

KELLY: The Government has promised us a National Integrity Commission. We don't have it yet. But there are complaints about your model as we as we know it now. Some legal experts say it wouldn't have the power, for instance, to investigate the so called community sports grant scandal, because the conduct in question doesn't constitute a criminal offense. Is that correct?

PORTRER: Well, all corruption and crime commissions have to investigate criminal offences, that that's what they do. There hasn't been any suggestion whatsoever, that there's been a criminal offence committed, or reasonably suspected, by anyone with respect to the matter that you've just mentioned. So the complaint that an integrity commission that we might design wouldn't investigate things that weren't offences..

KELLY: Well, it's an integrity commission, it's investigating matters of integrity. That doesn't necessary mean criminal offences.

PORTRER: That's just not correct. So integrity commissions or corruption commission or whatever that they're called, investigate things which are written into statute as offences. So for instance, the model that we've designed would be able to investigate a very wide range of Commonwealth offenses, which attain to issues of integrity.

KELLY: But not the sports grants?

PORTRER: Neither the police nor integrity commission investigate things that aren't offences.

KELLY: Okay.

PORTRER: That's just how it works. So there are offences on the Commonwealth books such as abuse of public office, which is a very broad ranging offence. Now, I'm not sure that anyone out there has suggested that an offence...

KELLY: Let me put it this way, as the Attorney-General, would you think that any National Integrity Commission should be able to look at programs like the community sports grants program?

PORTRER: Well, it absolutely should look at all programs across government, but the way in which the model that we've designed would work, which is

completely orthodox and followed in many other jurisdictions, is that the first investigation on a matter would occur as it did here through the Auditor-General. If the Auditor-General and his investigation considered that there was a reasonable grounds for suspecting that a Commonwealth offence had been committed that they would send the matter up, then to the integrity commission who would have greater powers than a royal commission to investigate that matter.

But if I might make this observation? There's been all sorts of allegations thrown around yesterday about documents being backdated and forged by ministers. Not that long ago, there are allegations thrown around by the Opposition about another minister forging a document. No evidence whatsoever of these allegations of what are very serious criminal offences. And really, how many times do you have to accuse Federal Government ministers of serious criminal offences with no evidence, with no one willing to undertake an investigation because there's no evidence and you yourself not have a case to answer? It is absolutely out of control. Ten referrals from the Labor Party with zero results whatsoever of Commonwealth ministers with allegations of serious offences and then yesterday in Estimates you get Senator Keneally again accusing a Commonwealth minister of a serious criminal offence with zero evidence whatsoever. Like when does this stop?