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Implementation Plan for a National Integrity Commission

National Integrity Committee
September 2018

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The National Integrity Committee was established by The Australia Institute to design and advise policy makers on specific accountability reforms, including a national anti-corruption commission. Members of the committee are: Margaret McMurdo AC, David Ipp AO QC, Stephen Charles AO QC, David Harper AM QC, Paul Stein AM QC and Anthony Whealy QC.

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Summary

This Implementation Plan has been prepared by the National Integrity Committee, to provide policy advice on the implementation of the National Integrity Commission design outlined in the committee's *Design Principles* and the *Design Blueprint*¹.

The Plan makes the following recommendations for the implementation of the National Integrity Commission:

- A wide jurisdiction to investigate any conduct of any person, whether or not they are a public official, that adversely affects, or could adversely affect, the impartial or honest exercise of public administration.
- The ability for the Commissioner to decide to begin investigations based on complaints, referrals from other agencies, and own motion investigations.
- Strong investigative powers of a Royal Commission, including the ability to hold public hearings, and enforcement of these coercive powers through offences for withholding evidence, misleading the Commission, bribing witnesses etc.
- Protections and oversight of the Commission's investigative powers, including no ability to make findings of corrupt conduct, the appointment of a National Integrity Commission Inspector, a bipartisan Parliamentary oversight committee, appointment of a Commissioner through this bipartisan committee, the investigation only of 'serious or systemic' cases of corruption, the availability of judicial review, the necessity to hold multiple private hearings before public hearings, and that procedural fairness must be followed in all hearings.
- A referral process between the National Integrity Commission and existing federal integrity agencies, following the systems established at a state level where multiple integrity agencies fulfil different jurisdictions and refer to each other as needed.
- The incorporation of the Australian Commission for Law Enforcement Integrity into the National Integrity Commission to ensure central coordination and efficiency in the investigation of public sector corruption.

¹ See *National Integrity Commission Design Blueprint*, www.tai.org.au/content/national-integrity-commission-papers; and *Principles for designing a National Integrity Commission*, <http://www.tai.org.au/content/corruption-fighters-and-former-judges-design-national-corruption-watchdog>

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Jurisdiction

The National Integrity Commission will have the jurisdiction to investigate any conduct of any person, whether or not they are a public official, that adversely affects, or could adversely affect, directly or indirectly, the honest or impartial exercise of public administration, if the Commissioner deems the conduct to be serious or systemic.

The jurisdiction of the National Integrity Commission includes a wide range of government agencies, and those outside government attempting to corruptly influence public officials, including but not limited to:

- Parliamentarians and Ministers
- Parliamentary staff
- Government departments
- Public service providers
- State owned corporations
- Statutory authorities
- The federal judiciary
- Contractors
- Subcontractors
- Businesses or other third parties attempting to corruptly influence an innocent public official

The jurisdiction of the National Integrity Commission must not be limited to statutory offences. The legislation establishing the Victorian IBAC is an example of a limited jurisdiction, in that the IBAC may only investigate conduct that would constitute a relevant offence [as defined by the legislation]. There are, of course, many areas of arguably corrupt conduct that do not, or may not, constitute a relevant offence at all. The IBAC legislation makes IBAC substantially weaker than, for example, the ICAC in NSW, and the CCC in Queensland.

For more information on the jurisdiction of the National Integrity Commission see Part 1 of the National Integrity Committee's *Design Blueprint*².

² See *National Integrity Committee Design Blueprint*, www.tai.org.au/content/national-integrity-commission-papers

Process for beginning investigations

The National Integrity Commissioner will have the discretion to begin investigations using the Commission's full investigative powers, if the Commissioner deems the alleged conduct to be serious or systemic. The Commissioner will also have the discretion to reject allegations if deemed frivolous or vexatious.

Investigations may begin on the basis of:

- Complaints directly made to the Commission
- Referrals and reports from public sector agencies, including other integrity agencies
- Own motion investigations

The National Integrity Commission will receive many complaints from persons in the public service and the wider community, many of which will be frivolous, trivial or irrelevant. The existing anti-corruption commissions in Australia have all found this to be so, and usually have no difficulty in rapidly weeding these out. A small proportion, however, may lead the Commission to important investigations - such as the anonymous telephone call that led to NSW ICAC investigating the granting of coal-mining licences in the Bylong Valley of NSW, and the subsequent prosecutions of Mr. Obeid, Mr Macdonald, Mr Maitland and others.

All Commissioners of anti-corruption bodies in Australia receive anonymous complaints, and find that a small proportion lead to significant results. It would seriously compromise the effectiveness of the National Integrity Commission to prevent it receiving, or acting on anonymous complaints, or, as was proposed in relation to the Queensland CCC, to require complaints to be in writing, or by statutory declaration. Fortunately the Queensland Parliament has subsequently repealed this requirement.

It is also very important that the National Integrity Commission have the power to act on its own motion, as well as upon a referral from any of the existing integrity bodies in the federal area which might discover, or chance upon, an allegation involving potential corruption.

All state anti-corruption commissions have the ability to begin investigations on the basis of direct complaints from the public, referrals and disclosures from public sector

agencies and officials, and own motion investigations. In 2016-17 NSW ICAC assessed 2489 matters, with 44% received in the form of complaints and public interest disclosures from public officials, 26% from reports and referrals from public sector agencies, and less than 1% from own motion investigations. The remaining 29% of matters assessed were enquiries or outside the jurisdiction of NSW ICAC. Complaints were received by telephone, email, post and from the NSW ICAC website.

Although own motion investigations are small in number they can be significant in content and importance. In 2010 NSW ICAC commenced an own motion investigation into the property developers Mr Michael McGurk and Mr Ron Medich. The Commissioner made the decision to begin this investigation as a result of media reports and allegations made publicly relating to the potential bribery of state government officials, including that Mr Medich represented that he had made and could make further corrupt payments to public officials in return for favourable planning and development decisions. The investigation aimed to establish whether Mr Medich had obtained, or sought to obtain favourable decisions from the NSW Department of Planning in relation to land development. The report found that government officials had done nothing wrong, and as a result put an end to the allegations and increased trust in government.³

The National Integrity Commission will not be effective unless it can utilise each of these mechanisms for beginning investigations.

³ NSW ICAC, 2010, *Investigation into allegations of corruption made by or attributed to Mr Michael McGurk*, Investigation Report, March 2010, https://www.icac.nsw.gov.au/documents?task=doc_download&gid=3443

Investigative powers

The National Integrity Commission will have the full investigative powers of a Royal Commission, as is the case in the operation of the NSW ICAC, Queensland CCC and the WA CCC. These powers include:⁴

- Coercive powers to compel the production of documents, other evidence and the examination of witnesses
- The ability to enter and search premises and inspect and copy documents
- The ability to use surveillance devices and phone intercepts
- Own motion powers to begin investigations at the discretion of the commissioner
- The absence of legal professional privilege, except in instances involving privileged communication between an Australian lawyer and a person for the purpose of providing legal advice in relation to the appearance of a person at a hearing before the Commission
- The ability to open hearings to the public
- The power to immunise witnesses on terms
- Protection to witnesses that anything said or disclosed may not be used against them in criminal proceedings

The investigative powers of the National Integrity Commission will be legally enforced, so that penalties apply to those seeking to mislead the Commission, destroy evidence, bribe witnesses, and other offences relating to Commission investigations. Similar enforcement clauses are outlined in Part 3 of the *Royal Commissions Act 1901* (Commonwealth), Part 9 of the *Independent Commission Against Corruption Act 1988* (NSW), and Chapter 5 of the *Crime and Corruption Act 2001* (Queensland). These offences enforce participation of witnesses in investigations, and make it illegal to intentionally mislead the Commission during the course of an investigation.

⁴See *Crime and Corruption Act 2001* (Queensland), *Independent Commission Against Corruption Act 1988* (NSW), and *Corruption, Crime and Misconduct Act 2003* (WA)

Limiting unwarranted risk to reputations

The National Integrity Commission will operate as a standing Royal Commission with the sole purpose of investigating and exposing corrupt conduct in public administration. It will not be able to prosecute people, and must refer any cases that may require further action to the relevant agency. To limit any unwarranted risk to reputations, the Commission will not be able to make corrupt conduct findings. This will alleviate any issues experienced in NSW and WA where individuals believed findings were made against them unfairly.

In order to ensure the National Integrity Commission uses its broad jurisdiction and strong investigative powers responsibly a number of oversight mechanisms will be put in place:

- A bipartisan Parliamentary Committee
- Bipartisan appointment of Commissioner via the Parliamentary committee
- A Parliamentary Inspector, appointed by the Parliamentary committee
- The availability of judicial review, with a clause in the *National Integrity Commission Act* that encourages the courts to prioritise the processing of these cases to avoid any lengthy delays
- The necessity for private hearings before public hearings, with procedural fairness followed in each case
- The threshold of investigating only “serious or systemic” conduct and the ability for the Commissioner to reject “frivolous or vexatious” complaints

These protections go beyond those that are utilised in Royal Commissions. Royal Commissions do not have Parliamentary Inspectors, and Commissioners are not appointed by bipartisan committee.

These mechanisms have been successful at a state level. In WA, grievances against the WA CCC were heard swiftly by the Inspector and unfair findings overturned. In NSW, grievances against NSW ICAC have been heard by the Inspector, and some have been taken to court. None of the complaints heard in court resulted in decisions being overturned.

A common argument used by those opposed to the work of state anticorruption bodies, especially in New South Wales, is that they unfairly trash reputations.

Given the large number of thoroughly deserved corruption findings in New South Wales over the last 20 years, it is surprising that the critics of ICAC commonly concern themselves with two cases only - Andrew Kelly/Charif Kazal and Murray Kear. A brief consideration of these two matters reveals that the criticism is largely unjustified. It proceeds essentially from a misunderstanding of the role of ICAC and the appropriateness of the methods for uncovering corruption the parliament has placed in the hands of ICAC.

CASE STUDY: CHARIF KAZAL

This investigation involved the unhealthy relationship between Mr Kelly, a senior executive of Sydney Harbour Foreshore Authority, and Mr Kazal, a businessman with deep interest in cafe/restaurant premises in the Rocks area in Sydney.

Mr Kelly was found to have acted in conflict with his official duties when dealing with Mr Kazal and members of his family. At the time, Mr Kelly anticipated being involved with the Kazal family in private business overseas. This conflict was never disclosed. Notwithstanding, Mr Kelly continued to deal with matters affecting the Kazal tenancies and this constituted corrupt conduct.

Mr Kazal was found to have acted corruptly by holding out the prospect of overseas employment to Mr Kelly and by paying his airfares and accommodation expenses for a trip to the United Arab Emirates in 2007. Mr Kazal did so with the intention that these actions would tend to influence Mr Kelly to exercise his official functions favourably to the business interests of the Kazal family.

ICAC determined that consideration should be given to obtaining the advice of the DPP as to whether Mr Kelly should be prosecuted for misconduct in public office. It did not recommend any disciplinary action against Kelly as he had already resigned in 2008.

Mr Kazal's conduct was found to be corrupt in that it could either directly or indirectly affect Mr Kelly's impartial exercise of his official functions. It could also involve giving an agent a reward in the expectation that favour would be shown to the Kazal interests.

However, with one exception, ICAC did not consider that Mr Kazal's conduct should be referred to the DPP. This was because the witnesses evidence to ICAC could not be used in any subsequent prosecution. Consequently there was insufficient admissible evidence to prove a charge against him. The exception was a referral to the DPP for a perjury charge relating to one piece of evidence given by Mr Kazal. He had told ICAC he

never intended to settle Mr Kelly's accommodation account but an email he had written on 23 May 2007 gave the lie to this statement, in ICAC's view .

Mr Kelly appealed the findings to the Supreme Court arguing jurisdictional points and claiming, for various reasons, that the findings were a nullity. Justice Ian Harrison dismissed the challenge in March 2013. He found that ICAC had not made any errors and had not exceeded its jurisdiction.

In 2015 Mr Kazal complained to NSW ICAC Acting Inspector Nicholson concerning the findings made against him. It should be stressed that this was not a legal challenge but a statutory right upon very limited grounds. The Acting Inspector's principal task was to determine whether there have been any misconduct or maladministration by ICAC. He found they had not. This was a clear and unequivocal conclusion.

The inspector also noted that he had no jurisdiction to examine or contest the facts as found by ICAC. Not with standing, he then proceeded to examine throughout a lengthy report the findings made by ICAC and reached a number of conclusions which were curious in the extreme and simply beyond his jurisdiction. He also made five recommendations to Parliament. His conclusions included:

- The evidence against Kazal, had it been admitted, would not necessarily have led to his conviction, that is it may not have been possible or likely to prove the charge against him beyond reasonable doubt. Because he was not prosecuted, he was denied his day in court and his reputation had as a consequence been unfairly damaged.
- Kazal might have been entitled to take his complaint to the United Nations.
- The ICAC Act should be amended in a number of respects and the offence of misconduct in public office should become a statutory offence.
- While he said it was not part of his role to determine whether the decision to hold a public hearing was warranted he then proceeded to do so.
- He recommended that an exoneration protocol should be included in the ICAC act.

The principal criticisms raised by the Acting Inspector display a complete misunderstanding of the ICAC legislation, its purposes and methods. In particular, the criticisms ignore the fact that ICAC investigations are entirely separate from criminal proceedings.

The following observations are also relevant:

- Criminal courts do not operate as a mechanism for a review of ICAC findings.

- Where a person found to have engaged in corrupt conduct is not prosecuted for a criminal offence, this does not exonerate the person.
- Investigations are inquisitorial not adversarial or criminal in their nature.
- Investigation hearings are not trials nor are they committals.
- The ICAC is in effect a standing Royal Commission and its primary function is investigative. It is prohibited from making a finding of criminal guilt. It determines issues on the balance of probabilities, that is, according to the civil standard.
- An important restriction on the compulsion of witnesses to answer questions is that the evidence obtained cannot be used in subsequent criminal proceedings.
- Witnesses who gave evidence to ICAC may not be compellable, may not be available to give evidence in a criminal trial and may not be willing to do so.
- ICAC investigations are not aimed at producing admissible evidence for some anticipated criminal trial. If this were the case, it would fatally compromise ICAC's capacity to expose corruption.
- A finding of corrupt conduct e.g. a disciplinary offence, may involve no criminal offence at all.

It is important to note that Acting Inspector Nicholson was replaced by the greatly experienced senior counsel Bruce McLintock and that he has acted as full time inspector since 2017.

The government has not embraced any of the Nicholson recommendations and neither they nor his general conclusions on factual matters have been adopted by Inspector McLintock.

CASE STUDY: MURRAY KEAR

On 14th May 2013, Murray Kear, as Commissioner of SES, dismissed Tara McCarthy from her position as a Deputy Commissioner. She claimed her dismissal was because she had made reports to Mr Kear that another Deputy Commissioner, Steve Pearce, may have engaged in corrupt conduct. Mr Pearce was a good friend and 'mate' of Kear.

ICAC made two findings against Kear:

- Firstly that Ms McCarthy had been dismissed as a reprisal for making complaints against Mr Pearce. This finding could result in criminal proceedings against Kear for breaching section 20 of the Public Interest Disclosure Act.

- Secondly, ICAC found that Mr Kear had failed to properly investigate reasonably based allegations that Ms McCarthy had raised against Mr Pearce.

These included:

- (1) Entry into two valuable contracts which had considerably disadvantaged SES.
- (2) Inappropriate use of corporate credit card to purchase \$684 worth of personal goods for Pearce's vehicle.
- (3) A potential falsification of diary entries by Mr Pearce.

ICAC found that Mr Kear had failed to appropriately manage Mr Pearce in relation to all these matters; that Mr Kear was unduly influenced by his friendship with Mr Pearce and failed to recognise a serious conflict of interest, arising out of his friendship with Mr Pearce.

This second finding provided grounds for disciplinary proceedings for Mr Kear's dismissal. However, Mr Kear resigned so dismissal proceedings were never instituted.

The DPP determined to prosecute Mr Kear for an offence under section 20 of the *Public Interest Disclosure Act* - A person who takes detrimental action against another person that is substantially in reprisal for the other person making a public interest disclosure is guilty of an offence.

A defence is available if the defendant can prove that the dismissal was not substantially in reprisal for the person making the disclosure.

The case was heard in the Local Court and in March 2016 Magistrate Grogin found that there was "no element of revenge payback or reprisal" in Mr Kear's dismissal of Tara McCarthy.⁵

Mr Kear had made out his defence and the charge was dismissed.

Since the dismissal, the Australian newspaper, and Chris Merritt in particular, have railed against ICAC proclaiming that an innocent man had been vilified by ICAC.

This reaction fails to appreciate the role of ICAC and the nature of its jurisdiction. The comments made earlier in relation to the Nicholson report apply equally here. In particular:

⁵ Whitbourn, 2016, *Criminal charges dismissed against former SES Commissioner Murray Kear following ICAC probe*, <https://www.smh.com.au/national/nsw/criminal-charges-dismissed-against-former-ses-commissioner-murray-kear-following-icac-probe-20160316-gnkhu8.html>

- It is a matter for the DPP to determine whether criminal proceedings should be brought following an ICAC investigation.
- It is the role of the DPP to secure a conviction and ICAC plays no part.
- Where a person is found 'not guilty', this does not mean he is innocent or that he has been exonerated. It simply means that the Crown has not been able to prove its case beyond reasonable doubt.
- In the present matter Mr Kear was able to take advantage of a statutory defence to whistle-blower proceedings. This defence has been criticised by academics and lawyers as being too favourable to employers.

In June 2018, Inspector Bruce McClintock provided a report to the NSW Parliament. He expressed very serious doubts about the fact-finding and reasoning of Magistrate Grogin.

"He does not seem to have understood this relatively obvious point..... had he done so, I doubt he would have acquitted Kear".⁶

He emphatically concluded that there was a reasonable basis for the prosecution against Mr Kear.

The final point is this: critics of ICAC have overlooked that there was a second serious finding made against Mr Kear and, had he not resigned, this would have certainly led to his dismissal.

⁶ McClintock, 2018, *Review of the 2016-17 Annual Reports of the ICAC*, Transcript 1st June 2018

Relationship with existing integrity agencies

There are significant gaps in the jurisdiction and investigative powers of the existing federal agencies responsible for scrutinising the public sector and government. No agency has the power to investigate corrupt conduct as defined by our state based commissions. No agency can investigate misconduct of MPs, ministers or the judiciary. The agencies that have the strongest investigative powers, such as the federal police, can only use them when investigating criminal charges. No agency holds regular public hearings, meaning that corruption and misconduct is not properly exposed to the public.

A National Integrity Commission will be the only federal agency with the sole function of investigating and exposing corrupt conduct in public administration, and with a broad jurisdiction to investigate any person, whether or not a public official, whose conduct adversely affects the impartial exercise of public administration. Existing integrity agencies will be able to refer corrupt conduct cases to the National Integrity Commission, with the exception of Australian Commission for Law Enforcement Integrity (ACLEI), which will be incorporated into the Commission.

ACLEI is the only federal agency with the objective of detecting and investigating corruption. Its jurisdiction only covers law enforcement agencies, the Department of Home Affairs, and prescribed aspects of the Department of Agriculture, and only conduct of staff that relates to law enforcement functions. It does not have the full investigative powers of a Royal Commission including, for example, the power to apply for surveillance warrants. Although it has the power, ACLEI has never held a public inquiry, meaning that allegations are often investigated internally and with no public exposure.⁷

Incorporating the ACLEI into the National Integrity Commission will have a range of benefits:

- Avoidance of having two agencies with overlapping jurisdiction

⁷ *Law Enforcement Integrity Commissioner Act 2006* (Commonwealth); McKenzie, 2017, *Peter Dutton's home affairs ministry will investigate itself for corruption*, Sydney Morning Herald, 12th July 2017, <http://www.smh.com.au/federal-politics/political-news/peter-duttons-home-affairs-ministry-will-investigate-itself-for-corruption-20170721-gxfwov.html>

- Independence of the National Integrity Commission from the police and defence departments (currently ACLEI operates under the Home Affairs portfolio, shared with police, defence, and other agencies that ACLEI oversees)
- Concentration of expertise – the best investigators from ACLEI could be seconded to a National Integrity Commission
- Central coordination and efficiency of public sector corruption investigations operating under one central agency
- Cost saving

Other federal integrity agencies, including the Australian Public Service Commission (APSC), will be able to refer serious or systemic cases of corrupt conduct to the National Integrity Commission.

The primary function of the APSC is to strengthen the professionalism of the public service, uphold high standards of integrity and conduct, and to monitor, review and report on public service capabilities. In relation to corruption and misconduct, the APSC is tasked with inquiring into possible breaches of the Australian Public Service Code of Conduct by staff or agency heads. This Code of Conduct includes requiring staff and agency heads to behave with honesty, integrity, use Commonwealth resources properly, and avoid any conflict of interest. To inquire into whether the Code of Conduct has been breached the APSC can use the same limited powers as an agency head, which means it cannot require people to give evidence or produce documents, cannot enter or search premises and cannot hold hearings. The Code of Conduct only applies to staff of federal agencies employed under the Public Service Act, meaning that arms of federal government are not covered, including external public service providers, contractors, employees of state owned corporations, parliamentarians, parliamentary staff and the judiciary are not under the jurisdiction of the APSC.⁸ The National Integrity Commission will strengthen the integrity of the public service.

This system of referral is currently working well at a state level. Table 1 shows that the majority of existing Commonwealth integrity institutions have state counterparts that work alongside state corruption commissions. State corruption commissions have a broad jurisdiction to investigate and expose corruption. They cooperate with existing integrity agencies through referrals when needed, but largely fulfil different functions, for example the audit office exists to audit administrative and financial processes. Operating in a similar way, existing integrity agencies at a federal level will refer potential corrupt conduct cases to the National Integrity Commission.

⁸ *Public Service Act 1999* (Commonwealth)

Table 1: comparison of state and federal integrity systems

| Federal | WA | Victoria | NSW | Queensland | Integrity role |
|---|--|--|--|--|---|
| AFP | WA Police | Vic Police | NSW Police | Qld Police | Policing services |
| ASIC | | | | | Regulation of corporations, markets, finance, credit |
| Ombudsman | Ombudsman | Ombudsman | Ombudsman | Ombudsman | Administrative complaints |
| ACLEI | CCC | IBAC | ICAC | CCC | Integrity of law enforcement agencies |
| Inspector General of Security and Intelligence | | | | | Complaints about intelligence agencies |
| Inspector General of Taxation | | | | | Complaints about ATO |
| Parliamentary committees, including privileges committee | Parliamentary committees, including privileges committee | Parliamentary committees, including privileges committee | Parliamentary committees, including privileges committee | Parliamentary committees, including privileges committee | Public inquiries into policy, privileges committees examine breaches of Parliamentary privilege |
| Royal Commissions | Royal Commissions | Royal Commissions | Royal Commissions | Royal Commissions | Investigation and exposure of matters of prescribed matters of public interest |

| | | | | | |
|--|----------------------------------|--|---------------------------|---------------------------|--|
| Public service commission | Public service commission | Public service commission | Public service commission | Public service commission | Codes of conduct |
| IPEA | Salaries and Allowances Tribunal | Remuneration tribunal, Parliamentary integrity adviser | | | Advice and investigations regarding parliamentary entitlements |
| Audit office | Audit office | Audit office | Audit office | Audit office | Audit of financial and administrative matters |
| Electoral commission | Electoral commission | Electoral commission | Electoral commission | Electoral commission | Operation of elections, including regulation of donations etc |
| Prime Minister and Cabinet | Premier and Cabinet | Premier and Cabinet | Premier and Cabinet | Premier and Cabinet | Ministerial codes of conduct, lobbyist register |
| Parliamentary Services Commissioner | Dept of Parl. Services | Dept of Parl. Services | Dept of Parl. Services | Dept of Parl. Services | Advise on management practices and policies |
| ACIC | CCC | | Crime Commission | CCC | Investigation of organised crime |
| | | Judicial Commission | Judicial Commission | | Complaints about judicial officers |
| National Integrity Commission | CCC | IBAC | ICAC | CCC | Investigate and expose corruption in public administration |

Conclusion

Establishing the National Integrity Commission will be the first step in rebuilding public trust in federal government. Gaps in our current integrity system leave many arms of public administration without proper accountability and oversight. Ensuring the National Integrity Commission is implemented with broad jurisdiction and strong investigative powers is critical to filling these gaps in our integrity system.

The National Integrity Commission will be easily integrated with existing federal integrity agencies. The majority of these agencies have a counterpart at a state level where anti-corruption commissions are active. Agencies largely fulfil different functions and can refer serious or systemic public sector corruption cases to the anti-corruption commission. This referral system will work with the majority of federal agencies, with the exception of ACLEI which will be incorporated into the National Integrity Commission to avoid overlapping jurisdiction and provide central coordination in the investigation of public sector corruption.

The National Integrity Commissioner will be able to decide to begin investigations into allegations of serious or systemic corrupt conduct based on direct complaints from the public, referrals from other agencies, and on its own initiative. Each of these processes is used effectively at a state level, and each is critical to ensuring full scrutiny of public administration.

Proper protections can be put in place to ensure oversight of the use of the Commission's broad jurisdiction and strong investigative powers. The National Integrity Commission will not be able to make any findings of corrupt conduct, but will focus on investigating and exposing corruption. Its investigations will be scrutinised by a Parliamentary Inspector and a bipartisan Parliamentary Committee, and outcomes will be able to be challenged by judicial review. It will not be able to hold any public hearings until after a number of private hearings, and the rules of procedural fairness must be followed.

The establishment of the National Integrity Commission is critical to rebuilding public trust and enhancing the integrity of public administration at a federal level.