



Anti-Corruption Commissions: Roles, Powers, Accountability and Effectiveness *Insights*

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1. Introduction

With the creation of the National Anti-Corruption Commission (NACC) in 2023, Australia's federal system now has a comprehensive network of 'broad-based' public sector anti-corruption agencies covering all levels of government – a significant development nationally and internationally. However, as also occurs globally, within Australia there remain:

- significant variations in jurisdiction, power and legislative design;
- public controversies over the general and specific performance of agencies; and
- recurring questions over agencies' independence, sustainability and accountability.

Despite the apparent consensus that every Australian jurisdiction requires a strong, independent anti-corruption agency, most if not all jurisdictions see recurring debates over their constitution, powers and performance. Along with familiar international questions over whether such 'watchdogs' (or 'tigers') have sufficient 'bark', 'bite' or 'teeth',¹ Australian debates have ranged from criticism of agencies as expensive complaint-handling bureaucracies, too cumbersome to even track 'elephants';² or 'kangaroo courts'³ that undermine the rule of law; to pressures for agencies to only use their powers with the quiet, efficient precision of eagles, operating through occasional selective strikes.

Unsurprisingly, however, preliminary research by Transparency International demonstrates wide divergence in individual jurisdictions' delivery of these general principles and, commensurately, their agencies' apparent performance.⁴

More importantly, every Australian jurisdiction has faced substantial legal and policy controversies typical of the global challenge – in 2024 alone, debates ranged from backlash over the performance of the newly established NACC, especially in the wake of the Robodebt scandal, to the resignation

¹ See e.g. Gabriel Kuris (2015), 'Watchdogs or guard dogs: Do anti-corruption agencies need strong teeth?', *Policy and Society* Vol 34, pp.125-135.

² '[A] multimillion-dollar joke... that couldn't track an elephant through snow and, even if they could, they wouldn't know what to do with it when they caught it': Lawrence Springborg MLA, Queensland Opposition Leader, describing the then Queensland Crime & Misconduct Commission; *The Australian*, 26 May 2003; quoted with approval by Hon Jenny Mikakos MLC, 'Police: Corruption and Organised Crime', *Legislative Council of Victoria - Parliamentary Debates*, 9 June 2004.

³ A 'kangaroo court' in which former NSW Premier Gladys Berejikilian was 'done over by a bad process, an abuse': Prime Minister Scott Morrison describing the NSW Independent Commission Against Corruption, *House of Representatives - Commonwealth Parliamentary Debates*, 25 November 2021. See Yee-Fui Ng and Stephen Gray, 'Robust Watchdogs, Toothless Tigers or Kangaroo Courts? The Evolution of ACCs in Australia' (2024) 47(2) *UNSW Law Journal* 415.

⁴ Salahuddin M Aminuzzaman & Sumaiya Khair (2017), *Strengthening Anti-Corruption Agencies in the Asia-Pacific: Regional Synthesis Report*, Transparency International Bangladesh and Transparency International, October, 2017; https://images.transparencycdn.org/images/2017_ACA_RegionalReport_EN.pdf (viewed 1 November 2023).

of South Australia’s ICAC Commissioner, citing the significant fettering of her powers.⁵ This project thus addresses the increasingly urgent impetus to understand the institutional and operational elements that affect the effectiveness of anti-corruption agencies as accountability institutions.⁶

⁵ Yee-Fui Ng and Stephen Gray, ‘Robust Watchdogs, Toothless Tigers or Kangaroo Courts? The Evolution of ACCs in Australia’ (2024) 47(2) *UNSW Law Journal* 415.

⁶ M Bovens and A Wille, ‘Indexing Watchdog Accountability Powers: A Framework for Assessing the Accountability Capacity of Independent Oversight Institutions’ (2020) 15(3) *Regulation & Governance* 856.

2. Background/Literature

Combating public sector corruption is a paramount issue for regulators worldwide. The United Nations estimated the economic cost of corruption at 5% of global domestic product or \$3.6 trillion annually.⁷ Anti-corruption commissions have become important mechanisms towards investigating corruption in government. Australia is one of the first OECD countries to widely adopt specialist anti-corruption commissions across the federation, with these agencies being more widespread in Asia and Eastern Europe.⁸

Yet major questions remain about the powers that should be conferred on anti-corruption commissions, including the scope of their jurisdiction, and how to balance independence against ensuring the accountability of these commissions, and the protection of individual rights.

In the course of the national debate over the last few years, much has been said about the need for, and purposes of anti-corruption commissions. It is said that they will enhance public confidence in the administration of government; that they will address corruption in government through providing an avenue for complaints, investigation, findings and referral; and, that they provide opportunities for deterrence, education and support.

But how do we know if anti-corruption commissions are operating to meet these objectives? How are different design choices and subsequent amendments affecting their performance against these objectives?

Despite the existence of State anti-corruption commissions in Australia for the last 35 years, there has never been any holistic, comparative, empirical assessment of the design of these agencies against their purposes.

The project addresses these questions by conducting an empirical assessment of the jurisdictions, powers and other key institutional and policy design aspects of anti-corruption commissions in

⁷ United Nations, *The Costs of Corruption: Values, Economic Development under Assault, Trillions Lost, Says Guterres* (2018).

⁸ International Association of Anti-Corruption Authorities, *Membership* <<https://www.iaaca.net/about-iaaca/membership>>; A J Brown, 'Australia's National Anti-corruption Agency Arrives: Will it Stand the Test of Time?' *The Conversation* <<https://theconversation.com/australias-national-anti-corruption-agency-arrives-will-it-stand-the-test-of-time-195560>>.

Australia. This is identified as critical to their effectiveness in preventing and addressing government corruption, and supporting public trust and confidence in government.

3. Approach and actions

The aim of this research is to analyse the roles, powers, operation and effectiveness of anti-corruption commissions in Australia. The project examines and reports on:

- an assessment of the powers, independence, accountability mechanisms, and performance evaluation frameworks for anti-corruption commissions; and
- recommendations for institutional design and practice.

The project has pursued its objectives through:

1. Empirical analysis of the effectiveness of Australia's commissions through **stakeholder interviews** including with current and former key agency leaders and staff; key individuals involved in the creation, formation and oversight of commissions (including inspectorates and parliamentary committees); and other integrity agency and system actors.
2. A **stakeholder workshop** for results testing and development of recommendations for legislative and policy reform to best support the role of anti-corruption commissions across Australia, with secondary lessons for international practice.

The author conducted 58 interviews with various stakeholders involved with anti-corruption commissions, such as current and former commissioners and deputy commissioners, ombudsmen, Premiers, Ministers, Members of Parliament on parliamentary committees overseeing anti-corruption commissions, and Inspectors. Interviews were conducted with participants from all nine Australian jurisdictions. The sample includes six former Premiers, three former Attorneys-General, nine current and former Members of Parliament, 23 current and former anti-corruption commissioners (including deputies), five current and former ombudsmen (including deputies), and four current and former inspectors. Several participants had experiences in multiple jurisdictions and/or statutory positions were able to offer comparative insights. A few participants requested to be interviewed in groups, so three group interviews were conducted: with the National Anti-Corruption Commission leadership, Integrity Oversight Victoria leadership, and the inaugural Commissioner and senior staff of Victorian IBAC. One interviewee requested to contribute anonymously.

The preliminary findings and observations were presented and tested at a meeting in Adelaide with all the anti-corruption commissioners in 2025, and feedback obtained to further refine the findings. The preliminary findings were also presented at a conference on anti-corruption commissions at Deakin University in 2025.

4. Analysis of Insights

The project's findings provided new empirical insights into the design, operation, governance and effectiveness of anti-corruption commissions. Empirical research in this area remains relatively scarce.

Powers

All interviewees agreed that anti-corruption commissions required coercive examination powers, search and seizure authorities, and telecommunications interception capabilities, which was justified by corruption's clandestine nature. All interview participants also emphasised the importance of public reporting powers as fundamental in performing the functions of an anti-corruption commission.

There was a wide divergence about opinions about whether the commissions should have the power to conduct public hearings. Almost all participants (55 out of 58) were in favour of some degree of public hearings power. Only three politicians expressed complete opposition to public hearings, and no commissioners were completely against the public hearings power. Many interviewees agreed that public hearings have had a strong positive impact in terms of public awareness of corruption and education of the public service.

Independence

All interview participants agreed that anti-corruption commissions in practice operate with robust independence from government. However, anti-corruption commissions operate in highly conflictual, contentious environments, with governments being hostile when they are found to have engaged in corrupt conduct and embarrassed in the media by negative public reports.

In this context, anti-corruption commissions are susceptible to adverse government actions, including legislative amendments to reduce powers, being merged into other bodies, political pressure for commissioners to resign, interference with appointments processes, and threats to their budget.

Accountability

Anti-corruption commissions are overseen by specialist parliamentary committees specifically set up to scrutinise their actions. Interview participants varied widely in their assessments of the effectiveness of parliamentary committees. Some reported a positive relationship with the

committee, while others stated that the committees were not knowledgeable or skilled enough to interrogate the commission, were focussed on point scoring, or consisted of MPs who lacked interest in integrity issues.

In all Australian jurisdictions, there is an Inspector of the anti-corruption commissions, who assists the parliamentary committees. There are varying views about the effectiveness of Inspector oversight, with some considering their Inspectors to be effective, while others being extremely critical of their Inspector.

Performance Management

Interviewees reported the following internal performance measurement mechanisms:

- Length of time to finalise investigations based on complexity
- Number of people charged with criminal offences and what criminal offences have been identified
- Number and satisfaction levels with educational programmes, and whether educational programmes raised levels of knowledge about corruption
- Number of meetings with senior leadership of agencies
- Regular periodic surveys on perceptions of corruption with the public sector or general public (eg every two or three years)
- Surveys on specific topics of interest to the commission
- Whether recommendations of the anti-corruption commission have been adopted (some commissions publicly publish this data)

Interviewees reported the following external assessment methods:

- Appearances before parliamentary committees
- Periodic legislative review by the parliamentary committee overseeing the commission
- Oversight by the Inspector
- Performance audit of the commission by an external auditor
- Surveys of the public sector and community to assess whether the commission is dealing with issues of concern to the community.

Many interviewees noted the difficulties in trying to quantify the performance of anti-corruption commissions, as the presence or absence of corruption is difficult to measure.

There were various performance issues by commissions reported by interviewees, with major ones being the timeliness of commission investigations and issues regarding leadership of the commission.

Almost all interviewees agreed that anti-corruption commissions had a beneficial impact, particularly compared to the level of corruption in the 1980s, as exhibited in the Fitzgerald Inquiry in Queensland, which revealed widespread political and police corruption at the highest levels. The interview data is anecdotal and measuring corruption over time is a methodological challenge, eg through surveys of public perception of corruption.

Commissioners reported education and prevention functions being a core part of their role in achieving systemic change. In this vein, informal communications with agencies have been beneficial to create a channel of communication for spreading education and awareness to agencies.

Interviewees have highlighted the positive and productive collaborations between integrity agencies within the State, including Ombudsmen and Auditors-General, as well as between the anti-corruption commissions across the federation. These positive relationships have led to information sharing of key learnings across jurisdictions, and collaborative activities within State agencies, including shared education and training sessions.

5. Impact and Implementation

Based upon the findings, the following recommendations are presented for institutional design and practice to enhance the operation and effectiveness of anti-corruption commissions. The recommendations encompass the powers, independence, oversight and effectiveness of the commissions.

Powers

To enable them to effectively perform their legislative functions of exposing and preventing corruption, anti-corruption commissions should have the following legislated powers:

- coercive powers, including telecommunications interception powers
- power to abrogate privileges, including legal professional privilege, privilege against self-incrimination, and parliamentary privilege, combined with ‘use immunity’ preventing evidence from being used in a criminal prosecution
- power for commissions to determine privilege claims
- power to publicly report
- power to conduct public hearings, with reputational damage to be considered before holding a public hearing
- power requiring commissions to comply with procedural fairness

Independence

To enhance the independence of the commission, the following institutional features are desirable:

- Tenure of Commissioners should be a non-renewable seven-year term
- Appointments process for Commissioners involving a bipartisan parliamentary committee with power to either appoint or veto the appointment
- Budget autonomy, with commission performance linked to Parliament or an independent body, rather than the Executive
- Anti-corruption commissions should be established as a standalone agency with institutional independence from other entities

Oversight

Anti-corruption commissions should be subject to both parliamentary committee and inspector oversight.

For parliamentary committees to be effective, the following institutional features are desirable:

- Independent chair of parliamentary committee
- Non-government majority composition of parliamentary committee
- Private hearings between the parliamentary committees and the commission, in addition to public hearings
- Regular periodic review of legislation establishing anti-corruption commissions by parliamentary committees

For Inspectors to be effective, the following institutional features are desirable:

- Legislated mandatory referrals to the Inspector when the anti-corruption commission exercises a coercive power
- Legislated requirement to provide a written report to the Inspector before an anti-corruption commission public hearing
- A memorandum of understanding setting out the principles of engagement between the Inspector and commission

Performance Framework

To enhance the commission's performance, there should be the following institutional features:

- Legislative requirement for Ministers and public sector bodies to respond to the commission's corruption prevention recommendations within a certain timeframe
- Embedded integrity officers within departments and agencies

To encourage best practice to advance the commissions' educational role, the following practices should be adopted:

- Regular meetings between anti-corruption commission staff with all levels of the public sector
- Education and outreach events by the commission with politicians, the public service, and local government

The final report, which can be found [here](#), provides further information elaborating upon these recommendations.

6. Future Research Directions

The rich empirical data from the interviews with Ministers, MPs, anti-corruption commissions and Inspectors will be further analysed towards generating academic journal articles on various aspects of the powers, independence, accountability and effectiveness of anti-corruption commissions.

Future research into anti-corruption commissions could take several directions:

- Comparative mapping across Australia of the design, policy, institutional and regulatory frameworks of anti-corruption commissions towards developing a contextual assessment of how these institutions are operating to understand what is driving success (or otherwise) of institutional design, personnel, or culture.
- Further empirical testing of the function, operation and effectiveness of anti-corruption commissions through public and stakeholder surveys about the perceptions of corruption and evaluation of the effectiveness of anti-corruption commissions across Australian jurisdictions.

It is hoped that this project will lead to a greater clarity about the significant issues facing anti-corruption commissions, and that the recommendations will go towards enhancing their performance and effectiveness within the Australian system of public administration.

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