



Australian Government

**Australian Commission for
Law Enforcement Integrity**

AUSTRALIA'S APPROACH TO FIGHTING CORRUPTION: THE CASE OF ACLEI

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Introduction

Madam President

In recent decades, Australia has built a broad-based, robust anti-corruption system – a system that we continue to develop and strengthen. Many delegates will be aware of the Independent Commission Against Corruption (ICAC) in New South Wales (a State of Australia). Indeed, several countries have based their anti-corruption arrangements on the ICAC model.

I propose to outline now a few elements of our system at the Federal level of government, and introduce to you the work of my agency, the Australian Commission for Law Enforcement Integrity, or ACLEI, as it is informally known.

Australia's Anti-Corruption System

Australia's anti-corruption system is made up of various laws that promote transparency and accountability, as well as an inter-locking framework of government agencies that safeguard integrity, for instance Ombudsmen's offices that handle public complaints, Auditors-General who assure financial accountability, and Public Service Standards Commissioners who promote ethical conduct among civil servants. Our system also includes strong and innovative laws that directly combat corrupt conduct by facilitating its detection, criminal investigation and punishment.

Madam President,

The rule of law underpins Australia's system of government. To uphold the rule of law, it is crucial to ensure the integrity of those who make laws, those who administer justice, and those who investigate and collect evidence about possible breaches of the law.

A particular strength of the Australian system is that it seeks to apply the closest scrutiny to those areas of public administration that are most vulnerable to corruption.

Noting also the centrality of the rule of law, Australia places its law enforcement agencies under particular scrutiny. My agency, ACLEI, has a special role in this strategy. Let me explain.

Accountability in law enforcement

Australia recognises that law enforcement is an area of public administration that is especially vulnerable to corruption and infiltration. This situation is mainly due to the role of law enforcement agencies in investigating and disrupting serious and organised crime, including transnational crime, and the consequent risk of officers, both past and present, being targeted for compromise by criminal groups.

ACLEI calls this possibility the 'corruption handshake', whereby the willing or vulnerable may be enticed or coerced into facilitating, cooperating with, or participating in, crime. Recently, Australia estimated the cost of transnational organised crime to our national economy to be in the order of A\$15 billion. It stands to reason that the 'corruption handshake' is responsible for at least some of that substantial amount.

By concentrating ACLEI's attention on investigating corrupt conduct in agencies that directly oppose transnational and organised crime -- namely the Australian Crime Commission and the Australian Federal Police -- the Australian Government intends to ensure that its law enforcement agencies are themselves resistant, even hostile, to corruption.

Australia also recognises that, due to the 'corruption handshake' phenomenon, our attention to investigating law enforcement corruption may also provide valuable information about organised criminal groups. In this way, Australia's integrity efforts complement and reinforce our broader law enforcement efforts to counter organised crime.

About ACLEI

Madam President,

ACLEI addresses the areas of highest risk, where the 'corruption handshake' is most likely to be present, and where there is most value in providing the strongest deterrence.

The threat of detection and effective investigation is the most powerful deterrent to would-be corrupt officials, yet the special challenge of investigating law enforcement corruption lies in the collection of corroborative evidence. Investigating corrupt police is no easy task, due to their own familiarity with law enforcement investigation techniques and their knowledge of the limits of some methods.

Accordingly, ACLEI's usual law enforcement investigation powers are strengthened by a capacity to summons witnesses to private hearings at which they can be required to answer questions, even if an answer may be self-incriminatory. Failure to attend a hearing, or to answer a question truthfully, leaves a person open to criminal prosecution and sanction.

ACLEI is also authorised to use electronic surveillance methods such as telephone and data interception, tracking devices and financial transaction analysis. Using these methods, corruption investigators stand a chance at gathering hard-to-come-by evidence of wrongdoing.

The role of whistleblowers is also important in gathering crucial evidence about corruption. ACLEI's legislation provides for the protection of whistleblowers, including the ability to arrange for witness protection and for substitute identities to be assumed.

Madam President,

ACLEI's approach to combating corruption is not premised on investigating only individual instances of corrupt conduct, despite the obvious value in that strategy. Rather, ACLEI's longer-term impact lies in aiming to understand corruption and prevent it. Accordingly, our investigations also seek to collect information about corruption methods, emerging patterns and identifying counter measures.

For instance, if ACLEI were to find that certain corrupt conduct had been left undiscovered for some time, we would endeavour to identify measures that may lead to earlier detection in other cases. Similarly, if laws, policies or supervisory practices were to heighten a corruption risk that could reasonably be avoided, then ACLEI would recommend appropriate changes to Government.

This approach to corruption prevention means that ACLEI intervenes strategically to assure integrity and to strengthen the resistance of law enforcement agencies to corruption.

Conclusion

Madam President,

As delegates know, there is no one solution to the problem of corruption. Domestically, Australia uses a range of strategies to prevent, detect and investigate corruption. ACLEI is but one of these measures.

I invite delegates to look more closely at ACLEI's targeted approach to preventing corruption in government agencies that operate in high corruption-risk environments.

There are a number of publications relating to ACLEI that are available at this Conference. Should you wish to follow-up your interest, I invite you to approach members of the Australian delegation.

I thank you for the opportunity to inform you about some of the work being done in Australia to prevent corruption.