

National Integrity and Parliamentary Standards Reforms - Overview

This is a package to promote public trust and confidence in the integrity of Parliament, the public sector and the system of Government. This package is about creating a culture of integrity, a proactive and solutions focused approach to preventing corruption.

The intent is to create a nationally coordinated integrity framework, with an emphasis on prevention, supported by strong powers of investigation to enable criminal charges or other actions in response to cases of corruption.

Rather than simply focusing on publicly naming and shaming, the objective of this package is to create a national culture of integrity, where the expectation is that “we be our best selves”.

The draft Bills incorporate aspects of the work of others, including:

- the Report of the Senate Select Committee on a National Integrity Commission, 2017;
- the options presented by the Transparency International Australia / Griffith University led Australian Research Council Linkage Project, *Strengthening Australia’s National Integrity System: Priorities for Reform*;
- the recommendations of the Australia Institute’s National Integrity Committee;
- the Commonwealth Parliamentary Association’s *Recommended Benchmarks for Codes of Conduct applying to Members of Parliament* (2015), and;
- building on the Australian Greens Bill, of the same name, first introduced to the Parliament in 2012.

National Integrity Commission Bill 2018

The Bill will establish the Australian National Integrity Commission (the Commission) as an independent, broad-based public sector anti-corruption commission for the Commonwealth. The objectives of the Commission are to promote integrity and accountability, prevent, investigate and expose corruption, support development and implementation of a national integrity and anti-corruption plan, improve coordination and efficiency in the Commonwealth integrity system, and ensure protection of whistleblowers.

The Commission builds on the expertise and strengths of the Australian Commission for Law Enforcement Integrity (ACLEI) and best practice from other the integrity framework of other jurisdictions.

The Commission complements the Australian Government’s support for the Open Government Partnership and will help ensure Australia meets its obligations under the UN Convention Against Corruption, OECD Convention on Foreign Bribery and the OECD Guidelines for Multinational Enterprises.

The Commission will have a broad jurisdiction over official corruption including federal politicians and the federal public sector and promote responsible business conduct in the private sector. At this stage federal judicial officers under Chapter III of the Constitution are not included and the Bill establishes a review process to ensure their inclusion in a robust system of integrity oversight. The Bill creates a National Integrity Commissioner to chair and lead a multi-member and diverse Commission. The National Integrity Commissioner must be a judge or a retired judge.

Commissioners will be appointed by the Minister on recommendations from a bipartisan Parliamentary Joint Committee on the National Integrity Commission (equal Government and Opposition members with two non-aligned, equal numbers from the House of Representatives and Senate, with co-chairs from Government and Opposition).

The Commission will be the lead agency for key functions (existing and proposed) in the Commonwealth integrity framework, and fill gaps in coverage. It will act as a partner to existing Commonwealth and State integrity and law enforcement agencies, with provisions for referrals, joint investigations and joint projects.

Pro-integrity

The Commission will lead a strong and embedded corruption prevention program for the Commonwealth public sector. It will enhance the existing Commonwealth multi-agency integrity system by leading the development of a rolling National Integrity and Anti-Corruption Action Plan, with wide participation, and oversight its implementation, playing a strategic coordination role across all sectors and jurisdictions.

Investigation

The Commission will have the powers of a Royal Commission to investigate, where necessary, corruption issues involving or affecting the Commonwealth Government, to be executed at the discretion of the Commissioner. It may hold a public inquiry and/or public hearings where satisfied that this is the most effective means of investigation and, on balance, will be in the public interest.

Referrals to the Commission can be made by anyone who identifies a corruption issue. There will be a mandatory reporting requirement for public officials and Commonwealth agency heads. The Commissioner will have discretion on how to manage each referral, including dealing with frivolous or vexatious referrals.

After due process, the Commission will be empowered to make findings of fact, to be referred to the Commonwealth Director of Public Prosecutions or other enforcement agencies for consideration for prosecution, in criminal cases. It will also be empowered to make other findings of fact and recommendations, including by way of public report, in relation to non-criminal corruption issues, prevention and other areas of integrity reform.

Protection

The Commission will include a Whistleblower Protection Commissioner to deliver the Commission's public advice and referral functions and partner with the Commonwealth Ombudsman and Australian Securities & Investments Commission. It will act as the whistleblower protection

authority for the Commonwealth public sector and Commonwealth-regulated private and not-for-profit sectors, as recommended by the Parliamentary Joint Committee on Corporations and Financial Services.

Accountability

The Commission will be subject to oversight by the Parliamentary Joint Committee, assisted by a Parliamentary Inspector of the National Integrity Commission to ensure compliance with the law, due process and standards of probity. It will also be subject to judicial review by the Federal and High Courts of Australia.

National Integrity (Parliamentary Standards) Bill 2018

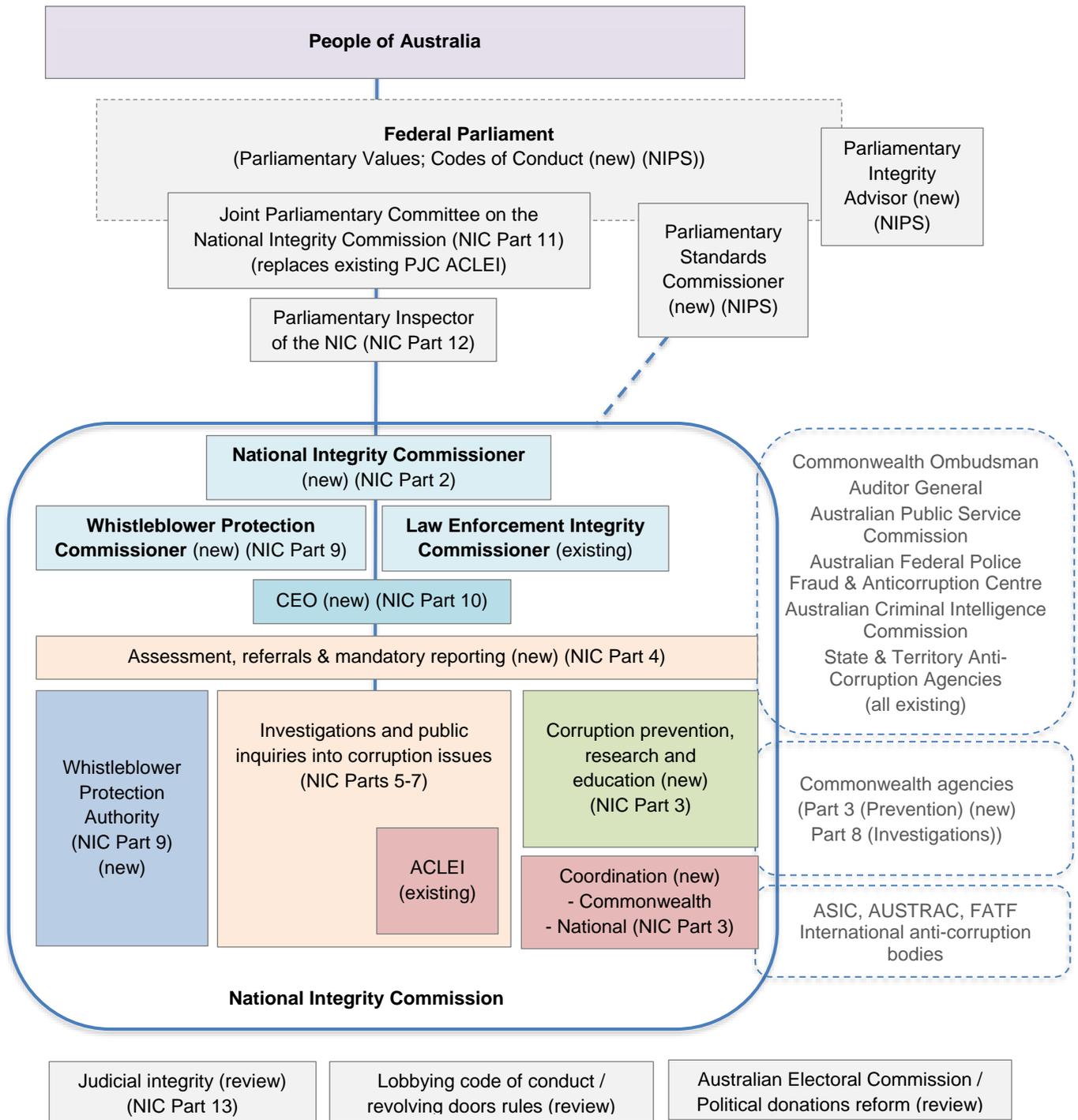
This intent of this bill is to boost public confidence in the Commonwealth Parliament by equipping it to prevent, manage and resolve its own integrity issues wherever possible, while also providing clear pathways for investigation and resolution of serious corruption issues (including by the National Integrity Commission).

The Parliamentary Standards Bill will create:

- a) Statutory codes of conduct for the members of each house of parliament, and their staff (MoPS);
- b) A statutory basis for parliamentarians' registers of interests;
- c) A Parliamentary Integrity Advisor to provide independent, confidential advice and guidance to Members and their staff on how to honour the codes;
- d) A Parliamentary Standards Commissioner to assist the presiding officers, Ethics & Privileges Committees, Prime Minister, and National Integrity Commission, with assessment, investigation and resolution of alleged breaches of the codes.

The Bill will include a process for review and consolidation of the parliamentary integrity system to also later include:

- Consolidating the new parliamentary standards arrangements and existing Independent Parliamentary Expenses Authority under an Independent Parliamentary Standards Authority, reporting directly to the Parliament;
- Upgrading the Commonwealth's scheme for lobbying registration and regulation and giving it a statutory basis;
- A national review of political and electoral finance, funding and disclosure laws (including political donations), including to define enhancements needed to the jurisdiction and powers of the Australian Electoral Commission, National Integrity Commission, and Parliamentary Codes of Conduct.



NIC - National Integrity Commission Bill 2018
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Based on Griffith University & Transparency International Australia,
[A National Integrity Commission—Options for Australia](#) (August 2018), Option 3 (p.60)

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