

It's no surprise that Morrison's federal anti-corruption body is weak

[Paul Gregoire](#) -*The Big Smoke* - 16 November 2020

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In the two years since Morrison first promised us a federal anti-corruption body, the instances of wrongdoing within his party has been almost too many to count.

After promising to establish a federal anti-corruption body [in December 2018](#) – and then hoping the public forgot about it – the Morrison government has finally produced its draft legislation outlining its proposed version of a federal ICAC.

Having dragged his feet for near on two years, the attorney general only produced the exposure draft of the [Commonwealth Integrity Commission \(CIC\) Bill 2020](#), after Independent Helen Haines introduced her own legislation outlining a [more robust version](#) of the watchdog a week earlier.

While all states and territories currently have their own such bodies, there's no one keeping an eye on politicians at the federal level. So, the CIC would investigate federal level public sector and law enforcement agencies, with an integrity commissioner overseeing it.

The commission would subsume the ACLEI, which already weeds out corrupt practices within federal law enforcement agencies via public hearings. But when it comes to the public sector – 80% of the public service, including politicians – the CIC would hold closed-door hearings.

This lack of transparency has led to it being labelled a toothless watchdog. And while the hidden aspect seems suspect, it's in keeping with the Coalition's enhancement of state secrecy, whether that be with the [closed-door trialling of whistleblowers](#) or matters of "[national security](#)".

So, let's take a closer look at why Morrison and company are so obviously reluctant to establish an anti-corruption body.

Bad weather

“Strategically, any government wants proposed new laws, like a federal ICAC, to be made public and debated in a quiet period,” explained [Civil Liberties Australia](#) (CLA) CEO Bill Rowlings. “But the Morrison government is bedevilled by the background climate being so poor.”

This problematic backdrop, Rowlings continued, includes “police excesses” during the COVID lockdown, [abuse within the ranks](#) of the “previously godlike SAS”, and the alleged “sexual misogyny of senior cabinet ministers”, which just came to light this week.

The last incident involves attorney-general Christian Porter, the minister responsible for the drafting of the CIC legislation. And there are a number of other issues hounding the nation's chief lawmaker, such as his prolonged nondisclosure of [NSI orders](#) and the [gagging](#) of defence contract information.

The Coalition opened up 2020 with [the sports rorts affair](#), which saw the demise of a cabinet minister. Although the PM [assures he had nothing](#) to do with the scandal that involved the awarding of grants to community sporting clubs in marginal seats prior to the federal election.

“From their perspective, the last thing AG Porter and PM Morrison want to do is to launch the CIC into such a boisterous and poisonous environment,” Rowlings told Sydney Criminal Lawyers.

A patchwork of deceit

According to Rowlings, Porter has drafted close to 50 versions of the CIC before begrudgingly releasing the current one. And the changes he’s been making along the way have involved removing powers that could hold politicians and senior bureaucrats to account.

“The people don’t want a CIC watchdog which is held on a tight chain,” declared the long-term civil liberties advocate. And he ought to know. His organisation has been proactively lobbying for a federal watchdog over the last 12 months, but, unlike Porter’s, they’re pushing for one with teeth.

“The people want a watchdog that can round up the obvious nasties,” he added, “but also prowl the outer boundaries of propriety, where much of the usually unseen patronage is dispensed by people in power.”

An example of prowling around to unearth suspect behaviour that “would normally fly under the radar” is the “Leppington Triangle” affair. It saw the federal government use [\\$30 million](#) in public money to purchase a strip of land for the Western Sydney Airport that was later valued at \$3 million.

And while the Morrison government has finally come to the table with its version of an anti-corruption watchdog after a two-year hiatus, it’s actually guaranteed further delays, as it’s opened up the draft exposure bill to a six month consultation period.

Razor-sharp teeth

The NSW ICAC (Independent Commission Against Corruption) is seen as the sterling example of a watchdog with reach. And funnily enough, it was the Liberal Party that oversaw its establishment with Nick Greiner being elected NSW premier in 1988 on a platform that included anti-corruption.

If established, Porter’s CIC would have the same enhanced investigative powers of the ICAC, which include those testifying not having the right to remain silent or the ability to refuse to produce documents.

However, while those powers are on the table, the Coalition model ensures that they won’t be exercised, as public sector hearings will be held in secret, the scope of corruption is limited to criminal offences, there’s an offence allowing for the prosecution of whistleblowers over questionable claims, and basically, only a minister can make a public sector referral.

Indeed, the NSW example might be what’s leading the Liberals to fear instating a body with the ability to sniff out corruption, as within years of its establishment, revelations from the ICAC led Greiner to resign, while it also [claimed the scalp](#) of then-premier Barry O’Farrell in 2014.

No shortage of fodder

When asked about recent scandals that might warrant the establishment of a federal anti-corruption commission, Rowlings was not short for words.

“Just in the past year, we have had some classic cases that should attract formal attention for possible corruption,” he said.

Along with the sports rorts grants, he pointed to [Angus Taylor's grassland issue](#), the alleged use of federal electorate offices for [branch stacking](#) – possibly by both major parties – and ASIC's failure to take action against [corporations](#).

Rowlings also pointed to a few more discrepancies that involve the architect behind the Coalition's proposed CIC.

There was Porter's [stacking of](#) the Administrative Affairs Tribunal with favourable judicial officers right before the last election, which "he thought the Coalition was going to lose", and then there's the attorney general's decision to approve the prosecution of Witness K and lawyer Bernard Collaery, after his predecessor George Brandis [refused to do so](#).

"The list can go on and on," Rowlings concluded.