

With a federal election looming, is there new hope for leadership on integrity and transparency?

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A. J. Brown – *The Conversation* -18 November 2021

As we head into a federal election campaign next year, the focus on whether government – and which party – can be trusted to govern openly and honestly for the public good is looming larger than at any time in living memory.

Plans to overhaul [Commonwealth whistleblower protection laws](#) were revealed last week by [Assistant Attorney-General Amanda Stoker](#).

The Coalition government’s legislation for a federal integrity commission (or ICAC) is also imminent, following feedback on the [extensive problems](#) with its [draft bill](#) last year.

And a plethora of other accountability issues are awaiting action.

All these provide a reminder, heading into the election, that trust in government hinges not only on “performance” in a direct, hip-pocket sense. It also depends on who can be trusted to protect public decision-making from becoming a self-serving gravy train for leaders and their friends.

Healthy political competition on integrity issues is long overdue. Historically, both major parties have been slow to initiate the reforms needed to reverse Australia’s slide on Transparency International’s [Corruption Perceptions Index](#) or [global press freedom rankings](#).

Whistleblower protections at a turning point?

The Morrison government’s proposed reforms to the [Australia’s Public Interest Disclosure Act](#) – the law that protects federal public service whistleblowers – show that when we do catch up, we can leapfrog to being a world leader.

Building on major [corporate whistleblower reforms](#) in 2019, the new proposal includes world-first rights to compensation where a person with a duty to protect a whistleblower fails to do so.

A new whistleblower protection bill in NSW, [just introduced by the Perrottet government](#), is a step in the same, right direction.

The public has long been in favour of effective whistleblower protection. In 2012, [our research first showed](#) that over 80% of Australians believed insiders who reveal wrongdoing should be protected, even if they break official secrecy rules.

But the slow pace of reform stands out as a big integrity problem.

While Labor did finally introduce the federal whistleblower protection law in 2013, [it was a full six years after it was promised](#) – and almost didn't happen at all.

That was two decades after a Senate select committee, led by a Liberal senator, recommended that Australia needed national whistleblower protection laws.

For many, the pace of reform is still too slow. Independent [Senator Rex Patrick](#) last week described it as a “big failure” that the government has “basically run out of time” to get the new changes into law before the election.

Indeed, the urgency is clear. Inadequacies in the law continue to allow [long, damaging prosecutions](#) against whistleblowers such as Witness K, David McBride and Richard Boyle.

And our [new research](#) shows that across a wide range of organisations, less than half of clearly deserving whistleblowers who suffered serious consequences got any remedies at all.

There remain unknowns in the government's plan, such as when we will see a federal Whistleblower Protection Authority. This was a bipartisan recommendation of a [2017 joint parliamentary committee](#), strongly supported by stakeholders such as the [Law Council of Australia](#).

Labor has also committed to move ahead with reform. But its own plan for a Whistleblower Protection Authority at the 2019 election was weak and under-resourced. This reinforces that for all parties, better progress on integrity issues relies not just on pace, but also on substance.

A federal integrity commission with teeth

Whistleblower protection is also a key test for an even bigger reform – the government's long-awaited federal integrity commission bill.

Last week, Minister Stoker gave the clearest indication yet that when the government's bill is revealed, at least one of its major flaws – the inability of whistleblowers to take corruption concerns directly to the new ICAC - has been understood and presumably fixed.

It's a promising sign, even if falling short of the fully-equipped Whistleblower Protection Authority built into all of the private members' integrity commission bills introduced by crossbenchers Cathy McGowan, [Helen Haines](#), Rex Patrick and the Greens since 2018.

The next question will be if other, equally important, issues have been addressed.

One is whether a federal ICAC will really have “all the powers of a royal commission”, as [twice promised](#) by Communications Minister Paul Fletcher, among other government figures. This means having the power to hold public hearings when justified, and for all federal public officials including parliamentarians – not just some.

Another issue is whether a federal ICAC will meet public expectations by being able to investigate and make recommendations on “grey area” corruption allegations, such as the recent “[sports rorts](#)” and “[car park rorts](#)” affairs.

Again, the path to reform has been dogged by issues of pace and substance.

The federal ICAC legislation will come three years after the Coalition initially promised it. But it also took Labor over a decade to make the same promise after Transparency International Australia first called for such an agency in 2005. And when it did make the move, Labor's original budget (since upgraded) was less than half the amount now committed under the Coalition's proposal.

Less secretive government is needed now more than ever

Global fears over governments becoming more secretive and less trustworthy should sound a warning to the Coalition and Labor alike – they need to pick up the pace.

The pandemic has brought new highs and lows in public trust. We can thank [our underlying trust in institutions](#) for Australians getting vaccinated against COVID-19 at a world-leading rate. Yet, at the same time, fears about the trustworthiness of our leaders are growing.

Even in Australia, governments have used public health to rule increasingly through [ministerial regulation and executive decree](#), rather than the democratic process.

The federal government is even trying to [keep National Cabinet's minutes secret](#), despite our federation plainly belonging to all Australian governments and citizens.

Beyond these issues, other accountability priorities have languished under successive federal governments, as our [integrity assessments](#) again show.

One by one, Australia's states are moving to reform political donation and lobbying laws, and even outlaw deceptive political campaigning. But federal politics remains a [wild west of under-regulation](#).

Australia's poor showing in controlling money laundering has been highlighted by the [recent allegations](#) against [Crown Casino](#). But we are slow to act in many other areas, like our [entire real estate sector](#).

Stronger [laws against foreign bribery](#) by Australian companies remain stuck in the federal parliament. Promises to end the [secret shell companies](#) which facilitate corruption have been on "go slow" ever since Australia led the charge as G20 host in 2014.

In a time of uncertainty, the federal election provides the moment for both major parties to put teeth into their commitments to bolster public trust and finally pick up the pace of reform. Hopefully, promised whistleblower protections and a strong integrity commission will be the crucial first steps.