



**Submission to the Parliamentary Joint Committee on the Australian Commission for
Law Enforcement Integrity.**

Inquiry into the Integrity of Australia's Border Arrangements.

We refer to our previous submissions concerning the need to establish an independent anti-corruption body with jurisdiction over all public sector activities, including border protection.

We rely on the evidence and reasons previously presented in those submissions. In addition, recent events have resulted in a serious weakening of the Commonwealth Government Integrity System and significantly increased the need for such a body.

It will be recalled that in 2010 that integrity system included a failed Freedom of Information (FOI) system. In that year, however, the Parliament passed major amendments addressing that system's failures. In 2013, Dr Hawke, in his review of the new system, found that it had been a valuable and positive development and recommended a further review of the system.

In the last 12 months, however, the present Government has attempted to change the FOI system back to the pre-2010 failed system. While unable to secure the passage of its Bill through the Parliament, it appears, by the way it has handled the matter, to be achieving its objectives without changing the legislation.ⁱ

As a result, the secrecy in which the Commonwealth Government, and those dealing with it, are now operating has been significantly increased. Assuming this continues into the future, it can only increase the risk of corruption across the entire public sector.

In that regard, it is also of concern that the Government does not appear to have offered any public explanation for this departure from its 2013 election promise to the people of Australia to "restore accountability and improve transparency measures to be more accountable to you"ⁱⁱ.

In conclusion, on other relevant matters, we submit that, whatever decisions the Committee reaches about the substantive matters raised in its terms of reference, it will be critical that the Committee consider and address the resourcing needed for ACLEI to perform its vital role.

Hon. Tim Smith Q.C.

Chair Accountability Round Table

25.05.15

ⁱ For ART's analysis of the Government's case for these changes -

<http://www.accountabilityrt.org/freedom-of-information-our-submission-to-the-senate-legal-and-constitutional-affairs-legislation-committee>

ⁱⁱ P45, "Our Plan"

http://lpa.webcontent.s3.amazonaws.com/realsolutions/LPA%20Policy%20Booklet%20210x210_pages.pdf