Breaking the cycle of corruption

John Hyde

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OPINION: Politician John Hyde discusses why corruption busters are critical for democracy.

Members of Parliament are key stakeholders in the fight against corruption.

Democracy is the antithesis of corruption - you can’t have real democracy with rampant corruption, and you can’t have unfettered corruption where democracy flourishes.

Parliamentarians have a dual role: to legislate and put in place laws and agencies which can freely tackle corruption, and they also have a leadership role to advocate for a corruption-free society.

Eliminating corrupt practices in the public service, police and judiciary is made easier when government employees and agents embrace anti-corruption because of its benefits to our society rather than begrudgingly refraining from corrupt activities just because they might get caught.

Similarly, we need to ensure that Members of Parliament don’t just talk the anti-corruption mantra, but that they fervently believe in it.

If Members of Parliament believe in anti-corruption as a core principal of their belief systems, they take ownership of not only the debate but also in getting anti-corruption practices implemented.

As anti-corruption expert Professor Matthew Stephenson from Harvard noted: “We must work through the democratic political process; that there is a balance between political accountability and the independence needs of anti-corruption agencies.”

That’s why the Global Organisation of Parliamentarians Against Corruption (GOPAC) was established, and now has chapters in every continent. If the fight against corruption is peer-driven it will be embraced more strongly.

We are a group of parliamentarians who believe in anti-corruption – we join GOPAC because we want to promote anti-corruption, not because our party leader, our PM, has said we must represent the party or the parliament on this body, as often happens in determining which MPs represent their governments or parliaments on international bodies.

Many of us are already sitting in parliamentary oversight committees in our own parliaments.

I have been chairman and deputy-chairman of the Western Australian Parliament’s Joint Standing Committee on the Corruption and Crime Commission since its inception in 2003. Other GOPAC members may already be on Public Accounts Committees and know first hand the importance of strong anti-corruption measures in fostering a strong economy.

The reality in modern politics in our modern democracies (and quasi-democracies) is that once a strong prime minister, premier or president is elected, much of the policy priorities is set by the PM’s office and a close circle of advisers.

A good PM may instigate good anti-corruption policies but great anti-corruption practices are achieved when many of the ministers and most of the parliamentarians take ownership of them rather than seeing them as just another operation requirement from the PM’s office.
Corruption has become more sophisticated and is truly trans-national. So we need to encourage ministers and policy committees in political parties to be corruption-prevention aware.

Quite often, when a submission goes to Cabinet, ministers have to ensure a local content analysis (ie what is the impact on local jobs, local businesses etc) or an environmental analysis has been done.

We need to encourage these submissions - and Cabinet is where the real decisions of government spending are made - to automatically address corruption-prevention strategies.

Parliamentarians should actually be the key drivers in setting up and ensuring the proper funding, independence and protection of a state or nation’s anti-corruption agencies.

In Australia our states were all former British colonies so in our government systems it is the state rather than the national government which administers police, justice, health, education, transport and other major activities of government. So my state and many of our other five states have anti-corruption bodies.

In legislating for these bodies, most of our states have drawn on the successful model of the ICAC (Independent Commission Against Corruption) in Hong Kong.

What I find interesting is the differences in our various bodies in Australia – ICAC in NSW, a CMC in Queensland or a CCC (Corruption and Crime Commission) in West Australia, and the pending IBAC in Victoria along with a new body in South Australia.

The differences in emphasis, priorities and most importantly the array of activities an anti-corruption body can investigate can be traced back to the parliamentarians who created and amended the legislation.

When my Labor Government came to power in 2001 in WA, we had campaigned against the limitations of our existing ACC (the Anti-Corruption Commission), which was unable to conduct hearings in public and where persons being investigated by the ACC were unable to publicly talk about their appearances before the ACC.

So we legislated for a stronger, more open, better funded CCC. As parliamentarians, our Premier, our Attorney General, myself and other MPs knowingly created a body which could have great powers in investigating MPs and other public servants.

By the time we lost the 2008 election, while no sitting MPs or ministers were convicted from CCC investigations, a number had been exposed for questionable, unethical behavior or the perception of unethical behavior.

(In Queensland and other States, former MPs have been convicted of corrupt behavior and gaol. In WA, our CCC has exposed many corrupt practices in police, public servants and procurement practices.)

Some of our party colleagues and even the new Government’s MPs believe our CCC has too much power.

The current Liberal Premier of our state wants the CCC to concentrate more on fighting organized crime, working with the police, and has introduced legislation to change the role of the CCC.

Interestingly, our parliamentary Oversight Committee into the CCC, made up of two Government and two Opposition MPs, unanimously opposes this proposal.

After debate in Parliament last week, when key independents keeping the Liberal Government in WA in power indicated they had concerns about changing the role of the CCC, echoing the Joint Committee’s concerns, the Premier has withdrawn the legislation from debate.

I use this as an example of why parliamentarians are such key players in the effectiveness of an Anti-Corruption body – it all starts with the legislation.
If you believe in anti-corruption and full democracy, you have to be brave enough to create an independent body which may in the end help bring down your own government - if your MPs and ministers act corruptly.

I also believe that in the trade-off of the Parliament giving an anti-corruption body extraordinary powers - many can instigate telecommunications and surveillance device interceptions in secret; interrogate a witness without the normal safeguards of natural justice - parliaments do need to establish strong oversight committees.

In Australia, the model has been to create a parliamentary inspector who has total access to any of the materials or activities of the anti-corruption bodies. The inspector either has own-motion and/or works on direction from the committee, but the committee members do not have access to operational material.

So members of the public with a grievance about the activities of the anti-corruption body can request an investigation by the parliamentary inspector.

I think this is healthy – the key issue is transparency. The public will have more confidence in an anti-corruption body if there are checks and balances on its strong powers; parliamentarians will make these bodies stronger and more independent if there are safeguards.

In addressing how parliamentarians can help break the cycle of corruption, I’d like to turn now to the other side of my argument: parliamentarians have a leadership role to advocate for a corruption-free society.

Anyone can say they oppose corruption – your actions as an MP need to match the rhetoric.