



COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



HOUSE OF REPRESENTATIVES

BILLS

National Integrity Commission Bill 2018

Second Reading

SPEECH

Monday, 26 November 2018

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES

SPEECH

Date	Monday, 26 November 2018	Source	House
Page	11296	Proof	No
Questioner		Responder	
Speaker	McGowan, Cathy, MP	Question No.	

Ms McGOWAN (Indi) (10:31): I move:

That this bill be now read a second time.

There are three main points to my speech today. The first is to call on the government for action. The second is to outline the important elements of this bill. And the third is to acknowledge the support of the crossbenchers in bringing this bill to parliament, because surely today I'm part of a team, and this team represents the combined feelings of the people of Australia for our government to take national action in setting up a national integrity commission.

We have brought to this parliament what we think is best practice, and we now call on the government to tell us why not. And if they can't tell us why not, what they need to tell us is what it will take to bring to this parliament something that they will agree to. But it's not just for the government to agree to it—our call is for this whole parliament to work in a bipartisan way to give this country what it needs, and to do that before the next election so that we do not go to the election in 2019 arguing about the need for this bill.

In presenting this bill today I will now outline the main aspects of the bill. It's a package of bills that we put forward with the aim of promoting public trust and confidence in the integrity of parliament, the public sector and a system of government.

The package is about creating a culture of integrity and a proactive and solutions focused approach to preventing corruption.

The intent is to create a nationally coordinated integrity framework, with an emphasis on prevention, supported by strong powers of intervention to enable criminal charges or other actions in response to cases of corruption.

But rather than simply focusing on public naming and shaming, the objective of this package is to create a national culture of integrity where the expectation is that all of us are our best selves.

But the bill does not just stand alone. It's on the shoulders of giants that I present the work today. I acknowledge the Australian Research Council's Linkage Projects scheme and Strengthening Australia's National Integrity System: Priorities for Reform, led by Transparency International Australia and Griffith University. I'm delighted to welcome to parliament today Fiona McLeod and Professor AJ Brown and thank you for your work. I acknowledge the report of the Senate Select Committee on a National Integrity Commission in 2017, the Australian Greens' bill of the same name—first introduced to parliament in 2012—and the recommendation of The Australia Institute's National Integrity Committee.

In developing this bill we have taken a similar approach to the Australian Greens bill by modelling the investigative functions of the commission on the Australian Commission for Law Enforcement Integrity, known as ACLEI.

In most cases, the powers mirror those of the Law Enforcement Integrity Commissioner. This is a tried-and-tested approach at the Commonwealth level, and this bill incorporates best practice from the integrity framework of other jurisdictions. We've learnt our lesson; it's not a cut-and-paste of the state based integrity commission.

At a Commonwealth level there is a need for different approaches, where coordination, prevention and protection exist alongside the investigative role.

The bill complements the Australian government's support for the Open Government Partnership and will help ensure Australia meets its obligations under the UN Convention against Corruption, the OECD Convention on foreign bribery and the OECD Guidelines for Multinational Enterprises.

What will the bill do?

The bill will establish the Australian National Integrity Commission as an independent, broad based, public sector anticorruption commission for the Commonwealth.

Coordination

The commission will be the lead agency for key functions, both existing and proposed, in a Commonwealth integrity framework and it will fill gaps in coverage.

It will act as a partner to existing Commonwealth and state integrity and law enforcement agencies, with provisions for referrals, joint investigations and joint projects.

Pro-integrity

It will be pro integrity. The commission will lead a strong and embedded corruption prevention program, with education, research and investigation for the Commonwealth public sector.

The commission will lead the development of a rolling national integrity and anticorruption action plan, with wide participation, and oversight its implementation, playing a strategic coordination role across all sectors and jurisdictions.

Investigation

The commission will have the power of a royal commission to investigate, where necessary, corruption issues involving or affecting the Commonwealth government, to be executed at the discretion of the commissioner.

It may hold a public inquiry and/or public hearings where satisfied that this is the most effective means of investigation and, on balance, will be in the public interest.

Referrals to the commission can be made by anybody who identifies a corruption issue.

There will be a mandatory reporting requirement for public officials and Commonwealth agency heads.

The commissioner will have the discretion on how to manage referrals, including dealing with frivolous or vexatious referrals.

After due process, the commission will be empowered to make findings of fact to be referred then to the Commonwealth Director of Public Prosecutions or other enforcement agencies for consideration for prosecution in criminal cases.

It will also be empowered to make other findings of fact and recommendations, including by way of public report, in relation to non-criminal corruption issues, prevention and others areas of integrity reform.

Protection

The Whistleblower Protection Commissioner—and I dedicate this section to my colleague Andrew Wilkie—will: receive and investigate disclosures of wrongdoing; and

provide advice, assistance, guidance and support to persons and agencies relating to the making of disclosure or wrongdoing.

The Whistleblower Protection Commissioner will partner with the Commonwealth Ombudsman and the Australian Securities Investment Commission.

It will act as the whistleblower protection authority for the Commonwealth public sector and Commonwealth regulated private and not-for-profit agencies, as recommended by the Parliamentary Joint Committee on Corporations and Financial Services.

Who will hold the commission to account?

The bill will also establish bodies to monitor the activities and administration of the National Integrity Commission:

the Parliamentary Joint Committee on the Australian National Integrity Commission; and

the Parliamentary Inspector of the Australian National Integrity Commission will be established by this bill as an independent office of the parliament.

It will also be subject to judicial review by the federal and high courts of Australia.

The bill will operate alongside a second bill, which I will introduce next week—the National Integrity (Parliamentary Standards) Bill 2018. Together, it is our intention that these bills will boost confidence in the Commonwealth parliament by equipping it to prevent, manage and resolve its own integrity issues, where possible, while also providing clear pathways for investigation and resolution of serious corruption issues.

With my remaining time, I would now like to call on the seconder of the bill, the member for Mayo, to add her comments to why this bill is important for the future of Australia.

The DEPUTY SPEAKER (Mr Rob Mitchell): We'll just wait for the process. Is the motion seconded?