



Legislative Assembly for the Australian Capital Territory

Standing Committee on Justice and
Community Safety

Inquiry into the Integrity Commission's confidential report into Operation Kite

Legislative Assembly for the Australian Capital Territory
Standing Committee on Justice and Community Safety

Approved for publication

Report 31
10th Assembly
September 2024

About the committee

Establishing resolution

The Assembly established the Standing Committee on Justice and Community Safety on 2 December 2020.

The Committee is responsible for the following areas:

- ACT Electoral Commission
- ACT Integrity Commission
- Gaming
- Minister of State (JACS reporting areas)
- Emergency Management and the Emergency Services Agency
- Policing and ACT Policing
- ACT Ombudsman
- Corrective Services
- Attorney-General
- Consumer Affairs
- Human Rights
- Victims of Crime
- Access to justice and restorative practice
- Public Trustee and Guardian

The Committee's responsibilities include:

- examine matters related to corruption and integrity in public administration;
- inquire into and report on matters referred to it by the Assembly or matters that are considered by the Committee to be of concern to the community;
- perform all functions required of it pursuant to the *Integrity Commission Act 2018*; and
- monitor, review and report on the performance of the Integrity Commission and the Inspector of the Integrity Commission or the exercise of the powers and functions of the Integrity Commission and the Inspector of the Integrity Commission, including examining the annual reports of the Integrity Commission and the Inspector of the Integrity Commission and any other reports made by the Commission; nothing in this resolution authorises the Committee to investigate a matter relating to particular conduct or to reconsider a decision to investigate, not to investigate or to discontinue an investigation of a particular complaint made to the Commission, or to reconsider the findings, recommendations, determinations or other decisions of the Commission or the Inspector in relation to a particular investigation or complaint;

You can read the full establishing resolution [on our website](#).

Committee members

Mr Peter Cain MLA, Chair

Dr Marisa Paterson MLA, Deputy Chair

Mr Andrew Braddock MLA

Secretariat

Ms Kathleen de Kleuver, Committee Secretary

Ms Alicia Coupland, Assistant Secretary

Mr Satyen Sharma, Administrative Officer

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About this inquiry

The ACT Integrity Commission provided its Confidential Investigation Report – Operation Kite to the Standing Committee on Justice and Community Safety for inquiry on 5 August 2024.

Under section 192 of the *Integrity Commission Act 2018*, a confidential investigation report prepared by the ACT Integrity Commission must be provided by the Commission to the relevant Assembly Committee. A confidential investigation report presented to the Committee is taken for all purposes to have been referred to the Committee by the Legislative Assembly for inquiry and any report that the Committee considers appropriate.

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Acronyms & Abbreviations

Acronym or Abbreviation	Long form
ACT	Australian Capital Territory
ACTPS	ACT Public Service
CIR	Confidential Investigation Report
CSD	Community Services Directorate
The Act	The <i>Integrity Commission Act 2018</i>
The Commissioner	The ACT Integrity Commissioner

Recommendations

Recommendation 1

The Committee recommends that the Community Services Directorate consider the sufficiency of its conflict of interest, fraud and anti-corruption controls to prevent corruption arising as recommended by the Integrity Commission in their confidential report.

Recommendation 2

The Committee recommends that the ACT Government put in place measures to ensure that ACT Public Service recruitment processes and ACT Government Board appointments are able to adequately identify and determine suitability of any candidates who have previously received an adverse finding by Integrity Commission reports, including confidential reports.

1. Matters considered

Confidential Investigation Report – Operation Kite

- 1.1. On 5 August 2024, the ACT Integrity Commissioner (the Commissioner), provided a Confidential Investigation Report (CIR) to the Committee under section 192 of the *Integrity Commission Act 2018* (the Act). The report was confidential to protect the privacy of vulnerable witnesses. The Committee acknowledges this and the circumstances in which that decision was made and has also decided to not divulge details including the CIR that would identify the people involved for the same reasons.
- 1.2. This is the first CIR that this Committee has received from the Commissioner.
- 1.3. The Committee met with the Commissioner, the Hon Michael Adams KC and the Chief Executive Officer of the ACT Integrity Commission, Judy Lind on 14 August 2024 to discuss the report.
- 1.4. The Committee notes that the report stated that while the Commissioner found that there was ‘reprehensible conduct’ in relation to conduct by a former ACT public servant employed by the Community Services Directorate (CSD), the conduct did not amount to ‘serious corrupt conduct’ in line with section 10 of the Act, and therefore the report did not include a finding of corrupt conduct.

Conflict of interest, fraud and anti-corruption controls

- 1.5. The report concluded with a recommendation that CSD ‘consider the sufficiency of its conflict of interest, fraud and anti-corruption conduct controls’ to prevent similar situations arising’.

Committee comment

- 1.6. The Committee notes that the investigation by the Commissioner revealed conduct that involved a conflict of interest and fraud with the Commissioner making a recommendation in this regard. The Committee would like assurance that this recommendation is considered and implemented.

Recommendation 1

The Committee recommends that the Community Services Directorate consider the sufficiency of its conflict of interest, fraud and anti-corruption controls to prevent corruption arising as recommended by the Integrity Commission in their confidential report.

ACT Public Service and Board recruitment processes

- 1.7. The Committee received further information from the Commissioner regarding investigations into the misconduct undertaken by CSD, and the outcome of that investigation.

Committee comment

- 1.8. The Committee are concerned that, at present, recruitment processes may not sufficiently identify employment candidates who have received adverse findings in confidential Integrity Commission investigations.
- 1.9. To protect the integrity of the ACTPS and ACT Government Boards, the Committee believe that further measures may be needed to ensure that any candidates with adverse findings against them are identified, and their suitability for the role appropriately determined.

Recommendation 2

The Committee recommends that the ACT Government put in place measures to ensure that ACT Public Service recruitment processes and ACT Government Board appointments are able to adequately identify and determine suitability of any candidates who have previously received an adverse finding by Integrity Commission reports, including confidential reports.

2. Conclusion

- 2.1. The Committee makes two recommendations.
- 2.2. The Committee would like to thank the ACT Integrity Commission for bringing this report to the attention of the Committee.

Peter Cain MLA

Chair

September 2024