

# A FIT FOR PURPOSE

## NATIONAL INTEGRITY COMMISSION

### ANALYSIS AND RECOMMENDATIONS

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Establishing an independent national anticorruption commission with broad powers to investigate all types of corruption and misconduct will help promote public trust in the integrity of the federal parliament, the Commonwealth public sector and our system of government.

#### WHAT IS THE PROBLEM?

**The question is no longer if, but how and when. Australia's federal parliament is in agreement that we need a national-level integrity commission to prevent and tackle corruption. But if it is not well designed it will fail its purpose.**

The Commonwealth is now the only jurisdiction without an independent, specialist anti-corruption agency.

Countless political scandals – from 'sports rorts' to travel rorts, questionable political donations, revolving doors, conflicts of interest and undue influence – have all, one after the other, demonstrated the weaknesses of our national integrity system, the looseness of our parliamentary standards, and the reason for the public's falling trust in politicians.

Despite the federal government's understandable focus on the COVID-19 emergency response, this should not be a reason to park an urgent nation-building reform. [The health of our democracy is also in crisis](#). If we do not tend to it now, political accountability, integrity and the high standards Australians expect of our elected representatives and public servants will continue to fall through the cracks. This will lead to wasted public money, weak protections for the community and environment, and ultimately harm Australians' future.

Integrity and accountability are critical features of a healthy democracy. Without a national integrity commission with teeth, public trust and confidence in our federal leadership will continue to erode.

While the Government's leadership during the COVID-19 crisis did see a boost in public trust in government, [the long-term trend has been one of decline](#). This downward trend is mirrored in Transparency International [Corruption Perceptions Index](#): Australia's ranking on the global corruption scale has fallen steadily since 2012.

This synthesis of expert opinion is also mirrored in Transparency International Australia's survey of the Australian public's perception of corruption. Our most recent [Global Corruption Barometer](#) found:

**85% of Australians believe that at least some federal members of parliament are corrupt.**

## THE SOLUTION: A STRONG NATIONAL INTEGRITY COMMISSION

A national integrity commission that is fit for purpose to prevent and stop corruption must:

- Have a **broad jurisdiction** over official corruption, including federal politicians and the public sector;
- Lead a **nationally coordinated approach** to fighting corruption, including the ability to address corruption risks stemming from the private sector nationally and internationally;
- **Lift the bar** in tackling bribery, corruption, and integrity failings by improving on the prevention models, investigation powers and safeguards tested so far by state anticorruption commissions.

The fundamental characteristics of a strong national integrity commission are well captured by the [Beechworth Principles](#), developed by the Federal Member for Indi, Helen Haines MP, and supported by TIA:

- Broad jurisdiction
- Common rules
- Appropriate powers
- Fair hearings
- Public accountability

Following Transparency International's experience worldwide, Australia needs a stronger overall [system for ensuring national integrity](#) - with an effective anti-corruption commission at its core.

This requires going beyond a commission by erecting a strong framework for maintaining political integrity, including the development and implementation of parliamentary codes of conduct, strengthened oversight of lobbyists, and transparency and accountability over political donations; as well as better [protections for whistleblowers](#).

The [Hong Kong Independent Commission Against Corruption](#) provides a good model for a strong anti-corruption agency, with its three pillars of investigation, prevention and education. 90 percent of the complaints before the HK ICAC come from the public. It's a strong rationale for why Australia's national anticorruption agency must have the power to hold public hearings, and to consider cases brought by the public.

## BACKGROUND: WHAT PROGRESS HAS BEEN MADE?

Anticorruption agencies are a vital part of Australia's national integrity system, relied on by the public and government to expose official corruption, head off emergent corruption risks, and ensure action to build confidence in Australia's corruption resilience.

Transparency International Australia first called for an effective national anticorruption agency in 2004 – recognising that corruption and misconduct never stopped at state borders.

The federal government created a more limited Australian Commission for Law Enforcement Integrity (ACLEI), but as early as [2006](#) and [2011](#), parliamentary committees accepted TIA's recommendations that this agency was too narrow and underpowered.

Since then, the momentum has built. In 2017, the [Senate Select Committee on a National Integrity Commission](#) again recommended it was time to consider a broader anticorruption agency, informed by the national integrity system assessment launched by TIA. The debate changed from 'do we need a national integrity commission', to 'what should it look like'? All political parties and independents now agree Australia needs a national integrity commission:

- In September 2018, [Independent MPs](#) tabled preliminary analysis led by TIA and Griffith University setting out the viable [options for a new national body](#);
- In November 2018, the TIA analysis and advice [formed the basis](#) of new *National Integrity Commission* and *National Integrity (Parliamentary Standards) Bills* introduced by Independent and Greens MPs into the House of Representatives for the first time, also later reintroduced and [passed by Australia's Senate](#);
- In December 2018, the federal government committed to establish a Commonwealth Integrity Commission.
- Based on ACLEI, the Commonwealth Integrity Commission proposal was supported in 2019 by a budget commitment of \$42 million per year (compared to the Labor Opposition's proposed \$15 million per year), but was widely criticised as, again, [too narrow](#) and [underpowered](#) to be capable of properly stamping out corruption. Legislation for the Commission is yet to be introduced.
- Early in 2020, TIA supported the [Beechworth Principles](#), developed by the Federal Member for Indi, Helen Haines, as fundamental characteristics by which any legislation for a federal integrity commission can be measured.

# A NATIONAL INTEGRITY COMMISSION THAT IS FIT FOR PURPOSE

Australia's national integrity commission must be an **independent and well-resourced** statutory agency, with a **broad jurisdiction** and the **strong investigative powers** of a Royal Commission, including the ability to hold **public hearings**.

**TIA has long held the view that an integrity commission that lacks teeth would not be fit for purpose.**

The criteria against which any integrity commission legislation should be assessed are:

- **Broad jurisdiction**
  - The commission should be able to investigate all public officials, politicians included, for all forms of serious and systemic corruption. This should include both criminal and non-criminal misconduct. They should be held to the same high standard of behaviour and accountability.
- **Strong, independent powers**
  - The commission should be able to conduct its own investigations with the same powers as a royal commission, where needed.
  - It should be able to make findings of fact, to be referred to the Director of Public Prosecutions or other enforcement agencies for consideration for prosecution in criminal cases.
  - It should be able to make other findings of fact and issue enforceable recommendations, including through a public report, in relation to non-criminal corruption issues, prevention and other areas of integrity reform.
- **Public hearings, transparency and fairness**
  - It should be able to hold public hearings and /or a public inquiry when this is a necessary and effective means of investigation, or when it is in the public interest.
  - It should ensure appropriate safeguards for due process, especially where criminal investigation and prosecution become feasible and desirable.
- **Accessibility to the commission**
  - It should be accessible by anyone who identifies a corruption issue, especially whistleblowers, but also the private sector, civil society and members of the public. They should have appropriate protections, and there should be mandatory reporting requirements for all public officials and Commonwealth agency heads.
- **Accountability to the public**
  - It should be accountable to the public, not beholden to political interests. This can be ensured through multi-party parliamentary oversight informed by community and civil society input. This is necessary to ensure that the commission acts with absolute impartiality and fairness, and within its charter.
- **Adequate, guaranteed resources**
  - The commission should have adequate resourcing to ensure it is effective and able to undertake its mandate on behalf of the federal parliament and the people. Its resourcing should not be compromised if its decisions are unpopular with the executive government of the day.