

14 January 2019

Dr Sean Turner
Committee Secretary
Legal and Constitutional Affairs Legislation Committee
PO Box 6100
Parliament House
Canberra ACT 2600

By email: legcon.sen@aph.gov.au

Dear Dr Turner

National Integrity Commission

Thank you for your letter dated 13 December 2018 inviting Ombudsman Western Australia to make a submission to the Legal and Constitutional Affairs Legislation Committee.

The creation of a national integrity commission is a matter in the first instance for the government of the day and ultimately a matter for the Australian Parliament, as is the form any such commission would take. Nonetheless, as Western Australian Ombudsman, I strongly support appropriate measures to enhance integrity in the service of the Australian public.

Integrity has a clear intrinsic value – it is inseparable from the idea that it is better in any walk of life, including life serving others, to act reliably and with virtue, with fidelity and honesty, responsibly and appropriately, with a clear sense of proper, legitimate purpose and unaffected by the corruptive and perverse. Integrity in government also matters for its instrumental value – the practical consequences that can be observed from its protection and promotion in civil society.

In its most recent 2018 Prosperity Index, the Legatum Institute assessed 149 countries in terms of a framework that assesses countries on the promotion of their citizens' flourishing, reflecting both wealth and wellbeing across nine pillars of prosperity. The governance pillar assesses whether a country possesses "stable and democratic governing institutions [which] safeguard political and economic freedom and create an environment of civic participation" and "also assesses levels of government corruption and competition, and citizens' confidence in the honesty of elections and the broader policymaking process".¹ In the 2018 Prosperity Index, Australia is ranked 13th. What becomes quickly apparent about those countries at the top of the Prosperity Index is that they are countries that have fundamental adherence to the rule of law, a significant absence of institutionalised corruption and

¹ Legatum Institute, 2018, *Legatum Prosperity Index 2018 Methodology Report*, pp 1, 9.

high levels of integrity in governance. The exact opposite correlation is observed at the bottom of the Prosperity Index. On a related matter, integrity in government is also critical to business confidence and international trade through the creation of certainty and the absence of sovereign risk.

Over the last several decades, integrity agencies and functions of government have both increased in number and in scope. As an example, since the creation of the office of the Western Australia Ombudsman nearly fifty years ago, successive Western Australian governments have created a range of offices that include the Public Sector Commission, the Corruption and Crime Commission and an office of the Parliamentary Inspector of the Corruption and Crime Commission, an office of Inspector of Custodial Services and an office of Information Commissioner. At the same time as this growth of integrity agencies, we see further change to existing institutions.²

Although standing Corruption Commissions are not necessarily essential to this framework (for example, New Zealand is ranked first in Transparency International's 2017 Corruption Perception Index, although its institutional integrity framework does not include a Corruption Commission), many nation states have adopted such commissions, as Australia has done at a State level.

The form of any such commission could be informed by commissions at an Australian state level and also commissions established internationally.

Please do not hesitate to contact me on _____ if you would like me to provide any further information that may be of assistance to the Committee.

Yours sincerely

Chris Field
OMBUDSMAN

² This submission draws upon material first published in Chris Field, 2013, 'The Fourth Branch of Government: The Evolution of Integrity Agencies and Enhanced Government Accountability', AIAL Forum 72, pp 24-33.