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Time for the government to pick a side on Federal ICAC, says transparency chief

by **Fiona McLeod**

There is broad support for the notion that holding public office creates a responsibility or trust, with powers to be exercised for the public good and not for personal gain.

However, the public increasingly sees politicians as out for whatever they can get, for as long as they can get it.

No wonder: some politicians avoid responsibility for misconduct and continue to hold office. Some criticise those who threaten to reveal their shortcomings. Some take money from special interest groups and powerful individuals that want to influence them, and many hide the full extent of their political donations.

We see deals in the dark and the rule of self-interest, as preferential treatment and the bending of the rules goes unchecked.

We observe the occasional, but significant, fraud and breach of criminal, corporations and international laws involving foreign bribery, graft and corruption and understand the inadequacy of our criminal justice response.

Australian public institutions have, for the most part, withstood the test of time. Trusted, respected and robust, they have performed well because of broad support for their role and widespread acceptance of the notion that holding public office creates a solemn responsibility or trust, that powers are to be exercised for the public good, not for personal gain. The undermining of this trust diminishes the strength of our institutions and in turn depletes our confidence in the strength of our democracy.

Bribes and scandals

Where was the widespread institutional cultural shift demanded by the revelations of Securrency bribes and Australian Wheat Board scandals? Where is the accountability of all those who enabled or ignored evidence of corrupt practices?

The question remains: how do we strengthen our democratic institutions and restore the public's trust in public office? How do we build and ensure integrity within government and responsible business conduct, and how do we build a culture where politicians promote fairness, transparency and accountability?

Transparency International Australia, the Griffith University Centre for Governance & Public Policy, the Australia Institute expert judges committee and others have backed the establishment of a federal Independent Commission Against Corruption, or national integrity commission.

The commission would function as an independent standing commission with wide powers to investigate breaches by federal public servants and public agencies, working in cooperation with state and other anti-corruption bodies. It would have the power to refer potential cases of corruption to law enforcement agencies, with a clear preventative and educative mandate.

More than two-thirds of Australians want a federal anti-corruption agency. Labor, the Greens and cross-bench members all support such an agency.

However, it needs to be independent, respected and well resourced with a broad mandate to investigate corruption across the Parliament and public service and their activities.

Issues of design can be managed with careful consideration – by folding the work of Griffith and the stalled whistleblowers protections into the new commission, for example, and the creation of stand-alone codes of conduct for all parliamentarians. Public hearings should be held where there is a public interest in doing so and findings passed on to federal or state and territory law enforcement agencies for further investigation and prosecution.

Political funding

There are many ways to restore trust in democracy. While a national integrity commission is the most important, we need to strengthen the integrity system in a cohesive way. We need a facility to disclose federal political funding and campaign finance in real time and the true ownership of those doing business with government. We need well-resourced whistleblower and freedom of information laws and oversight bodies. We need to reveal and address the

influence of those lobbying for private advantage, to improve procurement and tendering processes.

Numerous reports into each of these issues sit languishing on government shelves waiting for government to breathe life into their recommendations.

And finally, the government should wholeheartedly commit to the work of the Open Government Partnership, first supported by shadow attorney-general Mark Dreyfus and then adopted by former prime minister Malcolm Turnbull in 2015.

At its heart, the concept of open government rests upon a simple proposition that citizens are entitled to participate in their own governance and to hold government accountable for their actions.

The government is yet to decide whether it should respond to overwhelming public demand for a corruption watchdog, and seize the opportunity to support the cross-bench bill.

It will soon have to pick a side.

Fiona McLeod SC is chair of Transparency International Australia