



## Special Edition: Corruption Downunder Guest Editors' Introduction

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This special issue gathers and enlarges upon papers that were first presented at the interdisciplinary 'Corruption Downunder' symposium held at the University of Auckland in November 2015; most of the papers published here stem from the lively and collegial discussions at the symposium. At that time New Zealand was authoritatively measured (by Transparency International) to be Number 2 'least corrupt' nation in the world; it is now tied at Number 1 with Denmark. What this rank, as measured by Transparency International's Corruption Perceptions Index (CPI), actually counts for is something that we explore in this special issue. On the face of it, it would seem perverse to be focusing on corruption in such a place as New Zealand. With its larger northern neighbour Australia listed at a respectable 11th out of 175 that same year (2014 data), why would a bunch of academics want to engage in serious discussions about the problem of corruption 'downunder'? New Zealand has never been ranked outside of the top four, and has been ranked Number 1 in a total of 12 out of 22 years since the survey began. Australia is generally ranked in the top ten and has never been out of the top 13 least corrupt countries since the survey began.

Yet the CPI and the other widely used benchmark standards, such as the *World Bank Worldwide Governance Indicator*, have been subjected to sustained critique for distorting and manipulating the measurement and understanding of corruption. Before we describe some typically antipodean examples of corruption, we look at how the definitional, conceptual and methodological weaknesses of those measures of corruption distort the perception of developed capitalist nations like Australia and New Zealand.

First, *definitional* critiques of such benchmarks tend to focus on corruption in the public sector to the exclusion of the private sector. Corruption is treated as most serious when it is precipitated by the unnecessary concentration of economic decision-making in the hands of governments. Neo-liberal evangelising against public sector corruption is generally based on the claim that privatisation and competition can purify corrupt state-owned enterprise dominated economies. Moreover, the link between counter-corruption strategies and neo-liberal constitutionalism can be found with a growing frequency in the policies and public statements disseminated by the International Financial Institutions (IFIs) (Brown and Cloke 2004). Because neo-liberal logic projects the market as an ideal-typical space in which efficiency and transparency in transactions can be more easily obtained, corruption can, the argument goes, be eradicated by privileging the 'hidden hand' forces of the market, expressed in the decisions of competing, self-interested

participants. In other words, privatisation and competition, rather than state controls on capital, will produce less corruption. This position is summed up by one of the most prominent corruption experts: 'If the economy is fully competitive, then no corruption can occur' (Rose-Ackerman 1978: 208). There is a certain (if taut) logic to this: if there are less rules, then the rules will be broken less. The idea that the capitalist markets can rid societies of corruption simply by outsourcing, however, is chimera. In capitalist societies, particularly those that follow the organising logic of neo-liberalism, there is an in-built contradiction between law-abiding values and the norms that encourage profiteering and capital accumulation above all other social values; and corruption can be understood as the outcome of this contradiction (Whyte 2007). It is notable in this respect that the New Zealand government itself uses a much wider definition than standard definitions applied by the World Bank or the dominant anti-corruption organisations. Thus, the Department of Justice notes that 'New Zealand criminalises bribery and corruption in both the public and private sectors, challenging traditional conceptions that corruption is purely a public sector issue (New Zealand Government n.d.: 3).

Second, *methodological* critiques tend to focus upon the issue of how the data are gathered. Some have pointed to the general tendency of using a subjective and selective sources of expert opinion (Sampford et al. 2006). Other measures are over-reliant upon data sets, such as those generated in the IFIs that are established with the purpose of capturing the types of corruption that are predominant in developing counties (Andersson and Heywood 2009). There have also been a number of critiques that focus upon bias in the substantive focus of corruption measures (Tax Justice Network 2015; Wedel 2014). One reason that we should be sceptical about New Zealand's and Australia's positions in those charts, then, is that the received wisdom projected by surveys like the CPI is exactly that: received wisdom rather than concrete evidence. The CPI merely measures the *impressions* of a large group of observers and experts around the world that are selected for the survey. In the sense that it is based on *perceptions* of groups of people who are *perceived* to be experts, the CPI can actually be said to be doubly subjective (Whyte 2015).

Third, *conceptual* critiques identify how different types of corruption are conceptualised across different socio-economic contexts. Corruption scholars typically distinguish between collusive corruption (where two parties collude for their common benefit) and extortive corruption (where one party is compelled to make a bribe payment to another) (Hindricks et al. 1999; Klitgaard 1988). It is the former rather than the latter that more accurately describes corruption in strong economies as against weak economies. Yet it is the latter rather than the former that underpins the indicators used to measure the global corruption problem. Extortive corruption is not a major problem in developed countries (though it is probably more widespread than is thought); it is less common, for example, to be asked to bribe a public official in New Zealand and Australia than in some other countries. Collusive corruption which involves more complex interactions between parties who plan to collude for mutual benefit characterises corruption in developed countries. Thus, forms of corruption such as price fixing and tax evasion often involve the collusion of one or more party for mutual benefit. This point is routinely recognised, even in the governments of the countries that benefit from this conceptual distortion. A recent Australian Senate Select Committee noted in May 2016 that:

Corruption in Australia – a very wealthy country by global standards – is not the same as corruption in a poorer country ... the kinds of corruption risk in a rich country are not typically small scale bribes to low level officials, but in corrupt conduct that influences the creation of new laws and awarding of government business. (Australian Senate 2016: 9)

Even in parliamentary bodies such as this, there is growing awareness of the dangers of being pre-occupied with *extortive* corruption—bribery or fraud by public officials—rather than the collusive corruption of the type more likely to be found in the New Zealand and Australian systems. Yet it is the former with which surveys like the CPI are still primarily concerned. Indeed,

some of the most egregious cases that we discuss below do not fit the types of corruption that expert sources typically use to build a picture of corruption in the CPI league tables and other global benchmarks.

By way of example, New Zealand's surveillance authority, the Government Communications Security Bureau (GCSB), had been found in 2013 to have broken the law in spying on the country's own citizens (Schwartz 2013). So legislation was introduced to make such spying lawful in future: the *Government Communications Security Bureau and Related Legislation Amendment Bill 2013*. *The corruption disappears. Not exactly.*

A year later, New Zealand was to experience a national election marked by 'dirty politics' (Hager 2014). This was not mere smearing and falsehood—though there was plenty of that—but involvement of national security agency officials in collaboration with a disreputable—and since convicted—blogger, to discredit opposition politicians. The blogger, who was close to ministers in the conservative government, released and misrepresented this information with the knowledge of the then Prime Minister. Further, the same right-wing blogger had accessed stolen information, hacked from the opposition Labour Party's computers, to be similarly deployed. Without too great an exaggeration, these and similar contemporaneous events have been compared to Watergate (Loewenstein 2014); there were, after all, certainly proven lies and cover-up at the highest governmental level. For his pains in exposing this, prize-winning investigative journalist Nicky Hager was subjected to intimidatory and heavy-handed police raids presumably seeking his journalistic sources and their data, raids that found nothing of interest and that were later judged by a court to have been unlawful (*Nicholas Alfred Hager v Her Majesty's Attorney-General* [2015] NZHC 3268).

In these two cases, no money needed to change hands. It is possible but unlikely that money was involved. The purpose of these types of corruption practices is institutional collusion for a common purpose. And that purpose may also work on an international level. After all, Britain, through its Government Communications Headquarters (GCHQ), and the United States, through its National Security Agency (NSA)—both of which are part of the 'five eyes' intelligence alliance that includes Australia and New Zealand (and Canada)—have acted unlawfully by making unwarranted recordings of telecommunications of their citizens. This is collusive corruption of the highest order. It involves key state agencies secretly conspiring to break the law in ways that compromises the constitutional relationship between state and citizen. Yet this is not a form of corruption that would necessarily pre-occupy or even worry 'expert' informants or indeed feature in analyses of those states' vulnerability to corruption.

The collusive corruption that is found at the heart of the security state has two key features. First, it is directly related to the lack of accountability and public visibility of security intelligence and, second, it is related to the extent of political support enjoyed by such institutions. It is precisely because the same two features are most pronounced in the most dominant sectors of the economy that there is a tendency for collusive corruption to cluster around those dominant sectors. In a country like the United Kingdom, there are, for example, high levels of collusive corruption in the finance sector, weapons manufacturing and trade, and privatised carceral 'services' (Whyte 2015). Applying the same general logic, concentration of this type of corruption might be expected in agricultural and other primary industries in New Zealand and in mining and extractive industries in Australia, as well as (in both countries) property development and, indeed, privatised and state-supported services generally, including health, education and transport. It is to examples from those industries that we now turn in order to understand how corruption has become an issue of acute public concern in Australia and New Zealand.

The first part of our discussion focuses on the agriculture industry. In New Zealand, the 'flying sheep scandal' in 2015 saw '[c]laims of corruption, bribery and lies ... made about the Government's unorthodox scheme of flying live sheep to Saudi Arabia' (Edwards 2015). The flying

sheep were part of a NZ\$11.5 million package (Kirk and Vance 2015) granted to a Saudi businessman, Hmood Al Khalaf—with close connections to that country's royal family—to allay his disappointment at loss of profits attendant on New Zealand's live sheep export ban. The Labour Government had prohibited such livestock exports to Saudi Arabia in 2004, after that country had rejected the unloading of an entire shipment of 57,000 sheep purchased in Australia by Al Khalaf, with more than 5,000 sheep subsequently dying of heat exhaustion. Al Khalaf suffered a setback to his business through the ban: he had exported some five million live sheep for slaughter in the Middle East between 1989 and 2003; had invested NZ\$20 million in a sheep breeding program in New Zealand; and owned three sheep farms there (Gulliver 2015). The Saudi businessman had reportedly been given to understand that the National Party Government would reverse the ban after its election in 2008 (Gulliver 2015). When this did not happen, he used his influence with the Saudi royals to have a free trade agreement with New Zealand shelved in addition to threatening to sue the New Zealand government for up to NZ\$30 million compensation. The innovative deal to recompense Al Khalaf and avoid these threatened consequences included New Zealand government funding of NZ\$6 million towards development of his improbable 'agribusiness hub' where sheep would be bred in air-conditioned sheds in the middle of the Saudi desert, slaughtered and processed for consumption there, a NZ\$4 million 'settlement', plus NZ\$1.5 million to fly 900 pregnant ewes across from New Zealand. These 'less than transparent or robust processes' (Edwards 2015), critics have pointed out, would be criminal if they benefited a public official rather than a wealthy entrepreneur with influence over public officials. Sure enough, the Auditor-General's eventual inquiry (Provost 2016) found no corruption in terms of the New Zealand *Crimes Act 1961*, though she did find 'significant shortcomings'.

A further instance of corruption that exposed the agricultural industry was the 'Fonterra scandal' in New Zealand in 2013. In this case, bacteria-infected milk products had been sold in huge quantities to China by New Zealand's multinational dairy cooperative, Fonterra, which controls over 90 per cent of the dairy industry in that country and is the world's biggest dairy exporter. There were months of delay between the first detection of the bacteria and the notification and eventual product recall. The company was fined NZ\$300,000 (in an NZ\$11 billion a year export industry) for its safety infringements (Kirk and Kloeten, 2014). Naturally, there were accusations of cover-up, just as there had been in January of the same year when government officials as well as the company were implicated in the failure to disclose the discovery of chemical residues in milk products (Fox 2013). Fonterra was already 'a bit tainted' by its failure to 'blow the whistle' on its Chinese partner company SanLu (in which it held a 43 per cent stake) in 2008, during the Chinese melamine poisoning disaster in which six or more infants died and thousands were caused severe kidney damage (Fox 2013). In 2014, when New Zealand milk exporter Oravida was experiencing difficulties getting its product into China after the Fonterra scandal, the country's Justice Minister, Judith Collins, who is married to a director of Oravida, diverted from her official business during a visit to China on completely different (justice-related) matters, to make public-relations endorsements of Oravida products (Vance and Fox 2014), and had a dinner meeting with a senior Chinese border official, along with Oravida's managing director (*New Zealand Herald* 2014). Oravida has donated some NZ\$65,000 to the ruling National Party, for which Collins was a government minister (Vance and Fox 2014). Collins had been deeply implicated in the 'dirty politics' affair mentioned above, and the cumulation of these and other improprieties led to her eventual resignation, and the official withdrawal from her of the title, 'Honourable'.

The stripping of honours is not exclusive to the east side of the Tasman Sea. In 2014, two former New South Wales (NSW) Government ministers, Joe Tripodi and Eddie Obeid, were divested of their titles. The NSW Independent Commission against Corruption (ICAC) had made findings against them of corruption in public office. Both had been renowned right-wing 'numbers men' of the Australian Labor Party in that state, and both had been 'bagmen', demonstrating paradigmatically the connections between political donations (open and clandestine), effective bribery, and 'influence peddling' (McClymont and Besser 2014). Obeid, currently serving a gaol

sentence for this offence, and Tripodi were, in 2017, again found corrupt by the ICAC, together with Tony Kelly, another former minister of the NSW Labor Government, through use of their ministerial positions in the awarding of a lucrative government contract. Former NSW Labor Party Minister for Primary Industries and Mineral Resources, Ian Macdonald (another prodigious receiver of political donations and purveyor of influence) is, like Eddie Obeid, in gaol for misconduct in public office, after investigations by ICAC. Macdonald had contrived to award in 2008 a coal mining licence to his friend, erstwhile mining union leader John Maitland, for tens of millions of dollars below its market value. Maitland was also gaoled in 2017 as an accessory to this crime (*ABC News* 2017). Eddie Obeid, his son Moses and Ian Macdonald are, meanwhile, awaiting trial for conspiracy to commit misconduct in public office over the award of a AU\$30 million coal mining lease that the Obeid family had secretly secured for their cannily acquired rural property (McClymont 2017), the subject of an ICAC corruption finding in 2013. Coal, Australia's second largest export industry after iron ore and its concentrates, is valued at some AU\$42 billion per annum (2016 figures).

Yet the corrupt personal aggrandisement of the Obeids and their ilk is relatively small beer and, in some ways, its official prosecution is a distraction from the main game of endemic corruption under neo-liberal capitalism. By comparison, the gargantuan Indian-owned multinational corporation, Adani, has Queensland state government support for its AU\$16.5 billion Carmichael coal mine—said to be the world's largest export coal mine (*Four Corners* 2017)—planned for the environmentally sensitive Galilee basin in that state, with a 388 km railway link and a dedicated port adjacent to the Great Barrier Reef World Heritage Area. Approval from the state's Coordinator-General was granted in 2014 and the railway development stage of the project was reported, in October 2017, as due to 'break ground' within days (McCarthy 2017). The Australian federal government is enthusiastic about the project and has shortlisted it for a AU\$1 billion loan from its Northern Australia Infrastructure Facility to finance the rail link, without which the project is not viable. In a further subsidy, the Queensland Government has granted the mine unlimited access over a 60-year period to groundwater, drawing from the artesian basin over an area of thousands of square miles, inevitably degrading farmland where water is scarce (*Four Corners* 2017). In India, Adani has an egregious record of environmental harms, including infringements of its licence conditions and flagrant breaches of regulations, its coal port at Vasco in Goa being but one instance. The company wields formidable power as a giant of the Indian economy, with investments in mining, power stations, real estate and agribusiness as well as numerous ports on both west and east coasts of India. It has been 'dogged by allegations ... of money laundering and bribery' in addition to environmental devastation (*Four Corners* 2017). In 2010, the Adani Group illegally mined and exported almost 8 million tonnes of iron ore from its port adjacent to the small fishing village of Bekeleri in Karnataka; Stephen Long quotes an ombudsman's report deeming this a 'mafia-type operation' (*Four Corners* 2017). The Ombudsman from Karnataka details, from documents seized from Adani, some half a million dollars of bribes (in Australian currency terms) between 2004 and 2008 alone, made by Adani to port authorities, customs officials, police, mines and geology officials and, indeed, members of parliament (*Four Corners* 2017).

Adani is also suspected by the Directorate of Revenue Intelligence of 'trade-based money laundering' for which it has been issued a number of show cause notices. It uses shell companies and tax havens 'to firstly cheat the Indian tax authorities ... And secondly, cheat the shareholders of their own companies' through over-invoicing, according to public interest litigator, Prashant Bhushan, who is prosecuting a High Court case against the Adani Group. Bhushan points out that these are crimes under the Indian penal code and have gone unpunished apparently because of political protection (*Four Corners* 2017). What, then, might be expected of Adani's future activities in Australia? With an opaque ownership structure connected via Singapore to the tax haven Cayman Islands, the Adani coal port on the Queensland coast is set up to transfer funds either to the Cayman Islands, or to the British Virgin Islands, using railway trusts and the (likely Australian government-subsidised) rail corridor as pipelines (*Four Corners* 2017). Adani companies have

form for precisely this sort of manoeuvre in India. In 2014 they used fake mark-ups via middle companies in the Emirates and transfer pricing to rake off a billion dollars to their tax haven in Mauritius (*Four Corners* 2017).

Tax evasion is widespread in both Australia and New Zealand. In April 2016, publication of the 'Panama papers', 11.5 million files from the Panama-based law firm Mossack Fonseca, drew attention to money-laundering and tax evasion at the highest level, on a scale hitherto hidden, using foreign-based shell companies. Some 1,000 Australians were identified in the Panama files, involving over AU\$2.5 billion of offshore funds, according to federal finance and justice ministers (Karp 2016). The Australian state established a Serious Financial Crimes Taskforce in May 2015, which, 16 months later, had recouped over AU\$130 million. Yet, according to recent research by Oxfam Australia, 'tax-dodging practices by multinationals deprived the nation's public coffers of as much as [AU]\$6bn in 2014 alone', while 'one in three large companies reported on by the ATO [Australian Tax Office] paid no tax in that financial year' (Szoke, cited in Karp 2016). According to Shadow Assistant Treasurer, Andrew Leigh (cited in Karp 2016), 'most Australian tax avoidance is done within current laws via tax loopholes the government prefers to ignore, not evaded illegally by criminal syndicates...'. Numerous Australian companies, for example, including the 'millionaire factory' Macquarie Bank, use corporate arrangements in Malta (from where the Panama scandal emanated) to minimise their tax obligations (Chenoweth 2016).

The Panama papers also revealed the extent to which New Zealand itself serves as a tax haven. At the time of their publication, foreign profits for the beneficiaries of New Zealand's overseas trusts were lawfully kept tax-free and hidden. This enabled more than 12,000 offshore trusts to pay no tax to New Zealand on their overseas profits; neither their beneficiaries were registered, nor their accounts vested with any public office (Chenoweth 2016). New Zealand trusts were used by Mossack Fonseca to hide funds from Panama companies set up for the Chief of Staff to Malta's Prime Minister and for its energy minister. Mossack Fonseca used for tax avoidance, via both Malta and New Zealand, its links to small Pacific Island Economies such as Samoa, which has close relations with New Zealand. In 1996, the Panama law firm obtained the exclusive right for twenty years to operate offshore companies in the island of Niue (population 1,190) and even drafted the Niue legislation to allow this (Chenoweth 2016).

If this appears to be a distinctly neo-colonial form of corruption, in an antipodean context, 'domestic' forms of corruption undoubtedly have their origins in the form that colonisation adopted. While land allocation to those favoured by crown officials—and to the officials themselves and their families—is a common feature of white 'settler' colonialism, the renovated corruption inherent in contemporary land development and associated zoning and (lack of) regulation is a key feature of neoliberalism. Jane Kelsey (2015) shows corruption related to property development to be intertwined with financialisation and actuarialisation, with all of their criminogenic tendencies. In NSW alone, no less than ten Liberal party members of parliament were forced to resign as a result of an ICAC anti-corruption operations over the 2011 state election campaign, with most of these instances involving political donations, notably from property developers but also a privatised utilities (water) provider (Chen 2014; Harris 2014). Having privatised the generation and transmission of electricity, the state's ports, and AU\$500 million of public housing and home care for the aged and disabled, the Baird (Liberal) government of NSW went on to privatise the State's Land Titles Office, which generates some AU\$60 million per annum of revenue. As Australian Greens spokesman David Shoebridge notes, 'It puts a corruption risk at the heart of land titles in NSW' (Secombe 2016).

If the preceding examples are selective, they do provide evidence that corruption cuts across key aspects of public and private sectors in both Australia and New Zealand. Indeed, each of the contributions to this special issue show that the New Zealand and Australia brand of corruption arises from practices that have become normal in business and politics in many developed, as well as developing, countries. The first article that adopts this theme is from [Scott MacWilliam](#)

and [Michael Rafferty](#), who explore via the cases of sub-Saharan Africa and the former Soviet Union two major themes in theories of the relationship between corruption and development. These are, firstly, that corruption hinders development and the sharing of its benefits, which regularly leads to the corollary that eradicating corruption would deliver more development and fairer shares of its fruits between and within countries. Secondly, corruption is attendant on earlier stages development, which often leads to the sanguine conclusion that it will be surpassed: more development will produce less corruption. MacWilliam and Rafferty suggest that corruption is, rather, inherent to capitalism. Primitive accumulation is not confined to the arriving phases of capitalism; it is not all that 'primitive. It stays with us and is continually reinvented anew. Neoliberalism introduces new opportunities and new forms in which capitalist exploitation is intensified and extended.

[Kristian Lasslett](#)'s contribution closely analyses corruption in the example of real estate development in a developing country context: that of Papua New Guinea. The state-corporate crime involved is transnational and neo-colonial, and Australian-based capital is implicated. Local politics and culture are important factors but Lasslett demonstrates how deeper and more thoroughgoing empirical study reveals broader and more underlying criminogenic tendencies. Lasslett sets out methodological innovations for investigating such corruption robustly and profoundly, and these will have wide applicability within critical criminological and political-economic study.

The third article, by [Rob White](#), also deploys the concept of state-corporate crime, here in relation to the exploitation of natural resources and the associated harms. Its empirical focus is on these processes in Australia: from forestry and pulp mills in Tasmania; to mining and mineral loading ports in Queensland; and to petroleum exploration and extraction in the Timor gap. As well as 'direct corruption' involving breaches of the law, we must consider the 'moral corruption' in 'undermining of trust and respect for established governmental processes and institutional practices, as guided by democratic oversight' (White 2017: 56). It is these processes of oversight and regulation that are designed to mitigate harm arising from production processes, and it is precisely these that neoliberalism drives to roll back. A key ideological weapon in this struggle identified by White is this notion of security, and that environmental wellbeing must be subordinated to national security over natural 'resources'. Lack of transparency is institutionalised, as are anti-democratic processes.

[Steve Matthewman](#) also considers the aspects of neoliberalism that encourage corruption, this time in relation to the built environment in New Zealand, which has the most unaffordable housing in the world (*The Economist* 2017). He gives the political-economic background of deregulation and the housing crisis in New Zealand, and demonstrates their disastrous consequences in the housing construction industry: notably in the epidemic 'leaky building' problem. In common with a numbers of authors in this issue, Matthewman endorses Beetham's (2015: 41) advocacy of a broader definition of corruption as 'the distortion and subversion of the public realm in the service of private interests'. There is a telling metaphor here: distortion and subversion of the public good can underlie an apparently easy-going liberalism, just as rotten timbers can be hidden behind superficially attractive cladding. We need to look below the exterior, just as we do with conceptions of corruption.

Neoliberal regimes ideologically urge the state to keep out of the way of business, though they are not averse to receiving state loans (as in Adani's case), infrastructure, resources and public procurement. [Paddy Rawlinson](#)'s piece deals with corruption (again broadly defined) involving transnational pharmaceutical corporations, which have proven to be notoriously corrupt when abetted by deregulation. Yet, in the case of their marketing of vaccines, these same corporations benefit from the illiberal intervention of the state, through its mandating the consumption by its citizens. State purchases and subsidies are, of course, substantial as well. In the state-corporate joint enterprise of compelling citizens (including and especially children) to be inoculated with

particular products, we see not only the familiar forms of corruption in bribery (or 'gifts' or funding or political donations) to professionals and officials and researchers and political parties and representatives, of fraudulent claims and falsifications, and of 'revolving doors' between public office and private enterprise, but also the corruption of science itself in the interests of profits (nothing new here) and unlawful breaches of human rights in those same interests. The right to prior, free and informed consent, *based on adequate information*, to 'any preventative, diagnostic and therapeutic medical intervention' is, Rawlinson (2017: 89) points out, safeguarded under international instruments such as the Universal Declaration on Bioethics and Human Rights. Suppression of medical/scientific dissent, public challenge and even open debate is made by the state in the interests of 'Big Pharma' in respect of vaccination; knowledge cannot but be corrupted under such a regime. Here we see another instance of what Rob White (2017: 66) problematised as the 'democratic deficit' in the purported interests of a form of national security identified with the nation.

Finally, [Greg Martin](#)'s article also deals with the erosion of civil liberties in the interests of national security – in this case in the context of Australia's prosecution of the 'war on terror'. Martin's socio-legal analysis shows how democratic principles and, indeed, the rule of law are ever more sacrificed to the expediencies of counter-terrorism. Secrecy provisions—and, in fact, unlawful cover-ups often facilitated by these—are central to this process. Asylum seekers and even motorcycle associations alike are shown in this article to be subjected to regimes that, through their secrecy, corrupt democracy and lawful governance.

Given this evidence, we cannot accept that Transparency International's assessment of the New Zealand and Australian corruption problem is accurate. Yet, if we accept as true that the forms of corruption that we find in New Zealand and Australia are not visible at every point in the system—we are certainly not at the point where police officers and public officials openly demand bribes and neither are we at the point where regulatory enforcement is routinely undermined by bribes—then the much bigger challenge for these countries, as we have seen, is the cosy relationship that exists between public officials and business generally, rather than relationships that are tainted by bribes. A caveat is necessary here, however. There is overwhelming evidence that these close relationships that influence public policy—ranging from access to ministers and public officials, to their favourable attention to the interests of particular industries or corporations and even their enthusiastic promotion of these—are enhanced by donations to political parties. These may not strictly be bribery, nor unlawful—though they sometimes involve both aspects—but they do involve harmful prioritising of private and partisan material benefit over public interest and common weal.

A number of commentators including David Beetham (2015) and Nicholas Shaxson (2016) are now proposing that, if we understand corruption more broadly as a set of relationships and practices that systematically undermine the public interest, then we can begin to understand the phenomenon as one that is embedded in the developed world. Christensen, Shaxson and Baker (2008) argues that: '[c]orruption involves abusing the public interest and undermining public confidence in the integrity of rules, systems and institutions that promote the public interest'.

This is a definition that would capture all of the examples covered in the special issue. And as the articles in this issue will show, the challenge of measuring and understanding 'corruption downunder' is found in the *collusive* ways that a range of institutions have been permitted and encouraged to undermine the public interest in the countries here examined, especially in the neoliberal period.



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**References**

- ABC News (2017) Ian Macdonald found guilty of misconduct in public office, John Maitland guilty as accessory. Australian Broadcasting Corporation, 30 March. Available at <http://www.abc.net.au/news/2017-03-30/ian-macdonald-found-guilty-of-misconduct-in-public-office/8392458> (accessed 24 October 2017).
- Andersson S and Heywood P (2009) The politics of perception: Use and abuse of Transparency International's approach to measuring corruption. *Political Studies* 57(4). DOI: 10.1111/j.1467-9248.2008.00758.x.
- Australian Senate (2016) *Senate Select Committee on the Establishment of a National Integrity Commission, Interim Report*. Canberra, Australian Capital Territory: Commonwealth of Australia. Available at [https://www.aph.gov.au/Parliamentary\\_Business/Committees/Senate/Establishment\\_of\\_a\\_National\\_Integrity\\_Commission/NIC/Interim\\_Report](https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Establishment_of_a_National_Integrity_Commission/NIC/Interim_Report) (accessed 30 October 2017).
- Beetham D (2015) Moving beyond a narrow definition of corruption. In Whyte D (ed.) *How Corrupt is Britain?:* 41-46. London: Pluto Press.
- Brown E and Cloke J (2004) Neoliberal reform, governance and corruption in the south: Assessing the international anti-corruption crusade. *Antipode* 36(2): 272-294. DOI: 10.1111/j.1467-8330.2004.00406.x.
- Chen PJ (2014) A growing body count by ICAC hasn't hurt the NSW Liberals – yet. *The Conversation*, 18 August. Available at <https://theconversation.com/a-growing-body-count-by-icac-hasnt-hurt-the-nsw-liberals-yet-30560> (accessed 19 May 2017).
- Chenoweth N (2016) New Zealand, Malta – the quiet offshore achievers, *Australian Financial Review*, 4 April: 7.
- Christensen J, Shaxson N and Baker R (2008) Catching up with corruption. *The American Interest* 4(1). Available at <https://www.the-american-interest.com/2008/09/01/catching-up-with-corruption/> (accessed 6 November 2017).
- Edwards B (2015) Political roundup: Bizarre 'bribery' and flying sheep scandal. *New Zealand Herald*, 28 May. Available at

- [http://www.nzherald.co.nz/nz/news/article.cfm?c\\_id=1&objectid=11456201](http://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=11456201) (accessed 24 October 2017).
- Four Corners (2017) Digging into Adani. Australian Broadcasting Corporation, 2 October. Reporter: Stephen Long. Available at <http://www.abc.net.au/4corners/digging-into-adani/9008500> (accessed 24 October 2017).
- Fox A (2013) Fonterra, govt accused of DCD cover-up. *Stuff*, 31 January. Available at <http://www.stuff.co.nz/business/farming/8246562/Fonterra-govt-accused-of-DCD-cover-up> (accessed 12 October 2017).
- Gulliver A (2015) What you need to know about the Government's deal with the Saudi businessman. *Stuff*, 28 May. Available at <http://www.stuff.co.nz/business/farming/68929838/What-you-need-to-know-about-the-Governments-deal-with-the-Saudi-businessman> (accessed 24 October 2017).
- Hager N (2014) *Dirty Politics: How Attack Politics is Poisoning New Zealand's Political Environment*. Nelson, New Zealand: Craig Potton Publishing.
- Harris M (2014) ICAC: Strike – 10th Liberal MP skittled at inquiry. *Newcastle Herald*, 14 August. Available at <http://www.theherald.com.au/story/2489538/icac-strike-10th-liberal-mp-skittled-at-inquiry/> (accessed 19 May 2017).
- Hindricks J, Keen M and Muthoo A (1999) Corruption, extortion and evasion. *Journal of Public Economics* 74(3): 395-430. DOI: 10.1016/S0047-2727(99)00030-4.
- Karp P (2016) Coalition says Panama Papers sparked action against more than 100 Australian taxpayers. *Guardian*, 6 September. Available at <https://www.theguardian.com/australia-news/2016/sep/06/coalition-says-panama-papers-sparked> (accessed 25 October 2017).
- Kelsey J (2015) *The FIRE Economy: New Zealand's Reckoning*. Wellington, New Zealand: Bridget Williams Books with the New Zealand Law Society.
- Kirk S and Kloeten N (2014) Fonterra profit focus damaging, botulism report. *Stuff*, 9 December. Available at <http://www.stuff.co.nz/business/farming/dairy/63963657/fonterra-profit-focus-damaging-botulism-report> (accessed 12 October 2017).
- Kirk S and Vance A (2015) Auditor-General had doubts Saudi sheep deal was legal. *Stuff*, 4 August. Available at <http://www.stuff.co.nz/business/farming/70827429/auditorgeneral-had-doubts-saudi-sheep-deal-was-legal> (accessed 24 October 2017).
- Klitgaard R (1988) *Controlling Corruption*. Berkeley, California: University of California Press.
- Loewenstein A (2014) Dirty politics: New Zealand's own house of cards is collapsing. *The Guardian*, 25 August. Available at <https://www.theguardian.com/commentisfree/2014/aug/25/dirty-politics-new-zealands-own-house-of-cards-is-collapsing> (accessed 11 October 2017).
- McCarthy J (2017) Work on Adani Carmichael mine to begin in days. *Courier-Mail*, 14 October. Available at <http://www.couriermail.com.au/business/work-on-adani-carmichael-mine-to-begin-in-days/news-story/9d147995ae7b5895a30e2f843a64bfce> (accessed 24 October 2017).
- McClymont K (2017) Moses and Eddie Obeid waive right to committal hearing at last minute. *Sydney Morning Herald*, 29 May. Available at <http://www.smh.com.au/nsw/moses-and-eddie-obeid-waive-right-to-committalhearing-at-last-minute-20170528-gwf50d.html> (accessed 24 October 2017).
- McClymont K and Besser L (2014) *He Who Must Be Obeid: The Untold Story*. Sydney, New South Wales: Vintage Books.
- New Zealand Government (n.d.) *Saying No to Bribery and Corruption – A Guide for New Zealand Businesses*. Wellington, New Zealand: Department of Justice. Available at <https://www.justice.govt.nz/assets/Documents/Publications/Ministry-of-Justice-Anti-Corruption-Guide.pdf> (accessed 29 October 2017).

- New Zealand Herald* (2014) Collins dinner great for Orivida – exporter. *New Zealand Herald*, 14 March. Available at [http://www.nzherald.co.nz/business/news/article.cfm?c\\_id=3&objectid=11219680](http://www.nzherald.co.nz/business/news/article.cfm?c_id=3&objectid=11219680) (accessed 12 October 2017).
- Provost L (2016) *Attorney-General's Overview: Inquiry into the Saudi Arabia Food Security Partnership*. Wellington, New Zealand: Controller and Auditor-General. Available at <https://www.oag.govt.nz/2016/food-security> (accessed 24 October 2017).
- Rawlinson P (2017) Immunity and impunity: Corruption in the state-pharma nexus. *International Journal for Crime, Justice and Social Democracy* 6(4): 86-99. DOI: 10.5204/ijcjsd.v6i4.447.
- Rose-Ackerman S (1978) *Corruption: A Study in Political Economy*. Cambridge, England: Academic Press.
- Sampford C, Shacklock A, Connors C and Galtung F (eds) (2006) *Measuring Corruption*. London: Routledge.
- Schwartz D (2013) Spy scandal close to home. *Correspondents Report*, 4 August. ABC Radio. Available at <http://www.abc.net.au/correspondents/content/2013/s3817523.htm> (accessed 12 October 2017).
- Secombe M (2016) NSW Premier Mike Baird's flaws beginning to show. *The Saturday Paper*, 11 June. Available at <https://www.thesaturdaypaper.com.au/news/politics/2016/06/11/nsw-premier-mike-bairds-flaws-beginning-show/14655672003359> (accessed 14 April 2017).
- Shaxson N (2016) The Panama Papers must make us re-think corruption. *Tax Justice Focus* 11(1): 6-8.
- Tax Justice Network (2015) *Financial Secrecy Index*. Chesham, Buckinghamshire: Tax Justice Network. Available at <http://www.financialsecrecyindex.com/> (accessed 26 April 2016),
- The Economist* (2107) Daily chart: Global house prices. Available at <https://www.economist.com/blogs/graphicdetail/2017/03/daily-chart-6> (accessed 4 Nov 2017).
- Transparency International (2017) *Corruption Perceptions Index 2016*. Available at [https://www.transparency.org/news/feature/corruption\\_perceptions\\_index\\_2016#table](https://www.transparency.org/news/feature/corruption_perceptions_index_2016#table) (accessed 1 November 2017).
- Vance A and Fox M (2014) Judith Collins 'regrets' Oravida interactions. *Stuff*, 6 May. Available at <http://www.stuff.co.nz/national/politics/10013696/Judith-Collins-regrets-Oravida-interactions> (accessed 12 October 2017).
- Wedel J (2014) *Unaccountable: How Elite Power Brokers Corrupt our Finances, Freedom, and Security*. Cambridge, England: Pegasus.
- White R (2017) Corruption and the securitisation of nature. *International Journal for Crime, Justice and Social Democracy* 6(4): 55-70. DOI: 10.5204/ijcjsd.v6i4.449.
- Whyte D (2007) Hire an American! Economic tyranny and corruption in Iraq. *Social Justice* 34(2): 153-168.
- Whyte D (ed.) (2015) *How Corrupt is Britain?* London: Pluto.

### **Cases cited**

*Nicholas Alfred Hager v Her Majesty's Attorney-General* [2015] NZHC 3268.

### **Legislative material cited**

*Crimes Act 1961* (New Zealand)