

Federal ICAC: Former judges call for national anti-corruption watchdog

7.30 By Matt Peacock

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A group of prominent former judges have called for the establishment of a federal anti-corruption agency, saying serious corruption almost certainly exists in federal politics.

"It is already well known that there is abundant corruption in the other capital cities around Australia, why on earth does the air suddenly clear around Queanbeyan?" former Victorian Supreme Court judge Stephen Charles said.

In most states, anti-corruption agencies with sweeping powers have been operating for decades. In New South Wales the Independent Commission Against Corruption (ICAC) has even brought down a premier.

But it's a different story nationally, where there is nobody specifically charged with targeting corruption.

"I've got no doubt that there is corruption at all levels of the Federal Government and in Parliament itself," barrister Mark Robinson SC told 7.30.

"It hasn't been looked at."

Former NSW Supreme Court judge Anthony Whealy is heading the anti-corruption body Transparency International and he's working with a group of other former judges, all of whom believe the time for a national anti-corruption agency has come.

"We're all committed to the establishment of a national integrity body," Mr Whealy said.

"I call it the National Integrity Commission. It would be an umbrella-style body that would have its spokes protruding over and above the AFP, over and above the Parliamentary Expenses Authority, over and above the AEC [Australian Electoral Commission], and over and above the public service.

"That one body would, by focusing its attention wherever a complaint was made, do its best to expose and educate and where necessary refer issues for prosecution if criminality was revealed."



PHOTO: Former judges have added their voices to calls for a national ICAC. (ABC News: Tegan Osborne)

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'People think politicians are engaged in corruption'

Nick Xenophon Party senator Skye Kakoschke-Moore said faith in politicians was at an all-time low.

"There are reports that have come out from various global agencies that say that in Australia, the majority of people think that politicians are engaged in some form of corruption and about 12 per cent of people think that, if not all politicians are, some would be," she said.

Data gathered by the ABC's Vote Compass in 2016 found a majority of Australians supported a national corruption watchdog.

Senator Kakoschke-Moore sat on a joint Parliamentary inquiry which, earlier this year, fell short of directly recommending a federal ICAC.

Labor senator Jacinta Collins, who chaired the committee, said it was a complex issue.

Voters want a national ICAC

The government should establish a federal corruption watchdog.



"If we'd simply come forward with a recommendation without following it with, 'The model should work this way', responding to the work of the assessment that's currently being done, I just don't think we'd be getting it right," she said.

Government agencies such as the Federal Police, the Federal Ombudsman and the Australian Criminal Intelligence Commission already do some of the work, but these former senior judges don't believe they are enough.

"They just don't have the powers that an ICAC-type body has and nor do they have the ability to hold public hearings," Margaret McMurdo, former president of the Queensland Court Of Appeal, said.

Will politicians accept it?

Despite some spectacular successes, NSW ICAC has drawn criticism for ruining reputations and overriding civil rights. Any federal equivalent would need better safeguards, argued Mr Robinson.

"You turn up, you're often given two hours' notice. You're put in a taxi with a subpoena and you give your evidence," he said.

"You're forced to incriminate yourself sometimes, and you do so and you have no recourse against a finding, except what's available in the courts and judicial review and that is far from perfect."

Mr Charles said he understood the civil libertarian objections.

"They are entirely justifiable and we have to be very careful in setting up these bodies, that there are proper limitations and oversight of the bodies and their work," he said.

The big question is whether politicians are themselves prepared to risk scrutiny of their own actions.

"In many ways it's a protection to politicians to have a body like this because it means that the public will have confidence that there is oversight of their politicians and there is accountability and if there is corruption, it will be exposed," Ms McMurdo said.

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