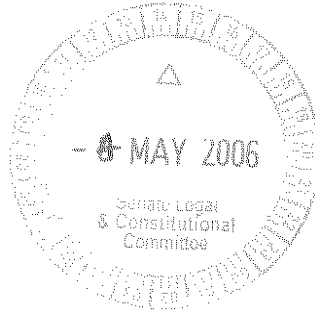




TRANSPARENCY INTERNATIONAL AUSTRALIA

Affiliate of Transparency International, the Coalition against Corruption



PO Box 41
Blackburn South Vic 3130
AUSTRALIA

Ph/Fax: +61 2 9389 5930
tioz@transparency.org.au
www.transparency.org.au

4 May 2006

Fax: 02 6277 5794

Mr Jonathan Curtis
Committee Secretary
Senate Legal and Constitutional Committee
Department of the Senate
PO Box 6100
Parliament House
Canberra ACT 2600

Dear Mr Curtis,

Inquiry into Law Enforcement Integrity Commissioner Bill 2006 et al

I became aware only on Friday last 28 April that your Committee had held a public session into the above Bill, having sought submissions previously.

The subject of your inquiry is a matter of great interest to Transparency International Australia. We were a key partner in the Report published by Griffith University in December 2005 entitled "**Chaos or Coherence? Strengths, Opportunities and Challenges for Australia's Integrity Systems**".

The first recommendation in that Report was:

That the Commonwealth Government's proposed new independent statutory authority be tasked as a comprehensive lead agency for investigation and prevention of official corruption, criminal activity and serious misconduct involving Commonwealth officials, based on the following principles:

Chairman: Frank Costigan QC Chief Executive: Michael Ahrens
Directors: Michael Ahrens Grahame Leonard David Mattiske Greg Thompson Graham Tupper Peter Willis James Wood AO QC
ABN 23 068 076 525



1. That the agency's jurisdiction not be limited to select agencies but include all Commonwealth officials from secretaries or equivalent down, including employees of Commonwealth-owned corporations, and any other persons involved or implicated in wrongdoing affecting the integrity of Commonwealth operations;
2. That the agency be made (i) an ex officio member of the Commonwealth Governance Review Council or other integrity coordination body created pursuant to recommendation 2, or failing that the existing Administrative Review Council, and (ii) subject to parliamentary oversight by a suitable parliamentary standing committee, preferably the same committee responsible for overseeing other core Commonwealth integrity agencies (see recommendation 3);
3. That the jurisdiction of the agency also include Commonwealth parliamentarians and ministers provided that, if recommendation 6 is taken up and an effective parliamentary and ministerial integrity system established, the agency's jurisdiction is only triggered by a request of the Parliamentary Integrity Commissioner, presiding officer of either House, or where in the opinion of the agency head an important matter of public interest would otherwise go uninvestigated;
4. That the agency be charged with a statutory responsibility to promote integrity and accountability as well as investigate wrongdoing, and be given a commensurate positive title rather than one defined by crime, misconduct or corruption;
5. That the agency be empowered and required to:
 - i. undertake inquiries of its own motion as well as receive and investigate complaints from whatever source;
 - ii. exercise concurrent jurisdiction and participate in a statutory-based investigations clearing house with other federal investigative agencies including the Commonwealth Ombudsman and Australian Federal Police; and
 - iii. share all relevant information with other Commonwealth and state integrity institutions, and conduct cooperative investigations with them including delegating its own investigatory powers, when in either its or their opinion their own jurisdiction is also involved;
6. That the Commonwealth review its operational definitions of corruption to include internal fraud and any other offences or types of serious misconduct with the potential to seriously affect public integrity, and revise its reporting, monitoring and prevention policies accordingly.

Unfortunately TIA did not see the advertisement calling for submissions. I am informed that the time for submissions is closed and the Bill is to be debated next week.

I regret accordingly that we were unable to make submissions on this important matter within the time allotted.

In the time available I have read the submissions of Dr A J Brown, who was the lead author of the above Report. Those submissions are important, they are entirely in line with the views of TIA and we are very happy to support them.

It is a serious limitation on the effective investigation of corruption to restrict it to "law enforcement agencies" as defined. It is a mistake to assume that corruption will be found only in the prescribed agencies, or that an investigation into a prescribed agency will not involve persons in non prescribed agencies. Such an assumption flies in the face of experience and reality.

As you know Australia presently rates very well on the international surveys produced by TI in relation to corruption. That rating is very much dependent on the strength and integrity of the institutions in this country which support our system of government. Nonetheless such strength and integrity should not be taken for granted.

The Australian Government is to be congratulated on its public support for efforts to identify and eradicate corruption in public life. It acknowledges the growing international understanding that the existence of corruption, particularly in undeveloped countries, is a serious impediment to the development of appropriate good governance procedures and impacts in a quite devastating way on the provision of aid and assistance. The recently released White Paper on Australian Aid reflects this understanding.

It is for these reasons that we support strongly the views expressed in the December 2005 Griffith Report and would urge the acceptance of the submissions made to the Committee by Dr Brown, and consequent amendments to the Bill.

Yours sincerely,



Frank Costigan QC

Chairman

Transparency International Australia

Chairman: Frank Costigan QC Chief Executive: Michael Ahrens
Directors: Michael Ahrens Grahame Leonard David Malfisike Greg Thompson Graham Tupper Peter Willis James Wood AO QC
ABN 23 068 075 525

