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We need movement on the Commonwealth Integrity Commission

The Law Council of Australia is calling on the Federal Government to move forward with the establishment of a Commonwealth Integrity Commission, by releasing the Exposure Draft of the Bill as soon as possible.

Law Council President, Pauline Wright, says that by delaying the release of the draft bill, the government is falling behind Australia's obligations as a signatory of the United Nations Convention against Corruption, which includes developing policies in relation to anticorruption.

"It has been almost two years since the government announced that they would establish a Commonwealth Integrity Commission to strengthen integrity arrangements across the federal public sector," Ms Wright said.

"Corruption has many corrosive effects on society. It undermines democracy and the rule of law as well as being capable of distorting market forces.

"The government should not delay the release of the Exposure Draft any longer. The COVID-19 pandemic is no excuse for postponing this important measure," Ms Wright said.

Although the Law Council strongly supports the establishment of a Commonwealth Integrity Commission, there are concerns with the government's proposed model, as foreshadowed in the previously released consultation paper.

These concerns include the establishment of two separate divisions, one for the public sector and one for law enforcement, both with differing scopes of powers and definitions to the term 'corrupt conduct'.

"The Law Council considers that the powers between the public sector and the law enforcement divisions of the proposed Commonwealth Integrity Commission should be aligned," Ms Wright said.

"A Commonwealth Integrity Commission dealing with law enforcement and the public sector should not deal with complaints regarding judicial officers. To ensure the independence of the judiciary and the separation of powers, the Law Council has long pressed for a stand-alone Federal Judicial Commission to be established to consider complaints regarding the conduct of members of the federal judiciary.

"While the Law Council understands the legislation is with the Attorney-General, and given there was \$100 million set aside in the 2019 budget, it remains unclear what is preventing the release of the Exposure Draft," Ms Wright said.

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The Law Council of Australia is the national voice of the legal profession, promoting justice and the rule of law.