



COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



**HOUSE OF REPRESENTATIVES**

**BILLS**

**National Anti-Corruption Commission  
Bill 2022, National Anti-Corruption  
Commission (Consequential and  
Transitional Provisions) Bill 2022**

**Second Reading**

**SPEECH**

**Tuesday, 22 November 2022**

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES

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## SPEECH

<b>Date</b> Tuesday, 22 November 2022	<b>Source</b> House
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<b>Questioner</b>	<b>Responder</b>
<b>Speaker</b> Miller-Frost, Louise MP	<b>Question No.</b>

**Ms MILLER-FROST** (Boothby) (17:19): Today I rise to speak about the government's National Anti-Corruption Commission Bill 2022. I'm incredibly proud to speak in support of this bill. This is possibly one of my favourite moments in federal parliament so far in my short six months, because this bill is emblematic of so much about the Albanese Labor government, of which I am proud to be part. It is yet another example of our government being true to our commitment to the Australian people. We said we would restore integrity to the centre of how our politics operate; we said we would lift the standards of propriety to which we are rightly held by our constituents; and we said we would introduce legislation for an anticorruption commission before the end of 2022 and we did it in September this year. Here we are, six months since our election, debating sensible and balanced but, most importantly, robust legislation to implement a national anticorruption commission.

I've spoken previously in this place about how delivering a federal integrity body was crucial in my decision to run for the seat of Boothby at this year's election. Like many of my colleagues here in this place and in the other place, and like so many residents of Boothby and across Australia, I was sick of the constant scandals, the allegations of rorts and the misuse of taxpayer money by the previous government that we saw night after night after night on the evening news—a government that refused to bring on legislation to introduce an anticorruption commission, instead holding out for a model that was widely panned as ineffective by the relevant experts and integrity bodies.

This Anti-Corruption Commission bill that we are debating today is a key election commitment not only for our government but for me personally as the member for Boothby because I, like all Australians, believe our government and all representatives in this place should act ethically. It is crucial to the success and continuity of our democracy that our actions build trust in government in our society, and I'm going to repeat that because I think it's really important. It is crucial to the success and continuity of our democracy that our actions here in this place and in the other place build trust in government in our society.

It is absolutely phenomenal to realise that the Commonwealth is currently the only jurisdiction in Australia that does not have an anticorruption body. This is an egregious failure, and one can only form the conclusion that this failure to introduce an anticorruption body was a deliberate choice on the part of the previous government. I draw my own conclusions as to their reasoning, and at the last election I believe Australians drew their own conclusions as well.

In September, when this bill was first introduced, I said in this place that there is of course a practical reason why an anticorruption commission will be able to improve the relationship between citizens and government: integrity is directly related to our ability to deliver for the Australian people. It is necessary for the public to be able to hold us to account for our commitments and the way we make use of public resources. These public resources come directly from the Australian public, and our job as democratically elected public representatives is to allocate those funds appropriately, to make the best use of the funds for the betterment of Australians and of our country—not betterment for ourselves or for themselves, or that of our families or our mates.

I come to this place with a background of delivering services designed to improve the lives of some of the most vulnerable—those experiencing homelessness, domestic violence, ill health or mental illness, or those in aged-care services—and I've seen how far even relatively small amounts of government funding can go to really improve the lives of Australians. We can make a real difference in the lives of Australians, who elected us, when that money is used properly, and that is what we are all here for. This bill will ensure that all of us, whatever our politics or party membership, are held to standards to safeguard this and that the Australian public can be assured of this. Integrity, and this Anti-Corruption Commission, is a priority of this government.

I was shocked when I found out that, according to the Transparency International's corruption perceptions index, Australia's score out of 100 for transparency declined 12 points from 2012 to 2021, and our international ranking dropped from 7th to 18th. 2012 to 2021: that's a decade that coincides with the term of the previous government,

and if they would like to argue otherwise I invite them to put their money where their mouth is and back the bill. This finding, obviously informed by the many high-profile instances of alleged corruption and misconduct of recent years, the scandals and the rorts, makes clear that we cannot be complacent about integrity in our system of government.

This bill establishes the National Anti-Corruption Commission as promised prior to the election. Importantly, it establishes the commission as an independent agency separate from government. The bill empowers the commission to investigate and report on matters of serious and systemic corruption in the Commonwealth jurisdiction. It rightly empowers the commission to refer evidence of criminal conduct for prosecution.

The Attorney-General has undertaken a methodical, reasonable and consultative process to reach this point. The bill has been examined by a parliamentary joint select committee, which delivered a unanimous report to the House recommending the parliament pass these bills. I would like to acknowledge the dedicated work by the member for Indi over many years in advocating for this commission, as well as my friend and Labor colleague Senator Linda White in the other place, who chaired the committee.

The process of designing this bill and the commission began following the election with the public announcement of a series of key design principles for the commission. I will speak about this briefly because they underpin the aims and scope of the commission. The commission will have broad jurisdiction to investigate serious or systemic conduct by Commonwealth ministers, parliamentarians and their staff, statutory officeholders, staff of government entities and companies and contractors, and by any person who adversely affects the honest or impartial exercise of a public official's functions. The commission will have the ability to investigate criminal and non-criminal conduct, and conduct occurring before or after the commission's establishment. The commission's independence from government will be assured by its ability to receive referrals or allegations from any source, but also to commence investigations on its own initiative without referral; by granting it discretion to take a range of actions to deal with an issue of corruption, including investigation, referring to an agency or taking no action if that is appropriate; and finally, by ensuring the security of tenure for a commissioner and up to three deputy commissioners.

The commission will also operate under the oversight of a parliamentary joint committee which will review the commission's performance, as well as an inspector who will deal with complaints regarding the commission.

Another of the broad principles that underpin this bill is that the commission will have the ability to hold public hearings and make findings of fact. It will also have the power to enter Commonwealth premises and request information from Commonwealth entities without a warrant. There will be power for the commission to hold hearings, and these are to be held in private unless the commission determines it is in the public interest to hold public hearings. I think this is a really important point: the commission itself, not the government, will determine whether the hearings should be held in public. It can give consideration to a range of issues, such as reputational damage, the context under which a particular witness is giving evidence, personal safety, and the ability for a matter to be later prosecuted should that be the decision.

The commission will have the ability to make recommendations and findings of fact in reports, including a finding of corrupt conduct, but not findings of criminal liability. This can rightly only be determined by a court of law. This commission will have the ability to refer matters for prosecutorial consideration.

These powers represent a reasonable and fair balance to ensure the commission strikes the right balance between upholding the public interest, which includes the ability for matters to be prosecuted if the commission believes as a result of its investigations that a referral to a prosecuting authority is warranted, and ensuring appropriate reputational safeguards for those under investigation.

Boothby cares about integrity, I know that a National Anti-Corruption Commission, one with teeth as they say, that actually holds politicians and public servants to account, is a priority for the people of Boothby. I know that because they told me. I heard it from people who told me that they'd only ever voted for conservative parties but who came out and letterboxed for me and handed out how-to-vote cards because they cared so much about integrity in public life. I heard it from Labor voters, some of whom had been motivated to get actively involved in a campaign like mine for the first time because they cared so much about integrity in public life. And I heard it from people who probably hadn't been interested or actively involved in politics previously but had been moved to participate by sheer outrage at the repeated scandals and misuse of public funds that they saw on the nightly news.

What all of these citizens of Boothby had in common was that they were motivated because they value our democracy—in different ways and with different priorities, sure, but they were not going to take it for granted that the system would just work. It requires oversight, vigilance and accountability. It requires a body that can give assurance that actions and decisions were made with integrity, and that's what this bill delivers.

The people of Boothby told me they wanted an anticorruption commission with teeth, and this Anti-Corruption Commission can make public findings and referrals for prosecution where it sees fit—real consequences. The people of Boothby told me they wanted an anticorruption commission that could take referrals from anyone, and this Anti-Corruption Commission not only can take referrals from anyone but can also commence its own investigations if it sees fit. The people of Boothby told me they wanted an anticorruption commission that would consider matters from both before and after the establishment of the commission—retrospectivity—and this Anti-Corruption Commission will do just that. The people of Boothby told me they wanted an anticorruption commission that would be independent, and this Anti-Corruption Commission will make its own decisions about what it investigates.

When I spoke about the concept of a federal integrity commission back in September when this bill was first introduced to the House, I said that, without this accountability and oversight, 'faith in our democracy, in our parliamentary processes and in this place erodes'. And we've seen the consequences of this erosion of trust in democracy around the world in recent years. It can happen quickly with a dramatic rupture, or discontent and mistrust can build over time until all of a sudden they can threaten the very foundations and even existence of a functioning democracy. A deficit in the people's trust in government contributes to some of the great challenges of our age: divisiveness, disinformation, social isolation and an inability to face our many profound challenges.

Conversely, the strength of our democracy is that it is for all of us. We are Australians here representing our fellow Australians, governing by the people and for the people, and Australians want to know that when we, their elected representatives, make decisions on their behalf those decisions are for their benefit. The Australian people are entirely correct to demand integrity from their elected representatives, and I encourage all people in this place to stand up for democracy, stand up for accountability and stand up for integrity by committing to stamping out corruption in our politics for good.

I'm sure the Australian voting public will be watching to see who votes against an Anti-Corruption Commission, and they will draw their own conclusions as to why that might be, just as they drew their own conclusions about why the previous government, despite so many calls and promises to introduce such legislation, failed to do so over nine long, scandal-plagued years. So I ask: who's going to vote against integrity? Why would you vote against integrity?

Deputy Speaker, in May Boothby voted for integrity, and you'll be unsurprised to know that I will be voting for integrity. I will be voting for this Anti-Corruption Commission. The Albanese Labor government is delivering on another key promise. I commend the bills to the House.