



LEGISLATIVE ASSEMBLY

FOR THE AUSTRALIAN CAPITAL TERRITORY

QON No. 101

STANDING COMMITTEE ON JUSTICE AND COMMUNITY SAFETY

JEREMY HANSON CSC MLA (CHAIR), MARISA PATERSON MLA (DEPUTY CHAIR), JO CLAY MLA

Inquiry into referred 2019–20 Annual and Financial Reports and Budget Estimates 2020-21 **QUESTION ON NOTICE**

Peter Cain MLA: To ask the Integrity Commissioner

Ref: ACT Integrity Commissioner Annual Report 2019-20

In relation to: COVID Challenges

1. The Annual Report [p23] states: “During the reporting period, the main challenges faced by the Commission centred around staffing levels, appropriate office facilities, appropriate investigative equipment, and the outbreak of COVID-19”.

How have these challenges impacted the quality of the work the Commission is undertaking?

- a. If so, how has the Commission dealt with these impacts? Please provide a breakdown of the areas affected by COVID restrictions?
 - b. If not, what measures did the Commission implement to mitigate these challenges?
2. Is the Integrity Commissioner now fully staffed and fully operational?
 - a. If not, could you please identify the remaining gaps?

The answers to the Member’s questions are as follows:–

(1) The quality of assessment, preliminary inquiries and investigations has not itself suffered. However, the limitation in resources has had significant impacts on the operational capacity of the Commission in a number of respects. The assessment of reports is within the KPI’s (see answer to QON 99) but this is less than optimal. Timeliness in undertaking and completing preliminary inquiries and investigations is an issue. These pressures are steadily increasing with the number of reports and the likely impact of the Public Interest Disclosure Act 2012. A number of investigations are also hampered by the unavailability of telephone interception. At the same time as undertaking operational functions, the Commission’s resources have also needed to be actively engaged in the refinement and development of its policies and guidelines. Collaborative arrangements with various public entities also require negotiation. The development of appropriate computer management systems is a continuing task.

(1)(a) Not applicable.

(1)(b) The Commission successfully implemented remote working arrangements for staff.

(2) No.

The Commission does not have sufficient staff. The business of the Commission has developed and expanded significantly since 1 July 2020, and a review is currently being undertaken to ensure the resources of the Commission meet the challenges of 2020-21. Staff are currently overstretched in every area, namely Corruption Prevention and Education, Investigations and Assessments, Legal, and Administration. This is especially so given the additional responsibilities imposed upon the Commission by the amendments to the *Public Interest Disclosure Act 2012*, which transferred responsibility for administration of the ACT public interest disclosures regime to the Commission. At least 6 additional staff are required for the current financial year alone.

The Commission is also not yet fully operational. The Commission does not have telecommunications interception capability, in contrast to every other integrity agency in the country (other than the NT ICAC, which is in the process of obtaining that capability). This has already impacted on several investigations. The absence of telecommunications interception capabilities means matters cannot be investigated to their fullest extent. The Commission is working with the Chief Minister's Office and the Commonwealth Department of Home Affairs to progress the required Territory and Commonwealth legislation to enable the Commission to access and utilise that capability. An interception capability comes at a significant cost, including staff, which will be included in the Commission's 2020/21 budget proposal.

Another impediment to the Commission becoming fully operational is the current lack of complete independence from government from an IT perspective. As a matter of general policy, it is in the public interest the Commission is independent of government. The Commission is working towards this in the upcoming budget process.