QUESTIONNAIRE - UNCAC

ICT TECHNOLOGIES AND CHALLENGES TO GOOD PRACTICES IN ANTI-CORRUPTION AWARENESS RAISING, EDUCATION, TRAINING AND RESEARCH

1. What resources do you provide Agencies to enhance integrity in public procurement and/or the management of public finances? If you have specific resources, are these delivered online and if so how?

> Procurement refers to all activities involved in acquiring goods or services, either outright or by lease. Procurement functions carry high risks for corruption given they involve discretionary decision-making combined with the transfer of often large amounts of public funds into private hands.
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> The Australian Government Department of Finance has developed a number of training and support tools to help officials understand their responsibilities within the Commonwealth Resource Management Framework and how to use or manage public resources under the *Public Governance, Performance and Accountability Act 2013*. These include e-learning modules, training videos, guidance and standard contract terms.
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> The Commonwealth Procurement Rules (CPRs) require that officials undertaking procurement recognise and deal with 'actual, potential and perceived' conflicts of interest.
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> The Australian National Audit Office (ANAO), plays a key role in auditing procurement undertaken by all Commonwealth agencies including the agencies within ACLEI's jurisdiction, and also emphasises the importance of these integrity measures.
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> Corruption in procurement processes is not a risk unique to law enforcement agencies. However, in investigations conducted by the Australian Commission for Law Enforcement Integrity (ACLEI) into agency procurement processes, the main corruption vulnerabilities identified relate to abuse of office and failures to appropriately disclose or manage conflicts of interest.
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> Abuse of office in a procurement context can involve staff members responsible for contract management circumventing procurement governance and integrity frameworks to manipulate outcomes in favour of a preferred tenderer, which may result in a contract not being awarded to the best qualified tenderer or at an inflated price. This can give rise to misuse of Commonwealth resources and potentially create a scenario where the official is paid kickbacks from the successful tenderer.
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> Conflicts of interest in a procurement context can give rise to staff members involved in the procurement deriving personal interests (for example, through increased dividends if the contract is awarded to a company in which they are a shareholder) or providing undue benefits to personal associates (for example, through granting contracts to companies owned or operated by family or associates).

As this is a risk common to all agencies, ACLEI is working with other agencies across Government – including the Commonwealth Fraud Prevention Centre at the Attorney-General's Department – to ensure that agencies have access to the latest information and best practice guidance on addressing this risk.

ACLEI's website is shortly due to be updated to reflect the high corruption risk posed by procurement and contracting.

State and Territory integrity agencies have concluded multiple investigations into corrupt conduct in procurement processes, identifying corruption risks ranging from fraud and conflicts of interest, to abuse of office, false invoicing, bribery and secret commissions. Recommendations from these investigations have included safeguarding confidential tender information; identifying and assessing corruption risks at each stage of procurement; properly declaring and managing conflicts of interest; undertaking adequate due diligence on contractors and suppliers, and implementing systems for identifying and reporting red flags related to projects and procurement activities.

2. Do you use ICT to promote transparency and accountability in the management of public finances? (for example, can individual citizens easily find out how public funds are being used through online portals?)

Yes. The annual federal budget is prepared by the Australian Government Cabinet and adopted by Parliament of Australia. The budget is presented within the framework set by the *Charter of Budget Honesty Act 1998*, which requires the Treasurer to publicly release periodic budget economic and fiscal outlook reports that are based on accounting standards and the government financial statistics standards developed by the International Monetary Fund. The annual budget and period budget economic and fiscal outlook reports, as well as detailed portfolio budget statements for each federal government portfolio, are published at www.budget.gov.au.

The Australian Government uses ICT and digital systems to promote transparency and accountability in the management of public resources, including through the following platforms:

- Transparency Portal (transparency.gov.au) – a repository and searchable data store of publicly available corporate information for all Commonwealth bodies. The Portal reports on the annual activity of all departments and agencies including spending on programs; staffing; remuneration; contracts; and performance metrics and provides an avenue to easily search and compare data and share information and analysis.
- Data.gov.au: Contains over 30,000 publicly available datasets and continues to grow as the central source of Australian open government data, available to business, researchers and the general public.
- AusTender: All Commonwealth agencies are required to report procurements over relevant thresholds through AusTender (www.austender.gov.au).
- GrantConnect: The Government publishes details about grant opportunities, along with grants awarded on the GrantConnect online platform.

3. In your oversight agency, do you use ICT to identify and analyse corruption risks? If so, what types of platforms are these and do you find they are effective?

> ACLEI utilises a case management system and a range of intelligence and data analysis tools to identify trends and emerging corruption risks.

4. Do you assess whether citizens have confidence in the management of public finances and/or public procurement processes? If so, how and what was the outcome for the last financial year?

> Not applicable.

5. What type of information is proactively made available and automatically published by government? What types of portals are used to do this

> Commonwealth non-corporate entities are generally subject to Part II of the *Freedom of Information Act 1982* (FOI Act), which requires them to implement an Information Publication Scheme. This requirement has applied since 1 May 2011.
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> Each entity's Information Publication Scheme will differ, but must include at minimum:
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> - details of their structure (for example, an organisational chart)
> - details of their functions, including their decision-making powers and other powers affecting the public
> - details of statutory appointments
> - their annual reports
> - details of consultations for the public to comment on specific policy proposals
> - information in documents that the agency routinely gives access to in response to requests under the FOI Act
> - information that they routinely give to the Australian Parliament
> - details of an officer(s) who can be contacted about access to the agency's documents under the FOI Act, and
> - their operational information (information that helps the agency exercise their functions or powers to make decisions or recommendations that affect the public, such as their rules, guidelines, practices and precedents about those decisions or recommendations)
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> An agency may publish other information, apart from the above information. For example, statistical information that researchers or the public would find useful.
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> The FOI Act also gives people the right to:
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> - request access to copies of documents (except exempt documents) held by an entity
> - ask for their personal information held by an entity, or request corrections to personal information
> - seek a review of decisions not to allow access to a document.
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> In addition, all Commonwealth agencies are required to publish on their websites and have tabled in Parliament a Corporate Plan and an Annual Report, which must include a range of information about the performance of the agency, its financial position and other matters of public interest.

6. Are you able to share examples of good practice and/or challenges faced in the use of online and ICT platforms to support integrity in public procurement and/or the management of public finances?

> The Australian Government has a dedicated website that contains information on the Federal Budget and economic updates. The website clearly presents budget information with detailed explanations and interactive tools. Information is presented on the website in a clear and accessible language for different types of audiences (for example, individuals, families and business). For more information, see https://budget.gov.au/.
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> In Australia, the Parliamentary Budget Office (PBO) was established in 2012 to 'inform the Parliament by providing independent and non-partisan analysis of the budget cycle, fiscal policy and the financial implications of proposals' (Section 64B of the *Parliamentary Service Act 1999*). The PBO improves transparency around fiscal and budget policy issues, provides confidential costing services to all parliamentarians, and publishes a report after every election that shows the fiscal implications of major parties' election commitments. These reports and resources are published on the Parliament of Australia website (Parliamentary Budget Office – Parliament of Australia (aph.gov.au)).
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> All Commonwealth agencies are required to report procurements over relevant thresholds through AusTender (www.austender.gov.au). In addition, agency Annual Reports must include reporting on expenditure on consultancy and non-consultancy contracts.

7. How can the public report incidences (that may constitute corruption) to relevant Anti-Corruption authorities in your jurisdiction? If online platforms, apps or portals are used, what are they and are they effective?

> There are multiple avenues for members of the public to report alleged or suspected corruption to authorities. Most agencies have an online reporting function. For example, see Report a corruption issue | Australian Commission for Law Enforcement Integrity (aclei.gov.au).
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> Reports can also be made in person, over the phone, or via a third party such as a person's legal representative. Reports can generally be made anonymously.

8. Have you undertaken (or do you regularly) any anti-corruption awareness raising programs, educational initiatives aimed at the public? This may include innovative educational events, research programs or courses included in curricula at school or tertiary institutions in your jurisdiction.

> ACLEI's 2021-23 corruption prevention strategy (shortly due to be publicly available on the ACLEI website) sets out the corruption prevention priorities for the next couple of years, including:
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> - building ACLEI's corruption prevention capability, including capturing learnings from investigations, intelligence and data and establishing strong relationships with key partners

- develop integrity benchmarks and best practice approaches for dissemination across the public sector
- Embedding and amplifying corruption prevention outreach, including through a dedicated learning and development strategy, and effectively measure ACLEI's impact.

ACLEI convenes a quarterly Corruption Prevention Community of Practice meeting with agencies within jurisdiction, to discuss good practices in identifying and addressing corruption risks and vulnerabilities and benchmark integrity policies and procedures with other Commonwealth agencies.

ACLEI draws on its own investigations into serious and systemic corruption and those of agencies in its jurisdiction to identify trends and vulnerabilities to corrupt conduct.

On 17 February 2022, ACLEI published its annual vulnerabilities brief for the first time. This document is publicly available on ACLEI's website. It details several main corruption risks and vulnerabilities identified throughout the 2020-2021 year.

ACLEI continues to support corruption prevention initiatives across the Commonwealth, including through partnerships with other groups such as the Commonwealth Fraud Prevention Centre, the Criminal Justice and Law Enforcement Forum and the newly formed APS Academy.

ACLEI will be co-hosting the next annual Australian Public Service Anti-Corruption Conference in November 2022 with New South Wales' Independent Commission Against Corruption and New South Wales' Law Enforcement Conduct Commission.

9. Are you able to share examples of good practice and/or challenges faced in the development and/or delivery of specific anti-corruption initiatives, aimed at the public?

See ACLEI's Corruption Vulnerabilities Brief 2020-2021:aclei_corruption_vulnerabilities_brief_2020-21.pdf