

**Commissioner's Speech  
APSACC 2009  
Session One  
International Perspectives**

**“An overview of the issues and challenges facing corruption prevention bodies in a nation of federated states with separate justice systems.”**

Ladies and Gentlemen

The sessions this morning promise to provide a unique look at how four countries, Australia, Singapore, Hong Kong and Indonesia each deal with the issues of managing Corruption and Crime within their specific jurisdictions.

I will start off the session by providing a brief overview of the situation as it applies within Australia and begin by listing some of the challenges we might face now, or in the future, as a result of working in a nation of federated states with separate justice systems.

Following my presentation will be:

**SLIDE:**

Ang Seow Lian, Head Intelligence, Assistant Director,  
Corrupt Practices Investigations Bureau, Singapore

Francis Lee, Director of Investigations, Independent  
Commission Against Corruption Hong Kong and :

Mochammad Jasin, Commissioner, Corruption and  
Eradication Commission Indonesia.

Australia, for the most part, has been fortunate in that it does not have a history of endemic corruption and has largely enjoyed a reputation for honesty and integrity in government and business. That is not to suggest of course that there has not been evidence of corruption in Australia at all levels of politics and Government and despite the best efforts of Corruption Prevention bodies across Australia is unfortunately likely to continue.

While my colleagues from Singapore, Hong Kong and Indonesia operate within a National agency approach, Australia is quite different given it is a Nation of federated States operating within individual justice systems.

**SLIDE:** We can see on this slide that Western Australia, Queensland and New South Wales all have broad Corruption Prevention bodies with New South Wales and Victoria having specific Police Integrity Organisations. You will also note that there is no single National or Commonwealth agency responsible for Crime and Corruption Prevention within Australia as those powers rest with the individual States and Territories.

The only Australian Government Agency is the Australian Commission for Law Enforcement Integrity which is responsible for preventing, detecting and investigating serious and systemic corruption issues in the Australian Federal Police and the Australian Crime Commission.

It should also be noted that at this stage Victoria, Tasmania, Northern Territory and South Australia do not have corruption prevention bodies so in many practical ways a truly National approach is not achievable, although all States do have strong independent Public Sector governance bodies such as the Auditors General and Ombudsman.

Despite a lack of a single national agency or coordinating body there is still very good collaboration between

corruption bodies across Australia and wherever possible we all try and leverage off each others experiences. This however is based on mutual good will with no formal or structural mechanisms in place. As a result there is the potential for this to fall away or change depending upon the respective staff and personalities at each of the agencies at any one time.

The role of the Commissions throughout Australia all differ slightly according to the State requirements and governance structures with some focussing on Police activities with others having the broader capacity to investigate Public Officers and Public Sector agencies. Similarly while some only focus on misconduct within Government others take a broader look at corruption and organised crime.

Despite these differences, there are also similarities when we examine their broader roles. All these agencies have an **Operation's** role that includes to various degrees the capacity to undertake covert monitoring and surveillance, investigating allegations made against specific officers that may have come from agencies, members of the public or from their own intelligence.

The second role of **Prevention** is common to all and is often undertaken through agency risk assessments looking at agency management systems and reporting mechanisms.

The third role reflects the importance of **Education** and generally involves public education programs highlighting a greater understanding of misconduct and corruption risks and encouraging a change of organisational cultures in terms of ethical behaviour and conduct.

One of the challenges that we face in Australia, is the subtle differences in our areas of operation. Some corruption prevention bodies for example have their responsibilities limited through legislation and statutory requirements to investigating Public Officers and the Public Sector whereas others have a greater imprimatur to look at investigating organised crime. As a result, recognising the potential synergies of closer collaboration between interstate organisations is not always realised given these vagaries.

A further challenge in Australia relates to a judicial system whereby the states and territories have independent legislative powers in relation to all matters that are not

otherwise specifically vested in the Commonwealth of Australia, and it is the statute law and the common law of the States and Territories that primarily govern the day to day lives of most Australians. Thus in effect there are nine different systems of criminal law in Australia. (Roberts P: 2004 Transparency International Country Study Report)

While this in itself may not be problematic, when we look at this through the lens of corruption prevention, we know that different jurisdictions, different criminal codes and different legal parameters may all contribute to different outcomes between states. This becomes difficult of course when we have cases, (and we are looking at some at the present), which are spread across a number of different jurisdictions with each state potentially viewing cases slightly differently because of their individual legal circumstance.

The issue of keeping up with technology is of course a challenge not only facing corruption prevention bodies in Australia but those right throughout the world. Not only are we faced with expensive, difficult to obtain equipment, we are operating in a world of incredible technological

change whereby equipment purchased at one point of time is almost obsolete by the time it is commissioned. I do not believe it is enough for anti-corruption bodies to simply react to technological change. Rather they should drive that change to ensure we stay just that one step ahead. To do that of course we must collegiately examine our future needs and requirements and collectively seek new and innovative ways to undertake this important work.

It is relevant to observe that this Conference marks the 20th anniversary of the Fitzgerald Inquiry, an inquiry which was the genesis to the Crime and Misconduct Commission in Queensland. From there Western Australia and New South Wales also established Corruption Prevention bodies.

I think at times Australians are sometimes smug about the fact that our economy, system of government and way of life has somehow protected us from wide spread petty corruption, such as the bribery of low level bureaucrats , a form of corruption that is a way of life in so many other parts of the world.

The Fitzgerald Enquiry clearly showed us that we are far from immune from the clutches of this insidious beast. As

recently as last week Queensland's police service was "rocked by revelations that 25 police - some of them veteran investigators, ranked to the level of inspector - were involved in rackets centered around a convicted double murderer".

(The Australian Newspaper)

Queensland Police Commissioner Bob Atkinson's said that it was a "sad fact that most of the implicated police had started out with the intention of solving or preventing crime. After that policies and procedures were not properly followed and strategies used were not sound".

I think this is a stark reminder to all public sector organisations across the world, that we must remain vigilant and never assume that the errors of the past will not be repeated again in the future.

In my own State of Western Australia, almost 20 years after the Fitzgerald Enquiry we still witnessed corruption within Government at the highest level implicating senior bureaucrats, former Premiers of State and past and present Ministers of the Crown.

Anti-corruption agencies are an acknowledgement by Government that there is a need for agencies with special powers to not only expose criminal conduct beyond the reach of ordinary law enforcement powers, but also that misconduct by public officers while not criminal, strikes fundamentally at good governance and the public interest and is unacceptable to the broader community.

The overriding lesson then is the need for strong anti-corruption bodies, whatever the system of government. We must ensure that we keep uppermost in our minds, that despite our differences in jurisdictional responsibility and organisational structure and despite operating within different judicial systems, the issue of corruption remains the same. We should also recognise that once corruption or other forms of misconduct have been detected and dealt with does not mean that they have been eradicated forever. History has painfully shown that that is simply not the case.