

Our ref 2017/001835

Your ref COMM2017/00016.1

20 September 2017

Ms Ngaree Ah Kit MLA
Chair
Social Policy Scrutiny Committee
Legislative Assembly of the Northern Territory
GPO Box 3721
DARWIN NT 0801

Dear Ms Ah Kit

Independent Commissioner Against Corruption Bill

Thank you for your letter of 31 August 2017 inviting the Commission to make a submission on this Bill.

I do not have the resources available to address the detail of the Bill which your committee is considering. Instead I will provide some brief comment on the way in which Tasmania has addressed the issues which it raises.

The integrity system which operates in Tasmania has a different emphasis from those in mainland Australian jurisdictions. The reasoning is perhaps best explained in the Parliamentary Committee report that gave rise to the *Integrity Commission Act 2009* (Tas) (the Act).¹ It reflected the nature of the issues in Tasmania at the time, and emphasised:

- the development of standards and codes of conduct
- prevention, education and research
- the triage and referral of complaints, with the conduct of an investigation being comparatively limited.

¹ Parliament of Tasmania, Final Report of the Joint Select Committee on Ethical Conduct, No. 24 of 2009, *Public office is public trust*, available at http://www.integrity.tas.gov.au/data/assets/pdf_file/0020/189110/Public_Office_is_Public_Trust_report.pdf, retrieved on 20 September 2017.

This emphasis is continued in the object and objectives set out in s.3 of the Act, which provides as follows:

- (1) The object of this Act is to promote and enhance standards of ethical conduct by public officers by the establishment of an Integrity Commission.
- (2) The objectives of the Integrity Commission are to—
 - (a) improve the standard of conduct, propriety and ethics in public authorities in Tasmania; and
 - (b) enhance public confidence that misconduct by public officers will be appropriately investigated and dealt with; and
 - (c) enhance the quality of, and commitment to, ethical conduct by adopting a strong, educative, preventative and advisory role.
- (3) The Integrity Commission will endeavour to achieve these objectives by —
 - (a) educating public officers and the public about integrity; and
 - (b) assisting public authorities deal with misconduct; and
 - (c) dealing with allegations of serious misconduct or misconduct by designated public officers; and
 - (d) making findings and recommendations in relation to its investigations and inquiries.

The integrity system in Tasmania has been reviewed by the Tasmanian Parliament's Joint Standing Committee on Integrity in its three year review,² and by the Hon William Cox AC RFD ED QC in the five year review of the Act.³ Whilst those reviews recommended some operational and procedural changes to the work of the Integrity Commission, the basic character of the integrity system as outlined above was endorsed.

This is necessarily a very brief outline of one approach to the issues arising from the Bill in which your Committee is interested. However, I would be happy to provide further information if that would assist.

Yours sincerely



Richard Bingham

CHIEF EXECUTIVE OFFICER

² Parliament of Tasmania, joint Standing Committee on Integrity, No. 15 of 2015, *Three year review – Final report*, available at <http://www.parliament.tas.gov.au/ctee/Joint/Reports/Final%20Report%203%20Year%20Review%20-%20Tabled%20version.pdf>, retrieved on 20 September 2017.

³ Independent Review of the Integrity Commission Act 2009, *Report of the Independent Reviewer*, available at http://www.integrityactreview.tas.gov.au/_data/assets/pdf_file/0006/347649/Report_of_the_Independent_Review_of_the_Integrity_Commission_Act_2009_-_May_20162.PDF, retrieved on 20 September 2017.