

22 September 2017

Secretary
Social Policy Scrutiny Committee
GPO Box 3721
DARWIN NT 0801

By email: SPSC@nt.gov.au

Dear Secretary

Re: Call for Submissions – Independent Commissioner Against Corruption Bill

Thank you for the invitation to provide input into the Committee's deliberations on this important legislation.

We first confirm our general support for the establishment of a broad-based independent body that has appropriate jurisdiction, powers and resourcing to deal with issues relating to corrupt conduct, including strong whistleblower protections.

We have each had considerable opportunity to contribute to the development of draft legislation and so do not propose to provide detailed submissions.

We simply raise for consideration of the Committee, four key principles that we believe should underpin the Committee's deliberations.

Flexibility - The key focus of the Commissioner must be to deal with serious allegations and instances of corruption. It is important that the Commissioner not be distracted by minor matters and 'tit for tat' allegations. The Commissioner should therefore have the widest reasonable discretion to decline to investigate matters and to refer matters to other appropriate bodies.

Access to information – It is essential that the Commissioner be able to access as much information as possible to carry out the role effectively. Limits on access to information should therefore be kept to a minimum. This is of particular relevance when considering access to records that would normally be protected by privilege or established conventions, for example, Cabinet and Executive Council documents. Privileges and conventions can be safeguarded by limiting public disclosure to information which the Commissioner considers essential for reporting purposes.

Reporting – It is important that the Commissioner have as broad a discretion as possible to report to Parliament on matters which he or she considers merit disclosure in the public interest. Again, this imperative should apply even in the face of existing privileges and conventions, if it is in the public interest to report that information.

Protections - Individuals must have confidence that the system will protect them if they provide information about corruption in public bodies or if they assist the Commissioner with his or her investigations.

Peter Shoyer
Ombudsman

Craig Allen
Commissioner for Public
Employment

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Interest Disclosures