

Australian Greens' Dissenting Report

1.1 Corruption in any form has no place in Australian society. Time and time again we have seen politicians representing corporate interests over the interests of the public. We have seen revelations of misuse of political entitlements and we have seen evidence of systemic exploitation of workers amongst some of Australia's major employers. The Fair Work Amendment (Corrupting Benefits) Bill 2017 will do nothing to prevent this from continuing.

1.2 As pointed out in the Electrical Trades Union's (ETU) submission, 'while the Turnbull government tries to establish an agency whose purpose is to attack and weaken its political opponents, the government itself is providing the strongest case for the establishment of a national anti-corruption agency through the recent scandals of the former Minister for Human Services and the former Victorian Liberal Party Director.'¹

1.3 The lack of consultation with key stakeholders is worrying. In their submission, the ETU stated: 'Any serious attempts to improve governance should include all stakeholders, unions, business representatives groups, the government, the opposition and the crossbench, in that way ensuring a genuine set of improvements and to avoid any ideological bias.'²

1.4 The process for such changes to industrial relations laws can reasonably be expected to be submitted to the National Workplace Relations Consultative Council. However, as pointed out by the Australian Council of Trade Unions (ACTU): 'As a minimum the Bill should have been submitted to the Committee on Industrial Legislation (a subcommittee of the National Workplace Relations Consultative Council). This bill was, inexplicably, never submitted to the committee.'³

1.5 The unprecedented placing of criminal offences in the *Fair Work Act 2009* is concerning. Existing bribery offences relating to Commonwealth officials are already contained in the *Criminal Code Act 1958* and as the ACTU pointed out in their submission; 'bribery offences relating to Commonwealth and Foreign Officials are found in the *Criminal Code Act 1995*. That Act is the appropriate legislative vehicle for bribery offences.'⁴

1.6 It is clear that anti-corruption measures at a federal level are inadequate. The Federal government is now the only jurisdiction without the infrastructure to confront corruption. A serious approach to tackling corruption in Australia must include the establishment of a federal, broad-based anti-corruption watchdog. A National

1 Electrical Trades Union, *Submission 1*, p. 5

2 Electrical Trades Union, *Submission 1*, p. 3

3 Australian Council of Trade Unions, *Submission 5*, p. 5

4 Australian Council of Trade Unions, *Submission 5*, p. 5

Independent Commission Against Corruption (ICAC) would oversee anticorruption at a federal level, preventing corruption occurring and investigating claims as they arise.

1.7 As pointed out in the ETU's submission: 'At the May 2015 ACTU Congress the entire union movement unanimously supported the establishment of an independent national corruption watch dog to ensure that all Australian institutions, government, corporate, financial, sporting and large membership based were able to be corruption free.'⁵

Recommendation 1

1.8 The government establish a permanent National ICAC that has federal jurisdiction to prevent corruption occurring and investigate claims as they arise.

Recommendation 2

1.9 The bill should not be passed.

Senator Lee Rhiannon
Australian Greens