



LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

SELECT COMMITTEE ON AN INDEPENDENT
INTEGRITY COMMISSION 2018

Mr Shane Rattenbury MLA (Chair), Ms Elizabeth Lee MLA (Deputy Chair)
Ms Bec Cody MLA, Mrs Vicki Dunne MLA, Mr Chris Steel MLA

Submission Cover Sheet

Inquiry into an Independent Integrity Commission 2018

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ACT
Government

ACT Public Sector
Standards Commissioner

Mr Shane Rattenbury MLA
Chair
Select Committee on Independent Integrity Commission 2018
ACT Legislative Assembly
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Submission –

Select Committee on an Independent Integrity Commission 2018

Dear Chair

I am writing to you following your letter of 26 July 2018 inviting me to provide a submission to the Select Committee on an Independent Integrity Commission.

I have reviewed with interest the Anti-corruption and Integrity Commission Bill 2018 presented to the Legislative Assembly by Mr Coe and the Integrity Commission Bill 2018 Exposure Draft tabled by the Chief Minister.

My office supports the maintenance of high standards of conduct by ACT public sector officials through the oversight of the misconduct processes under Enterprise Agreements or the PSM Act. I understand that the Integrity Commission will focus on investigating matters that are considered serious corrupt conduct or systemic corrupt conduct, and less serious matters will continue to be investigated by other entities, such as my office. I note that both legislative proposals anticipate the Integrity Commission working co-operatively with my office, and both have provisions for entering into an arrangement or memorandum of understanding to facilitate this requirement. As the functions of my office and the Integrity Commission will regularly intersect, these are important provisions which will help to ensure that public sector employees and members of the community have a clear understanding of our roles.

I would particularly welcome the opportunity to work with the Integrity Commissioner on the operational implications and implementation of any mandatory reporting requirements for Directors-General (or equivalents) within the public sector that relates to my current legislative responsibilities under the PSM Act and the PID Act.

It is noted that one of the proposed roles of the Integrity Commissioner is to educate public officials about the exposure of corrupt conduct with a focus on preventing corruption within the ACT public administration. My office would be pleased to work constructively and collaboratively with the Integrity Commissioner on educating public sector entities and officials on integrity matters and investigations under the *Public Sector*

Management Act 1994 (PSM Act) and public interest disclosures under the Public Interest Disclosure Act 2012 (PID Act).

Under the PID Act, my functions include the provision of advice, monitoring public interest disclosures, reviewing investigations, ensuring appropriate outcomes and co-ordinating related education and training programs. Section 25 of the PID Act, provides that investigating entities must keep me informed about all disclosures.

It is acknowledged that it is the Government's intention in the Integrity Commission Bill 2018 for the Integrity Commissioner to be a public interest disclosure officer. There are merits in this suggestion as the Integrity Commission will be a primary integrity agency and should have similar powers under the PID Act to those of the Ombudsman and Auditor-General. This amendment will ensure a consistent and co-ordinated approach in how we deal with public interest whistleblowing. I would welcome the opportunity to establish some protocols with the Ombudsman, Auditor-General and Integrity Commissioner on how we can work together to meet the legislative responsibilities in the management of public interest disclosures.

I understand that the Select Committee has recommended an independent statutory review of the PID Act, and this has been supported by the Government. I also note that the Opposition has proposed amendments to the PID Act to provide for a review before 1 July 2020, and every 5th year of its operation. Such a review would be timely, and allow consideration of the intersection between the PID Act and Integrity Commission legislation in practice. I would be happy to participate in such a review.

In my role, I am committed to supporting a positive workplace culture in the ACT public sector and reinforcing the professional standards that the ACT Government, the Legislative Assembly, and the community rightfully expect. Consistent with this approach, my office will work with the Integrity Commission, when established, to further these objectives and those of the Commission to prevent corruption within the ACT public administration.

Yours sincerely

A solid black rectangular box redacting the signature of Ian McPhee.

Ian McPhee AO PSM
ACT Public Sector Standards Commissioner

31 August 2018