential governance shortcomings identified in submissions and listed in paragraph 3.12 of this report could be considered as part of the independent assessment.

1 INTRODUCTION

Endorsement of the Latimer House Principles by the Legislative Assembly

- 1.1 At its meeting on Thursday 11 December 2008, the Legislative Assembly endorsed a continuing resolution to adopt the Latimer House Principles (the Principles). The Latimer House Principles describe best practice for the relationship between parliament, the executive and the judiciary.
- 1.2 The Principles promote good governance, the rule of law and human rights. The central principle states:

Each Commonwealth country's parliaments, executives and judiciaries are the guarantors in their respective spheres of the rule of law, the promotion and protection of fundamental human rights and the entrenchment of good governance based on the highest standards of honesty, probity and accountability.¹
- 1.3 The text of the Assembly's endorsement is contained in Appendix A.
- 1.4 Endorsement of the Principles is part of the agenda for parliamentary reform contained in the Parliamentary Agreement for the Seventh Legislative Assembly for the ACT between the Australian Labor Party and the ACT Greens.² This endorsement complements the parties' commitment to 'improve accountability and practice in the relationship between the Executive, Parliament and the Judiciary in the ACT.'³
- 1.5 Following on from the endorsement of the Principles, on the same day the Assembly referred the current inquiry to the Standing Committee on Administration and Procedure (the Committee).

Conduct of the inquiry

¹ Commonwealth (Latimer) House Principles on the Three Branches of Government, Principle (a).

² See Appendix 1, Clause 1 of the Parliamentary Agreement.

³ Ibid.

1.6 The Committee wrote to approximately 40 stakeholders, inviting submissions to the inquiry. The following 12 submissions were received and are available on the Committee's website:⁴

- ACT Auditor-General
- ACT Electoral Commissioner
- President of the Australian Senate
- ACT Human Rights Commissioner
- Latimer House Working Group (Commonwealth Parliamentary Association)
- ACT Ombudsman
- President of the Victorian Legislative Council
- President of the New South Wales Legislative Council
- ACT Law Society
- ACT Greens
- Office of the Commissioner for Sustainability and the Environment
- ACT Government

1.7 The Committee wishes to thank the organisations who provided submissions to the inquiry.

1.8 Given the breadth, clarity and substance of the submissions received, the Committee decided that it would be unnecessary to hold a public hearing to take further evidence. The submissions, along with additional research undertaken by the Secretariat, formed the basis of the Committee's deliberations in the inquiry.

Background to the Latimer House Principles and Guidelines

1.9 The '*Latimer House Guidelines on Parliamentary and Judicial Independence*' were first enunciated at a conference held at Latimer House, Buckinghamshire, United Kingdom in June 1998. The Guidelines have since been endorsed in revised form as the '*Commonwealth (Latimer) House Principles on the Three*

⁴ The submissions are available at:

<http://www.parliament.act.gov.au/committees/index1.asp?committee=118&inquiry=808&category=14>

Branches of Government' by the Commonwealth Heads of Government at their meeting in Nigeria in December 2003.

- 1.10 The tenth anniversary of the Guidelines was marked at a colloquium in Edinburgh, Scotland in July 2008. The colloquium was attended by representatives of the Commonwealth Lawyers' Association (CLA), Commonwealth Legal Education Association (CLEA), the Commonwealth Magistrates' and Judges' Association (CMJA) and the Commonwealth Parliamentary Association (CPA) and Law Officers. Participants released a plan of action, which was designed to assist Commonwealth countries to develop, promote and implement the Latimer House Principles. The plan of action is at [Appendix B](#). One of the recommended actions was:

Governments should be encouraged to provide reports on the implementation of the Principles in their jurisdictions at each Heads of Government Meeting, with particular emphasis on best practice and challenges faced, as part of the rule of law mandate of the Commonwealth.⁵
- 1.11 The CPA has also developed a list of benchmarks for democratic legislatures.⁶ The *Benchmarks for Democratic Legislatures* were produced in 2006 and draw on a range of earlier works including the National Democratic Institute's discussion paper, *Toward the Development of International Standards for Democratic Legislatures*. These benchmarks are best practice standards aimed at providing tools to assess levels of parliamentary democracy across CPA branches. The Benchmarks are at [Appendix C](#).
- 1.12 Former Speaker of the Legislative Assembly, Mr Wayne Berry, undertook a review of the ACT performance against the *Benchmarks for Democratic Legislatures* in 2008. He awarded the Territory an "A minus", noting that despite the high standard of performance, the ACT must continue to be vigilant in safeguarding good governance and accountability.⁷

⁵ *Edinburgh Plan of Action for the Commonwealth*, Action Item 1.1.

⁶ Commonwealth Parliamentary Associated Study Group (2006) *Benchmarks for Democratic Legislatures*, p 8.

⁷ Berry, W (2008) *Rating the ACT Legislative Assembly against CPA Benchmarks for Democratic Legislatures – is A minus good enough?*

2 EVIDENCE

- 2.1 The submissions focus on two main issues:
- appropriate mechanisms to coordinate and evaluate the implementation of the Principles; and
 - specific issues which should be scrutinised in such a process.

Coordinating and evaluating implementation of the Principles

Standing subcommittee

- 2.2 The Latimer House Working Group (LHWP) suggests the Committee consider establishing a standing sub-committee charged with the responsibility of monitoring and evaluating the implementation of the Principles.⁸

Using the Principles to inform Assembly and Committee debate/legislation audit

- 2.3 The Ombudsman proposes that compliance with the Principles is a matter which could be relevant to the deliberations of any committee when evaluating proposed legislation or any other matter. A breach or failure to meet the standards espoused in the Principles should be a matter that the committee could identify in its report to the Assembly. This process could be supplemented by requesting an appropriate committee to audit existing legislation, processes and requirements.⁹

Annual report by ACT Executive and triennial independent reports

- 2.4 The ACT Law Society proposes that the ACT Executive should produce an annual public report, comparing the ACT's governance with the Principles. The Society suggests that every three years an independent report be commissioned from a senior academic or retired eminent person, which should be tabled in the Assembly. So that this report can inform democratic debate, the Society considers it would be useful for the report to be provided in the year before the Assembly elections. The Society submits that such a review need not be expensive, since it is not expected that the independent

⁸ Latimer House Working Group, Submission No. 5, p 2.

⁹ ACT Ombudsman, Submission No. 6, p 5.

reporter would have any special powers, though it would be advisable to ensure she or he had immunity from action for libel etcetera.¹⁰

- 2.5 Similarly, the ACT Greens recommend a gap analysis be undertaken of various measures that have been developed by the Commonwealth Parliamentary Association and related organisations as indicators of implementation of the Principles.¹¹

Scrutiny bodies

- 2.6 The Committee has received submissions from a variety of oversight and scrutiny bodies, including the Auditor-General, Ombudsman, Human Rights Commission, Electoral Commission and Commissioner for Sustainability and the Environment. These submissions highlight the many ways in which these oversight bodies contribute to improved government accountability. The ACT Auditor-General points out that such offices ‘have a significant role in maintaining and evaluating conformance with many of the Principles. However, adequate resources should be provided to independent scrutiny bodies to operate effectively without any undue constraints which may compromise their independence’.¹²

¹⁰ ACT Law Society, Submission No. 9, p 1.

¹¹ ACT Greens, Submission No. 10, p 2.

¹² ACT Auditor-General, Submission No. 1, p 3.

3 APPROPRIATE MECHANISMS TO EVALUATE IMPLEMENTATION OF THE PRINCIPLES IN THE TERRITORY

The value of an independent assessment

- 3.1 By endorsing the Principles and undertaking the current inquiry, the Assembly intends to create a culture of awareness around good governance and accountability in the Territory. In moving the continuing resolution, the Attorney-General reflected:
- [The endorsement of the Principles] will serve as a reminder of the standards of governance which we in this Assembly seek to maintain and against which we must continue to measure ourselves constantly. I think that is what is most valuable in this proposed resolution. We state explicitly that these are the principles against which we seek to maintain the standard of governance in the territory and against which we will judge our ability to maintain a healthy democracy and one which has regard for each of the three arms of government – the executive, the parliament and the judiciary.¹³
- 3.2 The Committee believes that the ACT has strong democratic institutions and protocols in place which ensure good governance for the Territory. Accordingly, the Committee considers that the Territory is compliant with many of the Principles. This view is shared by many of the submissions, including that of the Law Society:
- The Latimer House Principles are well understood in the Territory, and throughout the short history of self-government have underpinned our constitutional arrangements. There has been a strong commitment here to the rule of law, which we trust will continue.¹⁴
- 3.3 In discussing the utility of an independent assessment, the ACT Government

¹³ Mr Corbell MLA, *Hansard*, 11 December 2008, p 316.

¹⁴ ACT Law Society, Submission No. 9, pp 1-2.

submits that:

In a mature democracy with robust accountability mechanisms already in place, and where the Latimer House Principles already enjoy wide acceptance, care should be taken to guard against the growth of unnecessarily complex reporting mechanisms and procedures.¹⁵

- 3.4 The ACT Government submission goes on to question the value of reporting on the ACT's compliance with the Principles, and whether the time and financial resources of the Assembly, and the Government, might be better utilised.¹⁶
- 3.5 The Committee acknowledges the issues raised by the Government in terms of the best utilisation of resources, and also recognises that the ACT would score highly against many of the criteria. However, the Committee notes that despite the Territory's generally strong governance arrangements, many submissions identified possible shortcomings in effective separation of powers in the ACT (see discussion below in paragraph 3.12).
- 3.6 The Committee considers that many of these issues deserve further scrutiny, indeed some issues raised have been the subject of extensive debate in recent times. For example, Freedom of Information laws are currently the subject of a Committee inquiry and are the subject of reform in most other Australian jurisdictions. The protocol for appointment of judicial officers was discussed extensively in the Assembly and local media last year.¹⁷ Former speaker Mr Wayne Berry identified the inadequate arrangements for formulating the Assembly's budget as an issue of ongoing concern during his tenure.¹⁸ In the context of the Government and the Assembly's commitment to improved accountability and transparency, the Committee believes there is value in an independent, regular assessment of the ACT's governance against the Principles. As stated in the ACT Green's submission:

¹⁵ ACT Government, Submission No. 12, p 2.

¹⁶ Ibid p 5.

¹⁷ Refer Violante, V, 'Government in Bar fight over Penfold', *Canberra Times*, 11 January 2008, Violante, V, 'Anger as Stefaniak gets his day in court', *Canberra Times*, 12 September 2008. See also the introduction of the Courts (Judicial Appointments) Amendment Bill 2008 by Mr Z Seselja MLA, *Hansard*, 13 February 2009, p 127.

¹⁸ Berry, W (2008) *Rating the ACT Legislative Assembly against CPA Benchmarks for Democratic Legislatures – is A minus good enough?* p 3 – 4, see also Berry, W (2007) *The application of the Latimer House Principles in developing a legislature's budget: parliamentary autonomy versus executive prerogative*, presented to the 38th Presiding Officers and Clerks Conference.

Meaningful endorsement of the Latimer House principles requires ongoing commitment to their promotion, development and implementation, including evaluation processes.¹⁹

- 3.7 The Committee believes that an appropriately qualified consultant should be engaged to benchmark current practice against the Principles, and identify areas for improvement. The consultant should be independent of government, the parliament and the courts to ensure the assessment is impartial to all branches of government.

Mechanism to appoint an independent assessor

- 3.8 Standing order 238 states that the Speaker may appoint persons with specialist knowledge (either to supply information which is not readily available or to explain matters of complexity within the committee's inquiry) upon such terms and conditions as the Speaker may determine.
- 3.9 The Committee considers that standing order 238 should be used to appoint an independent expert to assess the ACT's implementation of Principles.

RECOMMENDATION 1

The Committee recommends that following consultation with the Standing Committee on Administration and Procedure, the Speaker appoint a suitably qualified person to conduct an assessment of the performance of the three arms of government in the ACT against the Latimer House Principles.

Terms of reference for the assessment

- 3.10 The terms of reference for the assessment should include the Latimer House Principles, as endorsed by the Legislative Assembly (refer [Appendix A](#)) and should be framed to assess the ACT's performance against the Principles, and identify areas for improvement or further inquiry. The assessor may also choose to assess the ACT's performance against the CPA's Benchmarks for Democratic Legislatures (refer [Appendix C](#)) if appropriate.

Frequency of assessment

¹⁹ ACT Greens, Submission No. 11, p 2.

- 3.11 An assessment should be conducted during each term of the Assembly, to allow for a regular update on the Territory's progress in implementing the Principles. The assessment should occur mid-term (i.e. late in the second year or early in the third year of the term of the Assembly) to avoid the potential for the assessment to become politicised by occurring too close to an election period.

RECOMMENDATION 2

The Committee recommends that the independent assessment be undertaken mid-term of each Assembly, and the resultant report tabled in the Assembly by the Speaker.

RECOMMENDATION 3

The Committee recommends that continuing resolution 8A be amended as follows:

Insert new paragraph 2A:

- (2A) In the second year after a general election, following consultation with the Standing Committee on Administration and Procedure, the Speaker shall appoint a suitably qualified person to conduct an assessment of the implementation of the Latimer House Principles in the governance of the ACT, with the resultant report:**
- (a) to be tabled in the Legislative Assembly by the Speaker; and**
 - (b) to be referred to the Standing Committee on Administration and Procedure for inquiry and report.**

Latimer House Principles issues for the ACT

- 3.12 Many submissions highlight issues in the governance of the ACT which should be scrutinised in an evaluation of the implementation of the Principles. These include:
- Development of a more robust process to ensure that government implements the agreed recommendations of Assembly inquiries, to maintain the public confidence in committee inquiries as effective means to keep governments accountable and transparent.²⁰
 - The *Public Sector Management Act 1994* and *Financial Management Act 1996*

²⁰ ACT Auditor-General, Submission No. 1, p 3.

could be interpreted as permitting some executive or departmental control of the Electoral Commission and the Commissioner, thus potentially threatening the independence of the Commission. These concerns may be applicable to other statutory office holders.²¹

- Mechanisms to safeguard the independence of oversight bodies, such as clearly defined functions, adequate resourcing and reporting arrangements and follow-up on implementation of recommendations.²²
- Independence of funding for parliament.²³
- Review of Freedom of Information laws, especially given the current review at the Commonwealth level.²⁴
- Recent judicial appointment protocol reforms should be extended to quasi-judicial appointments, such as tribunals and other statutory offices.²⁵
- Guidelines for ethical conduct in all branches of government.²⁶
- Adequacy of funding for the court system.²⁷
- Increased use of public consultation during the pre-drafting stage of legislation, and through all major pieces of legislation being referred to the appropriate Assembly committee allowing for an inquiry process.²⁸
- Consideration of the role of deliberative policy forums, or other innovative ways of engaging the community in policy making.²⁹
- Development of a public education program on the Principles.³⁰

RECOMMENDATION 4

The Committee recommends that potential governance shortcomings identified

²¹ ACT Electoral Commission, Submission No. 2, pp 5-8.

²² ACT Greens, Submission No. 10, pp 4-5.

²³ ACT Greens, Submission No. 10, p 3; President of the New South Wales Legislative Council, Submission No. 8, p 2

²⁴ ACT Law Society, Submission No. 9, p 2; ACT Greens, Submission No 10, p 3.

²⁵ ACT Law Society, Submission No. 9, p 2.

²⁶ Ibid.

²⁷ Ibid, p 3.

²⁸ ACT Greens, Submission No. 10, pp 3-4.

²⁹ Ibid, p 5.

³⁰ Ibid.

in submissions and listed in paragraph 3.12 of this report could be considered as part of the independent assessment.

Conclusion

3.13 The Committee considers that the ACT has strong democratic institutions and robust accountability mechanisms in place. However, we must be vigilant in continually scrutinising our governance institutions to ensure that high standards are maintained. As recently observed by Stephen Bartos:

Vigorous debate on social and political issues is not just academic self-indulgence – it appears to make a real difference to the quality of democracy.³¹

3.14 Appointing an independent consultant to assess the ACT's performance against the Principles will allow us to reflect on our strengths, and identify weaknesses and potential areas for reform.

Shane Rattenbury MLA

Chair

August 2009

³¹ Bartos, S, 'Democracy needs the tonic of debate', *The Canberra Times: The Public Sector Informant*, 4 August 2009, pp 6-7.

APPENDIX A: Latimer House Principles

Endorsement of the Commonwealth (Latimer) House Principles on the Three Branches of Government

11 December 2008

That:

(1) Preamble

Members of the Legislative Assembly endorse and adopt the Commonwealth (Latimer) House Principles on the Three Branches of Government as agreed by Law Ministers and endorsed by the Commonwealth Heads of Government Meeting, Abuja, Nigeria, 2003.

Members do so in acknowledgment that the principles express the fundamental values they believe should govern the relationship between the three branches of government in the Australian Capital Territory.

The Principles

(2) Objective

The objective of these Principles is to provide, in accordance with the laws and customs of each Commonwealth country, an effective framework for the implementation by governments, parliaments and judiciaries of the Commonwealth's fundamental values.

(a) The Three Branches of Government

Each Commonwealth country's parliaments, executives and judiciaries are the guarantors in their respective spheres of the rule of law, the promotion and protection of fundamental human rights and the entrenchment of good governance based on the highest standards of honesty, probity and accountability.

(b) Parliament and the Judiciary

(i) Relations between parliament and the judiciary should be governed by respect for parliament's primary responsibility for law making on the one hand and for the judiciary's responsibility for the interpretation and application of the law on the other hand.

(ii) Judiciaries and parliaments should fulfil their respective but critical roles in the promotion of the rule of law in a complementary and constructive manner.

(c) Independence of Parliamentarians

(i) Parliamentarians must be able to carry out their legislative and constitutional functions in accordance with the Constitution, free from unlawful interference.

(ii) Criminal and defamation laws should not be used to restrict legitimate criticism of parliament; the offence of contempt of parliament should be narrowly drawn and reporting of the proceedings of parliament should not be unduly restricted by narrow application of the defence of qualified privilege.

(d) Independence of the Judiciary

An independent, impartial, honest and competent judiciary is integral to upholding the rule of law, engendering public confidence and dispensing justice. The function of the judiciary is to interpret and apply national constitutions and legislation, consistent with international human rights conventions and international law, to the extent permitted by the domestic law of each Commonwealth country.

To secure these aims:

(i) Judicial appointments should be made on the basis of clearly defined criteria and by a publicly declared process. The process should ensure:

(A) equality of opportunity for all who are eligible for judicial office;

(B) appointment on merit; and

(C) that appropriate consideration is given to the need for the

progressive attainment of gender equity and the removal of other historic factors of discrimination.

(ii) Arrangements for appropriate security of tenure and protection of levels of remuneration must be in place.

(iii) Adequate resources should be provided for the judicial system to operate effectively without any undue constraints which may hamper the independence sought.

(iv) Interaction, if any, between the executive and the judiciary should not compromise judicial independence. Judges should be subject to suspension or removal only for reasons of incapacity or misbehaviour that clearly renders them unfit to discharge their duties. Court proceedings should, unless the law or overriding public interest otherwise dictates, be open to the public. Superior Court decisions should be published and accessible to the public and be given in a timely manner. An independent, effective and competent legal profession is fundamental to the upholding of the rule of law and the independence of the judiciary.

(e) Public Office Holders

(i) Merit and proven integrity, should be the criteria of eligibility for appointment to public office.

(ii) Subject to (i), measures may be taken, where possible and appropriate, to ensure that the holders of all public offices generally reflect the composition of the community in terms of gender, ethnicity, social and religious groups and regional balance.

(f) Ethical Governance

Ministers, members of parliament, judicial officers and public office holders in each jurisdiction should respectively develop, adopt and periodically review appropriate guidelines for ethical conduct. These should address the issue of conflict of interest, whether actual or perceived, with a view to enhancing transparency, accountability and public confidence.

(g) Accountability Mechanisms

(i) Executive Accountability to Parliament

Parliaments and governments should maintain high standards of accountability, transparency and responsibility in the conduct of all public business. Parliamentary procedures should provide adequate mechanisms to enforce the accountability of the executive to parliament.

(ii) Judicial Accountability

Judges are accountable to the Constitution and to the law which they must apply honestly, independently and with integrity. The principles of judicial accountability and independence underpin public confidence in the judicial system and the importance of the judiciary as one of the three pillars upon which a responsible government relies. In addition to providing proper procedures for the removal of judges on grounds of incapacity or misbehaviour that are required to support the principle of independence of the judiciary, any disciplinary procedures should be fairly and objectively administered.

Disciplinary proceedings which might lead to the removal of a judicial officer should include appropriate safeguards to ensure fairness. The criminal law and contempt proceedings should not be used to restrict legitimate criticism of the performance of judicial functions.

(iii) Judicial review

Best democratic principles require that the actions of governments are open to scrutiny by the courts, to ensure that decisions taken comply with the Constitution, with relevant statutes and other law, including the law relating to the principles of natural justice.

(h) The law-making process

In order to enhance the effectiveness of law making as an essential element of the good governance agenda:

(i) there should be adequate parliamentary examination of proposed legislation;

(ii) where appropriate, opportunity should be given for public input into the legislative process; and

(iii) parliaments should, where relevant, be given the opportunity to

consider international instruments or regional conventions agreed to by governments.

(i) Oversight of Government

The promotion of zero-tolerance for corruption is vital to good governance. A transparent and accountable government, together with freedom of expression, encourages the full participation of its citizens in the democratic process. Steps which may be taken to encourage public sector accountability include:

(i) The establishment of scrutiny bodies and mechanisms to oversee government, enhances public confidence in the integrity and acceptability of government's activities. Independent bodies such as public accounts committees, ombudsmen, human rights commissions, auditors-general, anti-corruption commissions, information commissioners and similar oversight institutions can play a key role in enhancing public awareness of good governance and rule of law issues. Governments are encouraged to establish or enhance appropriate oversight bodies in accordance with national circumstances.

(ii) Government's transparency and accountability is promoted by an independent and vibrant media which is responsible, objective and impartial and which is protected by law in its freedom to report and comment upon public affairs.

(j) Civil Society

Parliaments and governments should recognise the role that civil society plays in the implementation of the Commonwealth's fundamental values and should strive for a constructive relationship with civil society to ensure that there is broader opportunity for lawful participation in the democratic process.

(3) This resolution has effect from the commencement of the Seventh Assembly and continues in force unless and until amended or repealed by this or subsequent Assembly.

APPENDIX B: THE EDINBURGH PLAN OF ACTION FOR THE COMMONWEALTH

FOR THE DEVELOPMENT, PROMOTION, AND IMPLEMENTATION OF THE COMMONWEALTH (LATIMER HOUSE) PRINCIPLES ON THE ACCOUNTABILITY OF AND RELATIONSHIP BETWEEN THE THREE BRANCHES OF GOVERNMENT

PREAMBLE

REAFFIRMING the Commonwealth (Latimer House) Principles endorsed by Commonwealth Heads of Government at Abuja in 2003, and

REAFFIRMING the importance of implementation of the Plan of Action for Africa adopted at Nairobi in 2005 not only in Africa but in the wider Commonwealth and recognising the special circumstances of smaller and under resourced jurisdictions,

NOTING that,

(1) while good practice in implementation of the Principles has developed in several jurisdictions, there have been a number of cases of the violation of the fundamental principle that:

‘Each Commonwealth Country’s Parliaments, Executives and Judiciaries are the guarantors in their respective spheres of the rule of law, the promotion and protection of fundamental human rights and the entrenchment of good governance based on the highest standards of honesty, probity and accountability’(CLHP);

(2) it has not proved possible to establish, either within or outside official Commonwealth channels, an effective and systematic procedure for assessing both good and bad practice in terms of compliance with the Principles;

(3) while the Principles have been widely circulated and discussed at numerous Commonwealth gatherings there remains ignorance of their importance among government officers, parliamentarians, lawyers, judicial officers and members of civil society;

(4) each new generation of government officers, parliamentarians, lawyers, judicial officers and members of civil society has to be alert to the imperatives of, and balance

between, the independence and accountability of the judiciary, parliament and the executive;

(5) there is a need to make better provision for the continuing implementation and assessment of the Principles across the Commonwealth, representatives of the Commonwealth Lawyers' Association (CLA), Commonwealth Legal Education Association (CLEA), the Commonwealth Magistrates' and Judges' Association (CMJA) and the Commonwealth Parliamentary Association (CPA) and Law Officers, meeting at the Scottish Parliament in Edinburgh on 6 & 7 July 2008:

HAVE RESOLVED TO ADOPT the following provisions for implementation and assessment of the Principles:

1. Relationship Between the Three Branches of Government

1.1 General

The Principles specify that "Each Commonwealth Country's Parliaments, Executives and Judiciaries are the guarantors in their respective spheres of the rule of law, the promotion and protection of fundamental human rights and the entrenchment of good governance based on the highest standards of honesty, probity and accountability." (CLHP- I)

ACTION:

The partner organisations (CLA, CLEA, CMJA and CPA) should assist the Commonwealth Secretariat by the establishment of a Standing Committee for the purpose of gathering relevant information, reporting on implementation of the Principles, best practice and areas of concern to inform the deliberations of the Commonwealth Ministerial Action Group. Other civil society organisations should be encouraged to assist the Standing Committee in gathering relevant information.

Governments should be encouraged to provide reports on the implementation of the Principles in their jurisdictions at each Heads of Government Meeting, with particular emphasis on best practice and challenges faced, as part of the rule of law mandate of the Commonwealth.

The Commonwealth Secretariat should:

- ⊗ **collate information on the implementation of the Principles on an ongoing basis;**
- ⊗ **provide regular reports to Commonwealth Law Ministers, Senior Officials, Heads of Judiciary and Speakers of Parliament; and**
- ⊗ **promote peer review of compliance with the Principles on a regional basis.**

All parliamentarians, judicial officers and public servants, on election or appointment, should be given awareness training on basic constitutional principles and their primary roles in the constitutional process.

Meetings between representatives of the three branches of government should be organised on a regular basis, in their respective jurisdictions, in order to promote better understanding of each other's roles.

The Commonwealth Secretariat should assist in facilitating these exchanges.

The CPA should continue its seminars for newly elected parliamentarians.

The CMJA should expand its existing programmes to newly appointed judicial officers with specific emphasis on the Principles.

The Commonwealth Secretariat should assist in facilitating similar programmes for the public service.

1.2 Independence of Parliamentarians

"Parliamentarians must be able to carry out their legislative and constitutional functions in accordance with the Constitution, free from unlawful interference" (CLHP - III)

ACTION:

Remuneration packages for parliamentarians should be determined by an independent process.

Parliamentarians should have equitable access to resources commensurate with their responsibilities.

Parliaments should have control of and authority to determine and secure their budgetary requirements unconstrained by the Executive, save for budgetary constraints dictated by national circumstances.

1.3 Independence of the Judiciary

"Adequate resources should be provided for the judicial system to operate effectively without any undue constraints which may hamper the independence sought." (CLHP -IV.3)

ACTION:

The allocation of resources by Parliament, for the judiciary and the running of the courts, should be made following consultation between the Head of the Judiciary and the relevant minister.

Appropriate dispute resolution mechanisms should be put in place to deal with any disputes arising in relation to the allocation of resources.

There remain jurisdictions where adequate resources have not been made available for judicial training, including training on basic constitutional issues. Such resources should be made available and programmes established for judicial training under the control of the Head of the Judiciary.

1.4 Gender and Diversity in Governance

"Merit and proven integrity should be the criteria for eligibility for appointment to public office" AND "Measures may be taken where possible and appropriate, to ensure that the holders of all public offices generally reflect the composition of the community in terms of gender, ethnicity, social and religious groups and regional balance." (CLHP- V.a and V.b)

ACTION:

Bearing these criteria in mind and also that the Commonwealth has not yet achieved its target of having women in at least 30% of political and decision-making positions, the respective branches of government should strive to improve the representation and participation of women and increase diversity in the public sphere in line with Commonwealth standards on gender and diversity. In particular:

- 1 Those responsible for recommending judicial appointments, should, through public information programmes, broad advertising of judicial vacancies, and by adapting judicial working conditions where, appropriate, encourage women and those from diverse backgrounds to apply for judicial appointments;**
- 2 parliaments should engage in disseminating better quality information about the role of parliamentarians and should develop practices that encourage women to stand for Parliament and to become candidates for leadership roles in Parliament;**
- 3 parliaments should adopt codes of conduct and standing orders which outline clearly the importance of the respect for the dignity of all parliamentarians and regulate the behaviour of parliamentarians towards each other. Speakers should provide clear rulings as to acceptable behaviour in the legislature;**
- 4 governments should work with civil society to encourage gender balance and diversity at all levels.**

2. Good governance and accountability

The Commonwealth (Latimer House) Principles state that "Parliaments and governments should maintain high standards of accountability, transparency and responsibility in the conduct of all public business." (CLHP-VII.a)

ACTION:

2.1 Elections:

Bearing in mind the importance of the proper conduct of the electoral process to the realisation of the Principles:

All branches of government have responsibility for lawful and timely conduct of that process.

The Executive must ensure that there is an independent and autonomous electoral

commission with powers and security of tenure guaranteed by statute. All Commissioners should be fully conversant with the Commonwealth's fundamental values, including the Principles. In observing elections, the Commonwealth Secretariat should continue to ensure that the members of the Observer Missions are fully aware of the Principles and actively apply them in their observations.

All candidates for election should be fully aware of the Principles.

Judicial processes should be given appropriate expedition when hearing and determining cases relating to elections in order to guarantee the legitimacy of the election process.

Determinations should be scrupulously respected.

2.2 Parliamentary Oversight and the Role of the Public Accounts Committees ("PACs")

ACTION:

PACs need to strengthen their role as oversight bodies and Parliaments should improve the effective functioning of these committees.

The role of PACs should be reinforced by constituting them into Standing Committees of Parliament, where this is not already the case. Membership of the PACs should be as diverse as possible, free from party interference and, where possible, not dominated by any party.

Adequate and appropriate material and human resources should be provided to them. Model rules on the functioning, powers and procedures of PACs should be developed by the Commonwealth Secretariat and the CPA for use by Commonwealth parliaments.

2.3 Judicial accountability and confidence building

"Judges are accountable to the Constitution and to the law which they must apply honestly, independently and with integrity." (CLHP VII-b)

ACTION:

The Heads of the Judiciary should submit regular reviews to Parliaments on the financing and administration of the courts.

The judiciary should continue to develop and review their codes of conduct/ethics on a regular basis.

Information on the complaints and disciplinary procedures in relation to judicial misconduct should be publicly available.

2.4 Civil Society

“Parliaments and governments should recognise the role that civil society plays in the implementation of the Commonwealth’s fundamental values and should strive for a constructive relationship with civil society to ensure that there is broader opportunity for lawful participation in the democratic process.” (CLHP-X)

ACTION:

Bearing in mind that mutual trust is an essential ingredient if meaningful engagement of civil society in governance is to be realised:

- 1. positive steps should be taken to ensure the involvement of civil society in informing decision-making processes at community, national, regional and international level;**
- 2. civil society organisations should be engaged to proactively promote the Principles;**
- 3 governments should not inhibit civil society organisations’ ability to access funding both nationally and internationally.**

2.5 An Independent Legal Profession

“An independent, effective and competent legal profession is fundamental to the upholding of the rule of law and the independence of the judiciary.” (CLHP - IV-d)

ACTION:

Bearing in mind that the legal profession is a key partner in the promotion of democracy and governments should see them in that role, the legal profession should:

- 1. maintain and promote the highest standards of excellence and integrity;**
- 2. support the legislature by participating fully in consultative processes;**
- 3. promote and assert the independence of the courts;**
- 4. speak out against improper administrative action or lack of action; and**
- 5. help to create public awareness of legal issues, particularly relating to ethics and human rights.**

In all these matters, the profession should have regard to its social responsibility and avoid being used as a tool of partisan politics.

The CLA should facilitate programmes for the legal profession designed to enhance awareness of the Principles.

2.6 Role of the Media

“Government’s transparency and accountability is promoted by an independent and vibrant media which is responsible, objective and impartial and which is protected by law in its freedom to report and comment upon public affairs.” (CLHP -IX b)

ACTION:

Legislation should provide mechanisms to ensure equitable access to electronic and print media for all election candidates at all levels.

Transparency and accountability is dependent upon freedom of information.

Governments should abide by the Commonwealth principles on freedom of information and should introduce appropriate enabling legislation where this has not already been done. Governments should also provide adequate resources and systems to make information accessible.

Heads of Judiciary should be encouraged to liaise with the media and inform them on the affairs of the judiciary and the principles of judicial independence.

3. Combating Corruption

"The promotion of zero tolerance for corruption is vital to good governance. A transparent and accountable government, together with freedom of expression, encourages the full participation of its citizens in the democratic process" (CLHP IX)

"Ministers, Members of Parliament, judicial officers and public office holders in each jurisdiction should respectively develop, adopt and periodically review appropriate guidelines for ethical conduct. These should address the issue of conflict of interest, whether actual or perceived, with a view to enhancing transparency, accountability and public confidence." (CLHP VII)

ACTION:

3.1 Proper exercise of executive power

Governments should be encouraged to establish independent anti-corruption processes for all aspects of public administration and facilitate their independent and effective operation.

3.2 Combating corruption in the judiciary

"An independent, impartial, honest and competent judiciary is integral to the upholding the rule of law, engendering public confidence and dispensing justice." (CLHP IV)

The Commonwealth Secretariat is encouraged to re-issue and actively promote the Conclusions of the Commonwealth Judicial Colloquium on Combating Corruption within the Judiciary ("Limassol Conclusions") in conjunction with the CMJA.

3.3 Combating corruption in Parliament

Parliaments should enact financial disclosure legislation and develop and implement codes of conduct requiring declaration of income, assets and liabilities.

4. Promotion of the Principles

ACTION:

A study of the Commonwealth's fundamental values should be included in civic education courses in schools. The Commonwealth Secretariat, in conjunction with the partner organisations, should sponsor the production of a version of the Principles which is accessible to the young.

Universities and law schools should be encouraged to include the study of the Commonwealth's fundamental values, and in particular the Principles, in their curricula for political and legal studies. The CLEA should assist universities and law

schools in devising appropriate curricula.

The four partner organisations should ensure the wide dissemination throughout the Commonwealth of the Principles, the Guidelines, the Nairobi Plan of Action, and this document in user-friendly formats.

5. Implementation of the Plan

The Nairobi Plan of Action for Africa states:

“Governments are urged to establish mechanisms to monitor and evaluate the implementation of the Plan of Action in their respective jurisdictions.

Governments should accept the responsibility to provide the resources required to enable Parliaments, Judiciaries and oversight institutions and bodies to properly discharge their functions.

The Secretariat is committed to coordinate and streamline the implementation of the Plan of Action.

The Secretariat, together with Governments and partner organisations will facilitate monitoring of the implementation of the Plan of Action.

The Secretariat will continue to facilitate capacity building programmes and to develop and integrate the Commonwealth (Latimer House) Principles into its programmes.

The Secretary-General of the Commonwealth Secretariat will report on the implementation of the Plan of Action to Heads of Governments, appropriate Ministers, and to meetings of senior officials.”

ACTION:

These commitments should be extended to the rest of the Commonwealth pursuant to the proposals contained in Section 1.1 of this document.

Scottish Parliament, Edinburgh
7 July 2008

APPENDIX C: COMMONWEALTH PARLIAMENTARY ASSOCIATION'S BENCHMARKS FOR DEMOCRATIC LEGISLATURES

RECOMMENDED BENCHMARKS FOR DEMOCRATIC LEGISLATURES

*These benchmarks are the outcome of a Study Group hosted by the Legislature of Bermuda
on behalf of
the Commonwealth Parliamentary Association and the World Bank Institute
with support from
the United Nations Development Programme, the European Parliament
and the National Democratic Institute for International Affairs*

I. GENERAL

1. GENERAL

1.1 Elections

- 1.1.1 Members of the popularly elected or only house shall be elected by direct universal and equal suffrage in a free and secret ballot.
- 1.1.2 Legislative elections shall meet international standards for genuine and transparent elections.
- 1.1.3 Term lengths for members of the popular house shall reflect the need for accountability through regular and periodic legislative elections.

1.2 Candidate Eligibility

- 1.2.1 Restrictions on candidate eligibility shall not be based on religion, gender, ethnicity, race or disability.
- 1.2.2 Special measures to encourage the political participation of marginalized groups shall be narrowly drawn to accomplish precisely defined, and time-limited, objectives.

1.3 Incompatibility of Office

- 1.3.1 No elected member shall be required to take a religious oath against his or her conscience in order to take his or her seat in the legislature.
- 1.3.2 In a bicameral legislature, a legislator may not be a member of both houses.
- 1.3.3 A legislator may not simultaneously serve in the judicial branch or as a civil servant of the executive branch.

1.4 Immunity

- 1.4.1 Legislators shall have immunity for anything said in the course of the proceedings of legislature.
- 1.4.2 Parliamentary immunity shall not extend beyond the term of office; but a former legislator shall continue to enjoy protection for his or her term of office.

- 1.4.3 The executive branch shall have no right or power to lift the immunity of a legislator.
- 1.4.4 Legislators must be able to carry out their legislative and constitutional functions in accordance with the constitution, free from interference.
- 1.5 Remuneration and Benefits**
 - 1.5.1 The legislature shall provide proper remuneration and reimbursement of parliamentary expenses to legislators for their service, and all forms of compensation shall be allocated on a non-partisan basis.
- 1.6 Resignation**
 - 1.6.1 Legislators shall have the right to resign their seats.
- 1.7 Infrastructure**
 - 1.7.1 The legislature shall have adequate physical infrastructure to enable members and staff to fulfil their responsibilities.

II. ORGANIZATION OF THE LEGISLATURE

2. PROCEDURE AND SESSIONS

2.1 Rules of Procedure

- 2.1.1 Only the legislature may adopt and amend its rules of procedure.

2.2 Presiding Officers

- 2.2.1 The legislature shall select or elect presiding officers pursuant to criteria and procedures clearly defined in the rules of procedure.

2.3 Convening Sessions

- 2.3.1 The legislature shall meet regularly, at intervals sufficient to fulfil its responsibilities.
- 2.3.2 The legislature shall have procedures for calling itself into regular session.
- 2.3.3 The legislature shall have procedures for calling itself into extraordinary or special session.
- 2.3.4 Provisions for the executive branch to convene a special session of the legislature shall be clearly specified.

2.4 Agenda

- 2.4.1 Legislators shall have the right to vote to amend the proposed agenda for debate.
- 2.4.2 Legislators in the lower or only house shall have the right to initiate legislation and to offer amendments to proposed legislation.
- 2.4.3 The legislature shall give legislators adequate advance notice of session meetings and the agenda for the meeting.

2.5 Debate

2.5.1 The legislature shall establish and follow clear procedures for structuring debate and determining the order of precedence of motions tabled by members.

2.5.2 The legislature shall provide adequate opportunity for legislators to debate bills prior to a vote.

2.6 Voting

2.6.1 Plenary votes in the legislature shall be public.¹

2.6.2 Members in a minority on a vote shall be able to demand a recorded vote.

2.6.3 Only legislators may vote on issues before the legislature.

2.7 Records

2.7.1 The legislature shall maintain and publish readily accessible records of its proceedings.

3. COMMITTEES

3.1 Organization

3.1.1 The legislature shall have the right to form permanent and temporary committees.

3.1.2 The legislature's assignment of committee members on each committee shall include both majority and minority party members and reflect the political composition of the legislature.

3.1.3 The legislature shall establish and follow a transparent method for selecting or electing the chairs of committees.

3.1.4 Committee hearings shall be in public. Any exceptions shall be clearly defined and provided for in the rules of procedure.

3.1.5 Votes of committee shall be in public. Any exceptions shall be clearly defined and provided for in the rules of procedure.

3.2 Powers

3.2.1 There shall be a presumption that the legislature will refer legislation to a committee, and any exceptions must be transparent, narrowly-defined, and extraordinary in nature.

3.2.2 Committees shall scrutinize legislation referred to them and have the power to recommend amendments or amend the legislation.

3.2.3 Committees shall have the right to consult and/or employ experts.

3.2.4 Committees shall have the power to summon persons, papers and records, and this power shall extend to witnesses and evidence from the executive branch, including officials.

¹ The Study Group noted that one possible exception to this may be the election of officers.

- 3.2.5 Only legislators appointed to the committee, or authorised substitutes, shall have the right to vote in committee.
- 3.2.6 Legislation shall protect informants and witnesses presenting relevant information to commissions of inquiry about corruption or unlawful activity.

4. POLITICAL PARTIES, PARTY GROUPS AND CROSS PARTY GROUPS

4.1 Political Parties

- 4.1.1 The right of freedom of association shall exist for legislators, as for all people.
- 4.1.2 Any restrictions on the legality of political parties shall be narrowly drawn in law and shall be consistent with the International Covenant on Civil and Political Rights.

4.2 Party Groups

- 4.2.1 Criteria for the formation of parliamentary party groups, and their rights and responsibilities in the legislature, shall be clearly stated in the Rules.
- 4.2.2 The legislature shall provide adequate resources and facilities for party groups pursuant to a clear and transparent formula that does not unduly advantage the majority party.²

4.3 Cross Party Groups

- 4.3.1 Legislators shall have the right to form interest caucuses around issues of common concern.

5. PARLIAMENTARY STAFF

5.1. General

- 5.1.1 The legislature shall have an adequate non-partisan professional staff to support its operations including the operations of its committees.
- 5.1.2 The legislature, rather than the executive branch, shall control the parliamentary service and determine the terms of employment.
- 5.1.3 The legislature shall draw and maintain a clear distinction between partisan and non-partisan staff.
- 5.1.4 Members and staff of the legislature shall have access to sufficient research, library, and ICT facilities.

5.2 Recruitment

- 5.2.1 The legislature shall have adequate resources to recruit staff sufficient to fulfil its responsibilities. The rates of pay shall be broadly comparable to those in the public service.
- 5.2.2 The legislature shall not discriminate in its recruitment of staff on the basis of race, ethnicity, religion, gender, disability, or, in the case of non-partisan staff, party affiliation.

² The Study Group considered it best practice for legislatures to provide party groups with funding allocations and allow each party group to make their own decisions on the types of facilities they require. The Study Group recognized the special circumstances of small and/or under-resourced jurisdictions.

5.3 Promotion

- 5.3.1 Recruitment and promotion of non-partisan staff shall be on the basis of merit and equal opportunity.³

5.4 Organization and Management

- 5.4.1 The head of the parliamentary service shall have a form of protected status to prevent undue political pressure.⁴
- 5.4.2 Legislatures should, either by legislation or resolution, establish corporate bodies responsible for providing services and funding entitlements for parliamentary purposes and providing for governance of the parliamentary service.⁵
- 5.4.3 All staff shall be subject to a code of conduct.

III. FUNCTIONS OF THE LEGISLATURE

6. LEGISLATIVE FUNCTION

6.1 General

- 6.1.1 The approval of the legislature is required for the passage of all legislation, including budgets.
- 6.1.2 Only the legislature shall be empowered to determine and approve the budget of the legislature.
- 6.1.3 The legislature shall have the power to enact resolutions or other non-binding expressions of its will.
- 6.1.4 In bicameral systems, only a popularly elected house shall have the power to bring down government.
- 6.1.5 A chamber where a majority of members are not directly or indirectly elected may not indefinitely deny or reject a money bill.

6.2 Legislative Procedure

- 6.2.1 In a bicameral legislature there shall be clearly defined roles for each chamber in the passage of legislation.
- 6.2.2 The legislature shall have the right to override an executive veto.

6.3 The Public and Legislation

- 6.3.1. Opportunities shall be given for public input into the legislative process.

³ Rather than banning political activity by non-partisan staff, the Study Group recommended that all staff be subject to a code of conduct and that staff are assessed on their conduct annually. A code of conduct should make clear what is acceptable staff behaviour and serve to prevent staff from using their position to influence the functioning of the legislature in a political manner.

⁴ This benchmark was taken directly from the recommendations of the previous CPA's [Study Group on 'The Financing and Administration of Parliament'](#), held in Zanzibar, Tanzania on May 25-29, 2005.

⁵ This benchmark was taken directly from the recommendations of the previous CPA's [Study Group on 'The Financing and Administration of Parliament'](#), held in Zanzibar, Tanzania on May 25-29, 2005.

- 6.3.2 Information shall be provided to the public in a timely manner regarding matters under consideration by the legislature.

7. OVERSIGHT FUNCTION

7.1 General

- 7.1.1 The legislature shall have mechanisms to obtain information from the executive branch sufficient to exercise its oversight function in a meaningful way.
- 7.1.2 The oversight authority of the legislature shall include meaningful oversight of the military security and intelligence services.
- 7.1.3 The oversight authority of the legislature shall include meaningful oversight of state owned enterprises.

7.2 Financial and Budget Oversight

- 7.2.1 The legislature shall have a reasonable period of time in which to review the proposed national budget.⁶
- 7.2.2 Oversight committees shall provide meaningful opportunities for minority or opposition parties to engage in effective oversight of government expenditures. Typically, the public accounts committee will be chaired by a member of the opposition party.
- 7.2.3 Oversight committees shall have access to records of executive branch accounts and related documentation sufficient to be able to meaningfully review the accuracy of executive branch reporting on its revenues and expenditures.
- 7.2.4 There shall be an independent, non-partisan Supreme or National Audit Office whose reports are tabled in the legislature in a timely manner.
- 7.2.5 The supreme or national audit office shall be provided with adequate resources and legal authority to conduct audits in a timely manner.

7.3 No Confidence and Impeachment

- 7.3.1 The legislature shall have mechanisms to impeach or censure officials of the executive branch, or express no-confidence in the government.
- 7.3.2 If the legislature expresses no confidence in the government the government is obliged to offer its resignation. If the head of state agrees that no other alternative government can be formed, a general election should be held.

8. REPRESENTATIONAL FUNCTION

8.1 Constituent Relations

- 8.1.1 The legislature shall provide all legislators with adequate and appropriate resources to enable the legislators to fulfil their constituency responsibilities.

⁶ The Study Group made reference to the OECD best practice guidelines which suggest presentation of the draft budget to the legislature no less than three months prior to the start of the fiscal year. (OECD [Best Practices for Budget Transparency](#), 2001)

8.2 Parliamentary Networking and Diplomacy

- 8.2.1 The legislature shall have the right to receive development assistance to strengthen the institution of parliament.
- 8.2.2 Members and staff of parliament shall have the right to receive technical and advisory assistance, as well as to network and exchange experience with individuals from other legislatures.

IV. VALUES OF THE LEGISLATURE

9. ACCESSIBILITY

9.1 Citizens and the Press

- 9.1.1 The legislature shall be accessible and open to citizens and the media, subject only to demonstrable public safety and work requirements.
- 9.1.2 The legislature should ensure that the media are given appropriate access to the proceedings of the legislature without compromising the proper functioning of the legislature and its rules of procedure.
- 9.1.3 The legislature shall have a non-partisan media relations facility.
- 9.1.4 The legislature shall promote the public's understanding of the work of the legislature.

9.2 Languages

- 9.2.1 Where the constitution or parliamentary rules provide for the use of multiple working languages, the legislature shall make every reasonable effort to provide for simultaneous interpretation of debates and translation of records.

10. ETHICAL GOVERNANCE

10.1 Transparency and Integrity

- 10.1.1 Legislators should maintain high standards of accountability, transparency and responsibility in the conduct of all public and parliamentary matters.
- 10.1.2 The legislature shall approve and enforce a code of conduct, including rules on conflicts of interest and the acceptance of gifts.
- 10.1.3 Legislatures shall require legislators to fully and publicly disclose their financial assets and business interests.
- 10.1.4 There shall be mechanisms to prevent, detect, and bring to justice legislators and staff engaged in corrupt practices.

ENDS