



## Good News & Bad News

### **This month there is both good and bad news.**

The good news first: our Mining for Sustainable Development Programme is well underway (see CEO's article in this newsletter); secondly, Australia's first National Integrity Summit (to be hosted by TI Australia and partners) is to take place in March 2017 (more about this later). Thirdly, recent successful regional events were held: in Brisbane (courtesy of KordaMentha and Mallesons) with emphasis on strengthening our national integrity system and reinforcement of TIA Australia's principal anti-corruption concerns; and in Melbourne with a screening of *Snowden*, hosted by the CEO. It is good to see a vigorous and renewed regional committee moving forward in Brisbane. Fourthly, on 5th October, NAB announced they are ceasing all political donations and funding. This is a brave and timely decision from a major player in the Banking & Finance sector and TI Australia calls upon all Australian companies to reconsider their own stance on political funding. It's time for change.

The bad news this month focuses on the systematic and widespread rorting of the

political donation laws in NSW. ICAC's report revealed that this serious problem is not confined to NSW, but has infiltrated the national scene as well. There is a clear and urgent imperative for uniform national laws requiring transparency and honesty in what is plainly a deficient and broken system.

***There is a clear and urgent imperative for uniform national laws requiring transparency and honesty in what is plainly a deficient and broken system.***

The case of Sam Dastyari and the monies paid by Chinese interests on his behalf raises the clear need for a national integrity body and also a parliamentary integrity commission to advise and educate our parliamentarians and their staff.

Media reports of serious shortcomings in the procurement of our detention centre contracts involving Transfield are also of concern. Of

considerable concern are the details of bribery allegations involving an Australian company securing phosphate contracts after payments to the Nauru Justice Minister's family. There is a compelling need to see enforcement action taken to counter foreign bribery. Clearly, there is a long way to go.

There is much that the Federal Government can do to rebuild the apparent trust deficit now widely reported after this year's Federal Election. Australia has committed to the Open Government Partnership (OGP), a global movement to increase transparency and integrity in governments and their services. The government will soon release a draft OGP National Action Plan for public consultation. We see this as a prime opportunity for the government to rebuild trust and demonstrate that Australia truly values democracy, openness and integrity as we look to the future. TI Australia's CEO, Phil Newman, shares more in his article on the topic in this newsletter.

***The Hon. Anthony Whealy QC***  
*Chair, TI Australia*



# Mining for Sustainable Development: Implementing the Plan



**During the last few months, the primary focus of the Mining for Sustainable Development (MSD) programme has been recruitment of core team members, all of whom commenced with TI Australia during August 2016.**

I am proud of the team and excited that TI Australia is leading a truly game-changing global programme on behalf of the TI movement. We're embarking on a journey to make a real difference in the mining sector and are glad to partner with you, our supporters and friends, as change unfolds.

***We're embarking on a journey to make a real difference in the mining sector...***

Initial team induction and workshops have taken place at the TI Secretariat in Berlin where the risk assessment tool to be used in the programme was validated. Global experts contributed their knowledge and experience, agreeing that the proposed research and outcomes were a unique opportunity to drive fundamental change in the mining sector approvals process. During October 2016, all 20 TI chapters involved will gather in Africa to formally kick-off the programme. The MSD team will deliver training on tools and systems to ensure success.

**Phil Newman**  
CEO, TI Australia

## The Mining for Sustainable Development Team

**Andrea Shaw** is the Programme Manager and leads the team. Andrea is 'passionate about achieving a corruption-free mining industry that supports governments and local communities to achieve their aspirations'. She has worked: in organisational design and management for over 30 years; in the mining sector in Australia and Africa; and most recently as the Development Specialist in the Australian Aid Mining program in Africa. Andrea will provide regular updates in future newsletters and manage a dedicated space on our website.

**Patrick Croix-Kuah** is Manager, Finance & Administration. A qualified accountant with experience in project finance management, process improvement and policy review, Patrick has worked in finance/accounting roles in a wide range of sectors. A change-driver, Patrick is experienced in developing and improving: finance processes and savings; strong internal controls; financial management processes; and reporting for international programs. Patrick has a keen interest in global issues and is excited to join a team aiming to oppose corruption in mining and extractives – one of the world's most corrupt sectors.

**Kaetlyn Roberts** is Coordinator, Country Projects. Originally from Sydney, Kaetlyn has most recently worked as Coordinator in ActionAid Netherlands 'Fair Green and Global Program', with projects in eight countries across Asia and Africa. Projects focused on improved corporate conduct and governance relating to land and extractives. Kaetlyn has also worked in program and fundraising roles for human rights and development organisations. She speaks English, French and Spanish, and strongly believes that mining should benefit local communities and support sustainable national development. Kaetlyn looks forward to working closely with TI Chapters to make a real impact!

**Lisa Caripis** is Coordinator, Research & Policy. Lisa says, 'Tackling corruption in mining approvals is indispensable to efforts seeking to ensure that mining proceeds in a way that is fair, ecologically sustainable and benefits all.' Lisa is committed to working for social and environmental justice. She has worked on environmental and natural resources law and governance, and was recently in Colombia researching human rights and environmental issues associated with the governance of the Colombian mining sector. Lisa has experience in coordinating multi-stakeholder and interdisciplinary research projects. She is excited to learn about the situation across twenty countries.



L-R: Lisa Caripis, Patrick Croix-Kuah, Kaetlyn Roberts, Andrea Shaw, Phil Newman

# Open Government Partnership – Towards an Ambitious National Action Plan

When the Federal Election was announced in May 2016, many initiatives, enquiries and committees ground to a halt. One of the post-election challenges is for these initiatives to pick up where they left off and continue towards their objectives.

The Open Government Partnership (OGP) is a global effort to make governments more open and responsive to the changing needs of citizens. To complete membership, the Australian Government must develop a National Action Plan (NAP) in line with OGP standards. Australia first committed to joining OGP in 2013, with little progress made until Prime Minister, Malcolm Turnbull, wrote to the OGP Secretariat and recommitted to the initiative in 2015. To ensure wider civil society participation in co-creation of the NAP, a coalition of civil society individuals and organisations formed the Australian OGP Steering Committee. TI Australia was a founding member, actively participating in advocacy, and communication with government and the general public.

Some progress was made prior to the Federal Election via a number of forums. A series of ambitious NAP commitments were generated that reflect both government priorities and the needs of Australians for openness and accountability. Progress was slow and consultation haphazard – not a true example of in-depth co-creation required by OGP standards. Since the election, we're pleased to report that the Department of Prime Minister and Cabinet has proactively moved



***Since the election... the Department of Prime Minister and Cabinet has proactively moved the initiative forward...***

the initiative forward with much deeper and more effective consultation with civil society. An Interim Working Group was formed to ensure a balanced process as the initial draft NAP is unpacked and reformed.

The government has announced the following draft NAP headlines:

- work towards compliance with the Extractive Industries Transparency Initiative;
- assess Australia's compliance with the Open Contracting Data Standard;
- explore options for a beneficial ownership register for companies;
- improve whistleblower protections in the corporate sector;
- establish metrics to assess public utilisation of information access rights; and
- improve the availability and use of public data.

Ongoing discussions for inclusion are: a possible permanent forum for OGP consultation; review of information access laws and practice; enhancement of the national integrity system; and changes to political campaign financing.

Further public consultation on draft commitments is expected soon. National Action Plans are reviewed every two years. TI Australia calls on the government to quickly move to finalise this first NAP as a foundation upon which future action plans and open government reforms can be built.

To participate in the public consultation on this current NAP please follow progress on <http://ogpau.govspace.gov.au/>; <https://opengovernment.org.au/> and the TI Australia website.

**Phil Newman**  
CEO, TI Australia



## Victoria – Combatting Complacency about Corruption

***A report on a one-day integrity forum organised by the Victorian branch of the Institute of Public Administration Australia. Academics, integrity agencies and senior public servants provided valuable perspectives on the state of integrity in Victoria.***

It's easy to forget that in the past governments made effective use of one-off inquiries such as Royal Commissions to address specific instances of corruption – the land deals of the 1970s; the Bottom of the Harbour schemes of the 1980s. But, with the notable exception of the Commonwealth Government, all State Governments have concluded that standing anti-corruption agencies with strong investigative powers are essential to the development of an effective integrity culture in the public sector.

Gavin Jennings, Victorian Special Minister of State, considered the problem of how to balance public confidence and trust in government with the need for transparency in uncovering and addressing public sector corruption and integrity failures. He said governments should embrace public scrutiny while making efforts to mitigate against future integrity failures.

Current and former very senior public servants spoke of a sense of complacency – a view that corruption was a relatively minor and manageable issue in Victoria. They were shocked when the Victorian IBAC's investigations into the Education Department's 'banker schools' and Ultraset software systems revealed serious integrity failures and corrupt behaviour at the highest levels.

In response, the Victorian Secretaries' Board has committed to actively pursuing a culture of integrity across the Victorian public sector. A strong institutional integrity framework (including but not limited to an independent anti-corruption agency, Ombudsman, Auditor-General, effective whistleblower legislation) is essential but not sufficient to establish a public sector culture with strong ethical and integrity values. Developing and embedding ethical and integrity values has to be driven from within organisations themselves.

**Elizabeth O'Keeffe**  
Former Director of  
TI Australia





## BRISBANE: TIA Overview

TIA held a recent event in Brisbane, supported and hosted by King & Wood Mallesons, to discuss a number of recent developments in corruption generally and Transparency International Australia in particular.

Phil Newman and Anthony Whealy attended, introducing themselves to the more than 80 participants. They presented an overview of TI Australia's national integrity system priorities, their progress on the transparency project in the mining sector, and the development of a much more significant capability in TI Australia.



Natalie Caton from King & Wood Mallesons and Professor AJ Brown from Griffith University spoke about some definitional and jurisdictional issues in corruption, and national developments: particularly the need for a Federal Anti-Corruption Agency and foreign bribery law reform from the perspective of private sector organisations; and the need for deferred prosecution agreements, the debate around that aspect of reform in the UK and the US, and its applicability in the Australian context.

### David Van Homrigh

Partner, KordaMentha Forensic  
Queensland Committee Convenor - TI Australia

## MELBOURNE: Snowden Film

A highly successful film night featuring *Snowden*, organised by the Victorian Committee led by Holly Lindsay was held on 27 September. Over 60 people attended and enjoyed this informal opportunity to mingle with others interested in anti-corruption. The film was an excellent fit with TIA's interest in open government and protection of whistleblowers.



Prior to the screening, Phil Newman spoke briefly, and champagne and light refreshments were served.

## Upcoming Events:

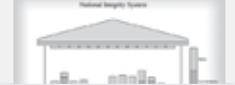
8th November

**Whistling While They Work II** - Research Team meeting – Sydney



9th November

**National Integrity System (NIS) Launch** – Sydney



11th November

**Combating Corruption Conference**

– Melbourne

<http://arts.unimelb.edu.au/combating-corruption>



The 2016 Combating Corruption in a Globalised World Conference, to be held at University of Melbourne, aims to explore and explain the apparent rise in corruption in recent decades, and to outline current thinking on the best ways to combat it. Specialists from industry, NGOs, government anti-corruption agencies and academia will address the topic from numerous perspectives, with a particular emphasis on the Asia Pacific region. TI Australia CEO Phil Newman is a presenter.

14th November

**Foreign Bribery – a focus**

**on Asia** (TIA Partnering with Control Risks) – Sydney

Contact: Jacinta Spottiswood

– [jacintaspottiswood@transparency.org.au](mailto:jacintaspottiswood@transparency.org.au)



15th – 17th November

**Events focused on the Mining Sector** – Perth

Contact: Jacinta Spottiswood

– [jacintaspottiswood@transparency.org.au](mailto:jacintaspottiswood@transparency.org.au)



24th November

**TI Australia AGM**

– Melbourne

4.00pm Baker & McKenzie,

19/181 William St, Melbourne



TRANSPARENCY  
INTERNATIONAL  
AUSTRALIA

## Support and Thanks

TI Australia is a voluntary organisation. We are pleased to acknowledge support from many sources including:

**Cornerstone Members:** ANZ Banking Group; BHP Billiton; Insurance Australia Group; Orica; Telstra; Star Entertainment Group

AECOM; Allens Linklaters; Anglican Board of Mission - Australia; Ashurst; Austrade; Australia China Business Council; Baker & McKenzie; Beam Suntory (Australia) Pty Ltd; Control Risks; Corruption Prevention Network (CPN); Deloitte; Export, Finance & Insurance Corporation (EFIC); Ernst & Young; FTI Consulting; Global Compact Network Australia; Jackson PR; King & Wood Mallesons; KordaMentha; KPMG; McGrath Nicol; MMG; Norton Rose Fulbright Australia; Pricewaterhouse Coopers; Standards Australia; SUEZ Australia; Justice & International Mission Unit - UCA; UNDP; Woodside; World Vision Australia; Worley Parsons

We are also grateful to many individuals who give generously of their time and expertise to assist TI Australia.