

Australian Greens – Dissenting Report

1.1 Public trust and confidence in our democratic institutions, especially the federal parliament, is very low. It is crucial that we address both the perception of corruption and actual risk of corruption. A recent poll commissioned by the Australia Institute found that 80% of respondents were supportive of establishing a federal anti-corruption commission.¹

1.2 Scandals continue to dog the federal parliament and public service. There are many recent examples which give rise to the perception of corruption. Investigation of these scandals, and the perception that they were investigated rigorously, could have benefitted from a federal anti-corruption commission:

- Both the Liberal and Labor parties accepted donations from compromised Chinese Nationals after ASIO expressly asked them not to.
- The Minister of Finance, Senator Mathias Cormann, signed a lease over a building which a key crossbench Senator Bob Day owned – against the Department of Finance's advice.
- The Minister for Agriculture, Barnaby Joyce relocated an entire department to his electorate with no compelling reason.
- Liberal MP Stuart Robert went to China to seal a deal between the Chinese government and a millionaire donor to the Liberal Party, Paul Marks director of coal company, Nimrod Resources – which Stuart Robert also held shares in.
- \$45,000 was paid by the Australian Hotels and Hospitality Association to the Menzies 200 Club, a fundraising vehicle linked to Member for Menzies, Kevin Andrews, at the same time that Mr Andrews was personally developing the government's gambling policy.
- Former Speaker of the House Bronwyn Bishop spent \$5000 on a helicopter flight from Melbourne to Geelong when a train ride costs \$12.
- When Senator Sam Dastyari was state secretary, NSW Labor accepted donations from a black market tobacco importer.
- Senator Pauline Hanson put her face and party logo on a plane that was gifted by a property developer, and One Nation travelled the country in this plane which was never declared.
- Brickworks donated hundreds of thousands of dollars before the election to the Liberals, then were awarded a multi-million dollar government contract from a clean energy scheme after that program had been closed down.

1 The Australia Institute, *Support for a federal ICAC [POLL]*, available: <http://www.tai.org.au/content/support-federal-icac-poll>.

- The Top Education Institute made a donation to cover Senator Dastyari's travel budget overspend.
- Former Small Business Minister, Bruce Billson, was getting paid a salary by the Franchise Council of Australia, while still sitting as a Member of Parliament.
- Fresh from negotiating the Chinese Free Trade Agreement, Minister for Trade, Andrew Robb immediately commenced working for a billionaire closely linked to the Chinese Communist Party, earning \$880,000 a year.
- Minister Barnaby Joyce appointed an irrigation lobbyist to the Murray Darling Basin Authority, despite her being a vocal opponent of delivering water into the river system.
- Liberal MP for Swan, Steve Irons, charged taxpayers \$2000 to attend his own wedding and again flew up to the Gold Coast for activities which included a round of golf.

1.3 Most of the existing functions of various anti-corruption bodies are concerned with individual cases of personal fraud or misconduct. Most of the inquiry was similarly concerned with such matters. However the public is also concerned with systemic corruption across political institutions and the public service, especially around political donations buying favour from ministers or influencing party policy, and indirect payments by lobby groups to ensure favourable outcomes from the incumbent government or policy decisions by a major party. These concerns are not addressed by any existing anti-corruption body.

1.4 The committee's report notes that 'Commonwealth agencies struggled to explain to the committee how their individual roles and responsibilities inter-connect to form a seamless Commonwealth government-wide approach to integrity and corruption issues'.²

1.5 This was noted in a number of submissions including from the Australia Institute, who quotes Transparency International: 'the Commonwealth's present arrangements are the result of decades of largely uncoordinated developments in administrative law, criminal law and public sector management, together with political accident'.³

1.6 The Australia Institute concludes:

there are gaps in our current integrity system, with no body currently able to investigate systemic corruption at a parliamentary or ministerial level. Ongoing scandals at a federal level show that this systemic corruption may

2 See pp 217-218.

3 *Submission 14*, p. 5.

be happening in our federal government, but we have no way of knowing if this is the case.⁴

1.7 The government's argument is that a new commission is not required because our existing anti-corruption mechanisms are underpinned by a democratic system of representative government and the separation of powers. However, the Law Council of Australia notes:

it is well-established that corruption has the potential to undermine democratic institutions. Therefore it cannot be assumed that democratic institutions alone will insulate Australia from the impact of corruption in the absence of a national strategy for addressing corruption.⁵

1.8 There are legitimate concerns regarding balancing civil liberties with extraordinary powers, the likes of which are held by state-based anti-corruption bodies. The NSW Council for Civil Liberties considered this balance and argued that:

the balance between greater public good and greater public harm has shifted. In this evolving context, if the public interest is to be protected against corruption, NSWCCCL acknowledges that the establishment of anti-corruption agencies equipped with extraordinary investigative powers—with proper constraints and safeguards—is necessary and proportionate.⁶

Recommendation 1

1.9 The Australian Greens recommend that the government begin work immediately to establish a National Integrity Commission with broad investigative powers to oversee the entire federal public service and Members of Parliament.

Recommendation 2

1.10 The Australian Greens recommend that any new body be empowered to conduct public hearings where it is in the public's interest to do so.

Senator Lee Rhiannon
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4 *Submission 14*, p. 11.

5 *Submission 9*, p. 12.

6 *Submission 26*, p. 3.

