



# RENEWING DEMOCRACY

## National Anti-Corruption Commission

Holding public officials and politicians to account

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The NSW Independent Commission Against Corruption (ICAC) has exposed systemic corruption which clearly does not stop at state borders.

We need a national commission to close the revolving door between big business and politics.

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Public interest is best served by a clear separation between politics and business. Recent revelations by state corruption watchdogs make it clear that sadly this is not the case in Australia.

Confidence in the political process is low, with the public increasingly cynical of the idea that politicians represent their interests over the big end of town.

Renewing our democracy is vital to ensure that we are all provided the opportunity to shape the decisions affecting our future and that our representatives are accountable to us.

That's why we urgently need a National Anti-Corruption Commission to oversee anti-corruption measures at a federal level in the same way that state ICACs do.

The Australian Greens have called on Liberal, National and Labor to urgently consider legislation for a National Integrity Commissioner in light of recent events in NSW politics.

The Greens' National Integrity Commission Bill<sup>1</sup> has been introduced in successive parliaments. More recent travel entitlement scandals have made action more urgent.

Reintroducing our plan for a National Anti-Corruption Commission will be a top priority for the Greens in the next parliament.

### > A NATIONAL WATCHDOG

Liberal, National and Labor MPs have blocked moves in the federal parliament to set up a National ICAC.

Politicians should represent the public interest and that is best served by a clear separation between politics and business.

However, large political donors have privileged access to ministers and MPs. Major decisions too often benefit mining companies, polluters, property developers and big business.

Everywhere you look there are questions asked about conflicts of interest between decision makers and backers of major projects that require government funding or approval. Many law and politics experts have noted policy trajectories favouring vested interests and have joined the call for a national anti-corruption agency<sup>2</sup>.

The National Anti-Corruption Commission would be an independent statutory agency consisting of –

- A National Integrity Commissioner,
- A Law Enforcement Integrity Commissioner, and
- An Independent Parliamentary Advisor.

### Politicians and public officials

A National Anti-Corruption Commission would investigate and work to prevent misconduct and corruption in all federal departments, agencies, and corrupt behaviour by federal parliamentarians and their staff.

The Commission would deal with corruption in relation to public officials and federal agencies. It would have full investigative powers, including conducting public and private hearings and summoning any person or agency to produce documents and appear before the Commission.

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<sup>1</sup>[http://www.aph.gov.au/Parliamentary\\_Business/Bills\\_Legislation/Bills\\_Search\\_Results/Result?bld=s936](http://www.aph.gov.au/Parliamentary_Business/Bills_Legislation/Bills_Search_Results/Result?bld=s936)

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<sup>2</sup> <http://www.smh.com.au/comment/we-need-a-national-plan-to-fight-corruption-at-the-heart-of-our-political-system-20160527-gp5v23.html>

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## Law enforcement agencies

Corruption in the Australian Federal Police and the Australian Crimes Commission would be dealt with through a Law Enforcement Integrity Commissioner.

The AFP and ACC are often targeted in corrupt activities. A National Anti-Corruption Commission would better coordinate the anti-corruption functions in the Law Enforcement Integrity Commissioner Act.

## Advice to parliamentarians

The Independent Parliamentary Advisor would provide confidential advice to ministers, parliamentarians, and former parliamentarians in relation to conflict of interest, entitlements claims, ethics, proprietary and similar matters.

The Advisor would also provide advice on the development of legally binding parliamentary codes of conduct.

Recent travel entitlement scandals highlight the need for politicians to seek advice and for effective enforcement of codes of conduct.

## > LOBBYIST REFORM

Disclosure regarding the target of lobbying should be expanded from government ministers to cover all MPs and Senators, including cross benchers and opposition MPs, as occurs in the US and Canada.

The definition of 'lobbyist' should be expanded to include corporations and organisations employing in-house lobbyists, many of whom are in a position to influence government policy.

Disclosure requirements should be expanded to include, in a timely manner: when the lobbying occurred; who stood to benefit; who was lobbied; the subject matter of the lobbying; and meeting outcome.

Meaningful sanctions with appeal rights should be adopted to apply to MPs, public servants and lobbyists.

To close the revolving door between big business and politics there should be a five year ban on ex-ministers working as lobbyists. To remove the corrupting influence of money, there should be a ban on the payment of success fees to lobbyists.

## > POLITICAL DONATIONS REFORM

Reform of political donation laws is also a significant part of the fight against corruption. Please refer to our political donations and electoral funding initiative for more information.

The High Court in the *McCloy & Ors v State of NSW* case that challenged the validity of state bans on developer donations to political parties concluded: "The particular concern is that reliance by political candidates on private patronage may, over time, become so necessary as to sap the vitality, as well as the integrity, of the political branches of government."

## > BUDGET IMPLICATIONS

The National Anti-Corruption Commission has been fully costed by the Parliamentary Budget Office. It will cost \$100.5m over the forward estimates, about as much as the Trade Union Royal Commission on a yearly basis.

## > OTHER PARTIES' POSITIONS

### Labor

Labor have been unwilling to back a national corruption watchdog or strengthen lobbying regulation. Recently the Opposition Leader Bill Shorten stated "I think we've all been shocked at the revelations that have come out in NSW ICAC, (but) I don't believe the same case has yet existed to demonstrate these problems are prevalent in the national political debate in Australia".

The last Labor National Conference again rejected a national body and instead sought to review the fragmented existing federal institutions.

### Coalition

The Coalition does not support the Commission and has in fact sought to discredit the NSW ICAC. Little wonder given 12 state and federal Liberal MPs have resigned or stood aside as a result of recent corruption inquiries.<sup>3</sup> Along with Labor, the Coalition has argued that the current regulatory framework for lobbying is working effectively.

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<sup>3</sup> <http://www.smh.com.au/nsw/icac-craig-baumann-becomes-10th-nsw-liberal-mp-to-join-crossbench-after-accusations-of-taking-secret-donations-20140912-10fu12.html>