

From the desk of Gideon Rozner, Director of Policy

22 January 2019

Senator the Hon Ian McDonald
Chair, Senate Standing Committee on Legal and Constitutional Affairs
PO Box 6100
Parliament House
Canberra ACT 2600

Dear Senator

Submission to the inquiry into the National Integrity Commission 2018, National Integrity (Parliamentary Standards) Bill 2018 and National Integrity Commission Bill 2018 (No. 2)

I refer to the above inquiry, and provide a submission to the Senate Standing Committee on Legal and Constitutional Affairs (the **Committee**) on behalf of the Institute of Public Affairs (**IPA**), with a view to appearing before the Committee at a public hearing should the opportunity arise.

About the Institute of Public Affairs

The IPA is an independent, non-profit public policy think tank, dedicated to preserving and strengthening the foundations of economic and political freedom. The IPA supports the free market of ideas, the free flow of capital, a limited and efficient government, evidence-based public policy, the rule of law, and representative democracy. Throughout human history, these ideas have proven themselves to be the most dynamic, liberating and exciting. Our researchers apply these ideas to the public policy questions which matter today.

Views on the Bills

The IPA has long argued that, based on the historical experience with state level anti-corruption agencies, a federal National Integrity Commission would not be appropriate or desirable, and would invite abuses of power.

Accordingly, the IPA is concerned with the coercive powers that would be held by the new National Integrity Commission should the Bills before the Committee pass the Parliament. As we have seen in other jurisdictions, the National Integrity Commission as proposed by Cathy McGowan MP and the Australian Greens would play by a different set of rules than the traditional system of justice and risk violating the legal rights of individuals.

Conclusion

To assist the Committee in its deliberations, I enclose a recent report by the IPA, *Integrity Commissions and Legal Rights*. The report explores general principles relating to fundamental legal rights and potential abuses of power, as well as providing specific observations on a number of current proposals, including the Bills that are the subject of this inquiry.

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The IPA trusts that this submission will be of assistance to the Committee. Once again, we would be grateful for the opportunity to present our views on this matter at a public hearing of the Committee.

Yours faithfully,

Gideon Rozner
Director of Policy
Institute of Public Affairs

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