

Australia's Weakest Watchdog

The Government's proposed corruption lapdog

A discussion paper of The Centre for Public Integrity



The Government's proposed Commonwealth Integrity Commission would be the weakest integrity commission in the country. It would not have the ability to investigate or expose corruption.

It would not be able to investigate the Crown Casino scandal, the allegations of conflict of interest involving Minister Angus Taylor's family business, or recent potential breaches by Christopher Pyne or Julie Bishop of the Ministerial Code of Conduct.

Jurisdiction

- Limited jurisdiction to investigate public servants, contractors and MPs – would not be able to investigate Crown Casino staff, or Chinese business people allegedly involved in Crown Casino scandal
- Limited to investigating nominated range of specific criminal offences – potential breaches of the Ministerial Code of Conduct, or conflict of interest allegations would not be investigated
- Has to have threshold of evidence before beginning investigations – Roman Quaadvlieg's allegations regarding the involvement of MPs in the Crown Casino scandal would not be enough to satisfy reasonable suspicion of a criminal offence, nor would allegations that Christopher Pyne and Julie Bishop breached the Code of Conduct
- Can only accept referrals from other agencies – beginning an own motion investigation based on private complaints, public allegations or media reports would be impossible

Investigative powers

- No ability to hold public hearings – any investigation would be held behind closed doors without any public knowledge
- Weak investigative powers – no ability to exercise arrest warrants, no confirmation that compelling witnesses or using surveillance powers will be allowed
- Ability to hide evidence through claiming legal professional privilege
- Inability to make findings – public would not know outcome unless case was successfully prosecuted in court

Can receive anonymous complaints in any form from the public	Y	Y	Y	Y	Y	N - must be made in writing	N - must be made in writing 1/2 - only after lengthy initial assessment	N - must be made in writing	N
Can initiate own motion investigations	Y	Y	Y	Y	Y	Y 1/2 - has to satisfy legislative test, challengeable in court	Y	N 1/2 - has to satisfy legislative test, challengeable in court	N
Can compel witnesses, the production of documents	Y	Y	Y	Y	Y	1/2 - restrictions apply 1/2 - has to satisfy legislative test, challengeable in court	Y	1/2 - search only	1/2 - unclear re compelling of witnesses
Can use search and surveillance powers	Y	Y	Y	Y	Y	1/2 - search only	Y	1/2 - search only	1/2 - search only
Commissioner can decide to hold public hearings if in public interest	Y	Y	Y Y - finding of fact	Y	Y	Y - finding of fact	Y	N	N
Ability to make findings	Y	Y	Y Y - finding of fact	Y	Y	Y - finding of fact	Y	Y	N
The absence of legal professional privilege	Y	Y	N	Y	1/2 - claims decided by court	N	N	N	N

Sources: *Independent Commission Against Corruption Act 1988* (NSW), *Crime and Corruption Commission Act 2001* (Qld), *Independent Commission Against Corruption Act 2012* (SA), *Independent Broad-based Anti-corruption Commission Act 2011* (Vic), *Corruption, Crime and Misconduct Act 2003* (WA), *Independent Commissioner Against Corruption Act 2017* (NT), *Integrity Commission Act 2018* (ACT), *Commonwealth Integrity Commission – proposed reforms* (consultation paper published by Commonwealth Attorney General's Department December 2018)