ACCOUNTABILITY & THE LAW

INCLUDING

THE CASE FOR
A FEDERAL ANTI-CORRUPTION COMMISSION

PRESENTED BY

The Australia Institute
Research that matters.
Welcome to the Accountability & The Law Conference
Dear Delegates —

The Australia Institute is pleased to welcome you to the Accountability and the Law 2017 conference. We have brought together leading experts across legal and academic fields to discuss the weaknesses in the current federal accountability system and suggest mechanisms for reform.

Our research and polling shows there is a strong need and broad public support for a federal anti-corruption commission. Such a commission should have assured independence, adequate resourcing, proper accountability, the necessary powers, the ability to hold public hearings where needed, and ultimately the confidence of the public, to be truly effective.

Achieving meaningful accountability, however, requires more than legal or regulatory change. It requires parliamentarians and other public officials to act ethically and honourably. We are pleased that such a range of key MPs and Senators are participating in today’s conference.

I would like to thank all of our speakers and panellists for their time and effort today. I would particularly like to thank David Ipp QC, Nicholas Cowdery QC, and Geoffrey Watson SC for their contributions and reports.

Please join us this evening for a reception at The Level at Endeavour House. Economist Dr Cameron Murray will be speaking about his book Game of Mates, the story of the corporate and political power structures of Australia.

And stay tuned with the Australia Institute’s Accountability project as we continue to build momentum for a federal anti-corruption commission and stronger democratic processes.

Thank you for joining us at what promises to be an important and productive conference.

Ben Oquist
Executive Director, The Australia Institute
<table>
<thead>
<tr>
<th>Time</th>
<th>Session</th>
<th>Speaker</th>
</tr>
</thead>
<tbody>
<tr>
<td>9.00am</td>
<td>Parliament House Theatre Australian Parliament House</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Coffee and Registration</td>
<td></td>
</tr>
<tr>
<td>9.30am</td>
<td>Welcome to Country</td>
<td>Violet Sheridan</td>
</tr>
<tr>
<td></td>
<td>Welcome</td>
<td>Ebony Bennett, Deputy Director, The Australia Institute</td>
</tr>
<tr>
<td></td>
<td>Opening Remarks</td>
<td>The Hon. David Ipp AO QC, former Commissioner of NSW ICAC</td>
</tr>
<tr>
<td>10.00am</td>
<td>Keynote — In the Darkest Corners: Exposing Federal Corruption</td>
<td>Geoffrey Watson SC, former counsel assisting NSW ICAC</td>
</tr>
<tr>
<td>10.30am</td>
<td>Keynote — Lessons from NSW ICAC</td>
<td>Nicholas Cowdery AM QC, former NSW Director of Public Prosecutions</td>
</tr>
<tr>
<td>11.00am</td>
<td>Morning Tea</td>
<td></td>
</tr>
<tr>
<td>11.20am</td>
<td>Weaknesses in the Current Federal Integrity System and Options for Reform</td>
<td>Chair: Professor AJ Brown, Professor, Griffith University; Program Leader, Public Integrity &amp; Anti-Corruption in the Centre for Governance and Public Policy</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Assoc Prof Gabrielle Appleby, Associate Professor, UNSW Law; The Judiciary Project, co-director at Gilbert + Tobin Centre for Public Law</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Assoc Prof Joo Cheong Tham, Associate Professor, Melbourne Law School; Director, Electoral Regulation Research Network</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Alex McKean, Barrister, Lecturer, University of the Sunshine Coast</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>12.15pm</td>
<td>Lunch</td>
<td></td>
</tr>
<tr>
<td>1.00pm</td>
<td>Crossbench Panel</td>
<td>Chair: Nick McKenzie, Investigative journalist, Fairfax</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Senator Richard Di Natale, Leader of the Australian Greens</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Senator Nick Xenophon, Leader of the Nick Xenophon Team</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Senator Jacqui Lambie, Independent Senator for Tasmania</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Discussion and Q&amp;A</td>
<td></td>
</tr>
</tbody>
</table>
With experts across legal and academic fields, the Accountability & The Law Conference is a special initiative of The Australia Institute that will discuss the weaknesses in the current federal accountability system and suggest mechanisms for reform.

<table>
<thead>
<tr>
<th>Time</th>
<th>Session</th>
<th>Speaker</th>
</tr>
</thead>
</table>
| 1.45pm | Interaction Between a Federal Anticorruption Commission and the Federal Courts | Chair: Alex McKean  
Barrister; Lecturer, University of the Sunshine Coast  
Bret Walker SC  
Barrister; former Independent Monitor of National Security Legislation  
Noel Hutley SC  
Barrister; former President of the NSW Bar Association  
Fiona McLeod SC  
Barrister; President of the Law Council of Australia |
|        | Discussion and Q&A                                                    |                                                                        |
| 2.30pm | The Case for a Federal Anti-Corruption Commission                      | Chair: Quentin Dempster AM  
Journalist and author  
Professor George Williams AO  
Dean and Anthony Mason Professor, UNSW Law  
The Hon. Anthony Whealy QC  
Chairman of Transparency International; former Assistant Commissioner NSW ICAC  
Linton Besser  
Investigative Journalist, Four Corners  
Howard Whitton  
Founding Director, Ethicos Group; Research Associate, ANU Transnational Research Institute on Corruption |
|        | Discussion and Q&A                                                    |                                                                        |
| 3.30pm | Afternoon Tea                                                          |                                                                        |
| 4.00pm | Improving Accountability in 2017                                      | Hon. Mark Dreyfus QC MP  
Shadow Attorney General |
|        | Discussion and Q&A                                                    |                                                                        |
| 4.30pm | Closing Remarks                                                        | Ben Oquist  
Executive Director, The Australia Institute |
|        |                                                                 |                                                                        |
| from 6pm | Accountability & The Law Reception  
The Level, L1 / 1 Franklin Street, Manuka | Dr Cameron Murray  
Economist; Co-author of Game of Mates |
| 7pm    | Keynote — Game of Mates                                               |                                                                        |

A note for legal practitioners:
If this particular educational activity is relevant to your immediate or long term needs in relation to your professional development and practice of the law, then you should claim one unit for each hour of attendance, refreshment breaks not included.
Violet Sheridan will be delivering the Welcome to Country for the Accountability & The Law Conference.

She is a Ngunnawal Elder who grew up in Yass, her mother’s country.

We acknowledge and celebrate the First Australians on whose traditional lands we meet, and pay our respect to the Elders of the Ngunnawal people past and present.

David Ipp AO QC was appointed Queens Counsel in 1985. In 1989 he became a judge of the Supreme Court of WA. In 2002 he became a judge of the New South Wales Court of Appeal. From November 2009 to January 2014 he was the Commissioner of ICAC, during which time he presided over a number of important and well-known inquiries including the Acacia and Jasper investigations into activities surrounding the allocation of coal licenses in NSW.

Nicholas Cowdery AM QC was the Director of Public Prosecutions for NSW from 1994 to 2011. He has been engaged in criminal justice for over 48 years, including as a public defender in PNG, a barrister in NSW and elsewhere and an acting Judge of the District Court of NSW. He was Junior Counsel for the Crown throughout the prosecution of the late Justice Lionel Murphy and he prosecuted the late Sir Joh Bjelke-Petersen. He was inaugural Co-Chair of the Human Rights Institute of the International Bar Association and served two terms as President of the International Association of Prosecutors (where he now chairs the Senate). He was awarded the IAP Medal of Honour. He has served in many organisations (including the NSW Sentencing Council until 2016 and the NSW Council for Civil Liberties) and teaches in criminal justice courses at universities in Sydney. He is a member of the Board of the Rule of Law Institute of Australia and is the Chairman of White Ribbon Australia.

Geoff Watson SC was appointed Senior Counsel in 2002 and has a general practice with specialities in product liability, professional negligence, general insurance and appeals. Mr Watson has a national practice, and has conducted appeals in the High Court, and appeals and trials in the Federal Court and the Supreme Courts of each of the States and Territories. His regular clients have included the Australian, British and American governments; the NSW and other State governments; many State and federal government agencies; all major insurers; and the major mining, industrial and banking houses.

In recent years Mr Watson has appeared as counsel assisting in several large scale public inquiries, including the ICAC inquiries investigating allegations of corruption amongst NSW politicians, and the Police Integrity Commission inquiry into allegations of police misconduct in the shooting death of Adam Salter.

In addition to his professional commitments, Mr Watson pursues an interest in academic work. He is a member of the Law Advisory Board at the University of Notre Dame, and regularly writes and lectures on the subjects of tort law, insurance and legal history.
Dr Gabrielle Appleby is an Associate Professor at UNSW Law. She researches and teaches in public and constitutional law, particularly focussing on questions about the role, powers and accountability of the Executive government, the role and ethics of government lawyers, and the independence and integrity of the judicial branch. She is the Research Director (Impact and Engagement) at UNSW Law, the Co-Director of The Judiciary Project at the Gilbert - Tobin Centre of Constitutional Law and the Blog Coordinator and Joint Editor (Academic) of AUSPUBLAW - www.auspublaw.org. She has written 42 book chapters and refereed articles, edited two collections and produced three monographs including Money and Politics: The Democracy We Can't Afford (2010, UNSW Press). His research has also been published in print and online media with Joo-Cheong having written more than 50 opinion pieces. Joo-Cheong regularly speaks at public forums and has presented lectures at the Commonwealth, South Australian and Victorian Parliaments.

AJ Brown is Professor of Public Policy and Law, and program leader, public integrity and anti-corruption in the Centre for Governance & Public Policy at Griffith University, Brisbane, Australia. He is also a board member of Transparency International Australia, Fellow of the Australian Academy of Law and member of the International Whistleblowing Research Network. Formerly a senior investigation officer with the Commonwealth Ombudsman, judicial associate and state ministerial policy advisor, he researches, consults and teaches widely in public policy and public law. He has been project leader on six Australian Research Council projects, four of them on public integrity issues. He was lead author of Australia's first national integrity system assessment (2005), and leads the current ARC Linkage Project, ‘Strengthening Australia's National Integrity System: Priorities for reform’, supported by Transparency International Australia, NSW Ombudsman, Queensland's Integrity Commissioner and the Crime & Corruption Commission Queensland.
Hon. Mark Dreyfus QC MP
Shadow Attorney General

Hon. Mark Dreyfus QC MP was elected to parliament in 2007 as the Member for Isaacs. He studied Arts and Law at the University of Melbourne.

A former Director of the Law Council of Australia, Mark served on the Victorian Bar Ethics Committee and Victorian Bar Council. In 1999 he was appointed as a Queen’s Counsel.

Mark is a strong advocate for social justice and believes in creating a sustainable environment for our future generations.

During his time in the law, Mark worked with Australia’s Indigenous communities in the Northern Territory and was involved in the landmark Stolen Generations case before the High Court.

In February 2013 Mark was sworn in as Attorney-General and Minister for Emergency Management and in March 2013 took on the additional responsibilities of Minister for the Public Service and Integrity and Special Minister of State.

Dr Richard Di Natale has been the leader of the Australian Greens since May 2015. He was elected to the federal parliament in 2010 and re-elected in 2016. He is the Greens’ first Victorian Senator. His portfolios include health, multiculturalism and sport.

Prior to entering parliament, Richard was a general practitioner and public health specialist. He worked in Aboriginal health in the Northern Territory, on HIV prevention in India and in the drug and alcohol sector.

Richard is the co-convenor of the Parliamentary Friends for Drug Policy and Law Reform, the Parliamentary Friends of West Papua and the Parliamentary Friends of Medicine.

Richard, his wife Lucy and two young sons live on a working farm in the foothills of Victoria’s Otway Range. The son of Italian migrants, Richard grew up in Melbourne. He played VFA football for six years and is a long-suffering Richmond Tigers fan.

Senator Nick Xenophon
Leader of the Nick Xenophon Team

Nick Xenophon has been a Senator for South Australia since July 2008. Prior to that he spent 10 years in the South Australian Legislative Council, being originally elected in 1997 on a ‘No Pokies’ platform. Before entering politics, Nick ran a small suburban legal practice in Adelaide from 1982-1997.

Since starting in the Senate in July 2008, Nick has fought on key issues for SA - pokies, online gambling, water security, food labelling, education, health, aged care, cost of living pressures and more. In 2013 Nick launched the Nick Xenophon Team as a party, winning two additional Senate seats in the 2016 election, and one in the House of Representatives.

Senator Jacqui Lambie
Independent Senator for Tasmania

Jacqui Lambie is a Senator for Tasmania and founder of the Jacqui Lambie Network. She was first elected in September 2013 and re-elected in July 2016.

Prior to her career as a political representative for Tasmania, Jacqui served in the Australian Defence Force for more than a decade.

Jacqui is a fierce advocate for veterans, pensioners, students and small businesses, both in her home state and around the country. Her family tree extends back to famous Tasmanian Aboriginal elder and warrior, Mannarlargenna.

Jacqui is the mother of two sons and lives in Northern Tasmania.
Nick McKenzie
Investigative Journalist,
Fairfax

Nick McKenzie is a leading Australian investigative journalist. His stories appear in The Age, Sydney Morning Herald and the Australian Broadcasting Corp. He has won the prestigious Walkley Award seven times and reports on corruption in politics, business and sport, and national security.

Bret Walker SC
Barrister; former Independent Monitor of National Security Legislation

Bret Walker SC is a barrister practising at the NSW Bar since 1979. He practises mainly in general appellate advocacy, equity/commercial, administrative and constitutional law. From 2011 to 2014 he was the inaugural Independent National Security Legislation Monitor. He was appointed Senior Counsel in 1993, and was president of the NSW Bar Association from November 2001 to November 2003, having been vice-president from 1996 to 2001. He was president of the Law Council of Australia from 1997 to 1998.

Noel Hutley SC
Barrister; former President of the NSW Bar Association

Noel Hutley SC is a barrister practising at the NSW Bar since 1981. He was appointed as Senior Counsel in 1996. He was President of the NSW Bar Association from November 2015 until May 2017.

Fiona McLeod SC
Barrister; President of the Law Council of Australia

Fiona McLeod SC is the President of the Law Council of Australia and practises at the Victorian Bar, appearing in trials and appeals in public law and commercial matters. She has practised at the Victorian Bar since 1991 and was appointed senior counsel in 2003. Ms McLeod is a Past President of the Australian Bar Association and was the Chair of the Victorian Bar in 2013.

Ms McLeod has been recognised with numerous awards for excellence and leadership, for her work in supporting diversity and equality and her work in pro bono and human rights matters including human trafficking. Ms McLeod was inducted onto the Victorian Honour Roll for Women in 2014 and is a recipient of a prestigious inaugural Commonwealth Government Anti-Slavery Australia Freedom Award.
Professor George Williams AO
Dean and Anthony Mason Professor, UNSW Law

George Williams AO is the Dean, the Anthony Mason Professor, and a Scientia Professor at UNSW Law.

His books include Australian Constitutional Law and Theory, The Oxford Companion to the High Court of Australia and Human Rights under the Australian Constitution.

He has appeared as a barrister in the High Court in many cases over the past two decades, including on freedom of speech, freedom from racial discrimination and the rule of law. He is a columnist for the Sydney Morning Herald.

The Hon. Anthony Whealy QC
Chairman of Transparency International; former Assistant Commissioner NSW ICAC

The Honourable Anthony Whealy QC is held in high esteem as a lawyer and Judicial officer as is demonstrated by his many and varied appointments.

He is Deputy Chair of the New South Wales Sentencing Court, Part-time Commissioner at the NSW Law Reform Commission, Consultant at the Judicial Commission of NSW and University Visitor at The Australian Catholic University.

He was Chair of the Council of Australian Governments (COAG) Committee on Counter-Terrorism Laws from 2012-2013 and Justice of the Supreme Court of NSW from 2000-2012, and was a former NSW ICAC Assistant Commissioner.

He is currently the Chairman of Transparency International Australia.

Linton Besser
Investigative Journalist, Four Corners

Linton Besser is an award-winning reporter with the ABC's flagship investigative program Four Corners.

His journalism in recent years has prompted a series of public inquiries and corruption findings against politicians, businessmen and other public officials. His stories revealing the systematic defrauding of the federal welfare-to-work program resulted in tens of millions of dollars being clawed back to the public purse.

He has led Four Corners investigations into organised crime in James Packer’s Macau casinos, the plundering of Aboriginal funding by unscrupulous operators in remote areas of Australia and the corruption scandal engulfing the highest echelons of the Malaysian government.

In 2014 he co-authored He Who Must Be Obeid with Kate McClymont.

Howard Whitton
Founding Director of The Ethicos Group

Howard Whitton is a Founding Director of The Ethicos Group – a collaborative of sixteen subject-matter experts focused on Government Ethics, Whistleblowing, Integrity Systems, and Corruption Prevention, in Australia and internationally. He is also a Research Associate in the Transnational Research Institute on Corruption at ANU, and a Visiting Fellow in the Institute for Governance and Policy Analysis in the University of Canberra.

Following a 30-year career in Commonwealth and State Public Services in Australia, Howard served as a Principal Administrator with the OECD’s Public Governance Directorate where he co-authored the OECD Guidelines on Managing Conflict of Interests, later adapted for use by the Queensland CMC and the NSW ICAC.

In 2006-2015 Howard served variously as a consultant to the first UN Ethics Office in New York, and for UNDP, UNODC, OSCE, the Commonwealth Secretariat, DFAT, GTZ, and U4, on Corruption Prevention projects in thirteen countries. He was the principal author of the Australian Government’s Standards of Ministerial Ethics, and is a member of the Editorial Board of the US journal Public Integrity.
Quentin Dempster AM
Journalist, Author and Broadcaster

Quentin Dempster is a Walkley Award-winning journalist, author and broadcaster with decades of experience. In 1986 he wrote and produced the highly acclaimed documentary ‘The Sunshine System’ about institutionalised corruption in Queensland.

From 1987 he presented the state edition of the 7.30 Report, writing and producing the national network coverage of the Fitzgerald inquiry into police and political corruption.

In 1990 Dempster moved to Sydney to become the 7.30 Report’s NSW presenter, heading a national investigative unit for the program in 1995 and covering the Wood Royal Commission into police corruption south of the Tweed.

Ben Oquist
Executive Director
The Australia Institute

Ben Oquist is the Executive Director of The Australia Institute, and a highly respected political and communications strategist and commentator.

Oquist is known for his ability to negotiate across the political spectrum, and is a regular commentator and contributor on SkyNews, The Drum, Crikey, The Guardian and Fairfax publications.

Ebony Bennett
Deputy Director
The Australia Institute

Ebony Bennett is the Deputy Director of The Australia Institute and has worked in federal politics for more than a decade.

Bennett has published research on gender and street harassment for the Institute and regularly appears as a commentator on SkyNews and as contributor to The Guardian and Fairfax publications.

She also currently sits on the board of the Australian Youth Climate Coalition.

Dr. Cameron Murray
Economist; Co-author of Game of Mates

Dr. Cameron Murray is an economist and consultant who specialises in property markets, environmental economics, and corruption. He teaches at the University of Queensland, blogs at fresheconomicthinking.com and tweets as @DrCameronMurray.
INCLUDING THE CASE FOR A FEDERAL ANTI-CORRUPTION COMMISSION

ACCOUNTABILITY & THE LAW

CONFERENCE 17

INCLUDING THE CASE FOR A FEDERAL ANTI-CORRUPTION COMMISSION

PRESENTED BY The Australia Institute