

Australian government response to surveys – February 2023

Response to request for information in relation to strengthening the role of Supreme Audit Institutions in the prevention and fight against corruption:

The G20 Anti-Corruption Working Group (ACWG) is preparing a Compendium of Good Practices in Enhancing the role of Auditing in Tackling Corruption, under India's 2023 G20 Presidency. We suggest the UNODC liaise with India, and include input from the incoming Compendium in the UNODC's work on audit institutions. This would ensure that multilateral institutions are working collaboratively and benefiting from each other's work on similar issues.

We are happy to provide Australia's responses to the ACWG Compendium of Good Practices once it is prepared in lieu of responding to this survey, and suggest other G20 countries could be interested in this approach. We also suggest the UNODC extend the time for all States Parties to respond to this survey, to reduce the resourcing constraints on all States noting there are a number of requests for information currently active, and to enable the UNODC to draw on the work of other anti-corruption fora.

Response to request for information in relation to good practices, lessons learned and challenges in periodically evaluating the efficiency and the effectiveness of anti-corruption measures and policies:

We refer to information provided in Australia's second cycle review report, specifically on page 26 of the full report, and provide the following additional information:

- All Commonwealth legislative instruments are subject to sunseting unless they are exempt. Sunseting is the automatic repeal of legislative instruments after a fixed 10 year period. The [Guide to Managing Sunseting of Legislative Instruments](#) provides a detailed overview of Australia's sunseting regime as well as guidance to assist Australia's Commonwealth agencies to manage sunseting through appropriate planning and informed decision-making.
- Established under the *Law Enforcement Integrity Commissioner Act 2006* (LEIC Act), the Australian Commission for Law Enforcement Integrity (ACLEI) performs an important oversight role in relation to the integrity of Australian Government law enforcement agencies.

ACLEI is subject to a range of reporting and accountability obligations. These obligations ensure the operations of Australian Government agencies are transparent to the Australian public.

The Parliamentary Joint Committee on the Australian Commission for Law Enforcement Integrity reports to both Houses of Parliament on matters relating to ACLEI. The Committee monitors and reviews the performance of the Integrity Commissioner's functions, and examines each annual report and any special reports produced by the Integrity Commissioner.

The Audit Committee provides independent advice and assurance to the Integrity Commissioner on ACLEI's accountability and control framework. This includes verifying and safeguarding the integrity of ACLEI's financial and performance reporting. Further information is provided in the [ACLEI Audit Committee Charter](#).

Further information about ACLEI's accountability and reporting framework can be found on the following website: <https://www.aclei.gov.au/about-aclei/accountability-and-reporting>.

- The Australian National Audit Office (ANAO) also supports accountability and transparency in the Australian Government sector through independent reporting to the Parliament, and contributes to improved public sector performance. In 2018, the ANAO conducted an audit of ACLEI to examine its efficiency in detecting, investigating and preventing corrupt conduct. The summary can be found on the following website: <https://www.anao.gov.au/work/performance-audit/operational-efficiency-australian-commission-law-enforcement-integrity>.
- The Australian Parliament recently passed the *National Anti-Corruption Commission Act 2022 (Cth)* to establish a National Anti-Corruption Commission (NACC). The legislation also provides for ACLEI to be subsumed into the NACC. The Australian Government intends that the NACC will commence operations by mid-2023.

The NACC will strengthen Australia's existing integrity framework by ensuring there is an independent agency dedicated to detecting, preventing and investigating serious or systemic corruption across the federal public sector.

The NACC will have broad jurisdiction to investigate serious or systemic corrupt conduct in the federal public sector, including criminal and non-criminal conduct. The NACC will be able to investigate the conduct of public officials and anyone else who seeks to corrupt public officials.

A Parliamentary Joint Committee will oversee the NACC's performance and be able to require the NACC to provide information about its work. The Committee will also review the NACC's finances and report to Parliament on whether the NACC has sufficient resources to fulfil its mandate or whether its budget should be increased.

An independent Inspector will also oversee the NACC by investigating corruption within the NACC, dealing with complaints involving the conduct of the NACC or its staff, and auditing the NACC's compliance with Commonwealth laws and detect agency maladministration and officer misconduct.

The *National Anti-Corruption Commission Act 2022 (Cth)* must also be reviewed following the first five years of its operation. The review will result in a written report which must be tabled before each House of the Parliament.

Further information on the NACC can be found on the following website: <https://www.ag.gov.au/integrity/anti-corruption/national-anti-corruption-commission-legislation>.

Information in relation to the interlinkages between preventive and law enforcement approaches

The Australian Commission for Law Enforcement Integrity (ACLEI) provides independent assurance to the Australian Government about the integrity of Commonwealth law enforcement agencies and their staff members. The Integrity Commissioner investigates allegations of corruption in Australian regulation and law enforcement agencies.

ACLEI's 2021-24 [corruption prevention strategy](#) sets out its corruption prevention priorities, including reviewing learnings from investigations, intelligence and data, developing integrity benchmarks for the public sector and developing a dedicated learning and development strategy to enhance the agency's outreach.

ACLEI convenes a quarterly Corruption Prevention Community of Practice 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.

On 2 December 2022, ACLEI published its annual vulnerabilities brief. This document is publicly available on [ACLEI's website](#). This brief provides an overview of the corruption vulnerabilities identified between July 2021 and June 2022 from finalised investigations under the *Law Enforcement Integrity Commissioner Act 2006* (Cth) and related prosecutions.

The Australian Parliament recently passed the *National Anti-Corruption Commission Act 2022* (Cth) to establish a National Anti-Corruption Commission (NACC). The legislation also provides for ACLEI to be subsumed into the NACC. The Australian Government intends that the NACC will commence operations by mid-2023.

Further, the NACC will have prevention and education functions. The NACC will be able to undertake a public inquiry for the purpose of examining corruption risks, vulnerabilities and measures to prevent corruption in Commonwealth agencies. It will also be able to provide education and raise awareness of corruption issues, and make recommendations to enhance both systemic reform and entity-specific corruption prevention arrangements.