

Feedback to Australia's OGP Action Plan

Anti-corruption Commitments

Key Finding

Overall, Australia's anti-corruption commitments within the nation action plan are considered to be consistent with strategic areas identified at international events and have the potential to be transformative in the long run. However, most commitments are composed of milestones that stop short of catalysing institutional, policy or behavioural change against corruption. It is our belief that Australia can and should be able to include additional milestones that will ensure meaningful steps forward in the fight against corruption.

Anti-corruption Commitments

Australia's national action plan draft for consultation contains a total of 14 commitments with 71 milestones around six themes. This review will focus on the following six commitments considered to be contributing to integrity and anti-corruption:

- 1.1 - Improve whistle-blower protections in the tax and corporate sectors
- 1.2 - Beneficial ownership
- 1.3 - Natural resource transparency - EITI
- 4.1 - Confidence in the electoral system and political parties
- 4.2 - National Integrity Framework
- 4.3 - Open contracting

Review and Recommendations

Themes and commitments

The anti-corruption commitments in the Australian national action plan are aligned to issues already identified as relevant by Australia in international fora. For example, commitments in the action plan match those made at the UK Anti-Corruption Summit¹. The national action plan also reflects a continuation of the 2015 -16 G20 Anti-Corruption Action Plan² which includes issues such as beneficial ownership (commitment 1.2), and open contracting (commitment 4.3) just to name a few.

In addition, it is positive that some commitments focus on timely issues such as such as foreign bribery, anti-money laundry and promoting integrity within the business sector.

Lastly, tackling the issue of tax misconduct through improved whistle-blower protection is innovative and timely as the anti-corruption agenda expands to incorporate fiscal misconduct as a conduit for grand corruption.

In summary, it is our opinion that the themes and focus areas included in this national action plan are timely and aligned with priorities identified by Australia in international fora.

Overall review of commitments & milestones

From the six anti-corruption commitments stem a total of 25 milestones, which reflect a number of different activities, ranging from holding consultations to publishing reviews and implementing measures to improve compliance. The many milestones contained are activities considered to have medium to low transformative

¹ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/522699/Australia.pdf

² https://star.worldbank.org/star/sites/star/files/g20_2015-2016_anti-corruption_action_plan_australia_2014.pdf

impact in terms of actual change in policy, institutions or behaviour. That being said some commitments have higher transformative potential such as compliance to the Open Contracting Data Standard and EITI.

The most prominent milestones relate to drafting policy papers, legislations and reports while the second most prominent type of milestones relate to giving consideration or response to recommendations on policy change. While it is understandable that preparatory materials and proper consideration and consultation of policy recommendations are necessary preceding step to achieve change, the current language and vagueness weaken the overall commitments.

We recommend to strengthening the commitments by including milestones and language that commit to policy and institutional change in addition to the preparatory steps.

Specific Commitment Recommendations

Commitment 1.1. – Improved Whistle-blower protections in the tax and corporate sectors

Observations: It is a commitment with a potentially transformative impact to the degree that it ultimately strengthens the legislative framework on whistle-blower protection.

Commitment 1.2. – Beneficial Ownership

Observations: The commitment may be strengthened by including milestones that seek Australia's compliance with the G20 Principles on Beneficial Ownership. Specific recommendations can be found in TI's review of compliance with these principles, *Just for show? Reviewing G20 promises on beneficial ownership*³. Australia's compliance assessment is accessible [here](#).⁴

Lastly, the commitment may be strengthened by explicitly considering the public availability of a beneficial ownership registry.

Commitment 1.3. – Natural Resources Transparency

Observations: It is a concrete commitment with potential transformative impact as EITI is a measure which can increase transparency and accountability within the extractive industry.

Commitment 4.1. – Confidence in the electoral system and political parties

Observations: The commitment can be strengthened by specifying what is the expected change or measure to improve transparency and accountability of political parties.

Commitment 4.2. – National Integrity Framework

Observations: The commitment can be strengthened by including milestones that can catalyse change in any of the areas proposed. As mentioned before, although the current milestones are important steps towards change, they are not specific regarding what is the expected change.

Commitment 4.3. – Open Contracting

Observations: The commitment can be strengthened by fully committing to complying with the Open Contracting Data Standard at least in a focalized and phased approach, for example by having a ministry or agency incorporate the data standards to their procurement process.

For further inspiration on anti-corruption commitments please refer to TI's paper *Anti-Corruption Commitments in the Open Government Partnership* available at http://www.opengovpartnership.org/sites/default/files/Anticorruption_OGP.pdf.

³ http://www.transparency.org/whatwedo/publication/just_for_show_g20_promises

⁴ http://www.transparency.org/files/content/publication/2015_BOCountryReport_Australia.pdf