

Chief Minister

Treasurer

Minister for Social Inclusion and Equality

Minister for Tourism and Special Events

Minister for Trade, Industry and Investment

Member for Kurrajong

RESPONSE TO QUESTION TAKEN ON NOTICE

Select Committee on Independent Integrity Commission 2018 Hearing

28 September 2018

QUESTION -

If another body is investigating or has investigated, does that mean the commissioner will not or cannot undertake an investigation? For example, if the Auditor-General has investigated an issue previously, can the commissioner go back and investigate?

MR BARR MLA - The answer to the Member's question is as follows:

The Integrity Commission Bill 2018 enables the Commission to undertake an investigation in relation to a matter already considered by the Auditor-General, or another investigatory body where:

- the matter meets the definition of serious or systemic corrupt conduct;
- there is reliable, substantial and highly probative evidence that was not considered in the investigation, or the investigation was materially affected by error;
- the matter is in the public interest;
- it is appropriate for the commission to investigate the conduct, having regard to the commission's functions;
- the matter is not considered trivial, frivolous, vexatious or not made in good faith;
- the matter does not lack substance or credibility;
- the matter was made genuinely and was not made primarily for mischievous purposes;
- the conduct did not happen at too remote a time to justify the investigation.

These provisions assist in the protection of human rights by ensuring that the Commission is not going to expose people that have already been punished or disciplined to additional penalties. It also ensures that the Integrity Commission can manage its resources effectively by prioritising matters which have not been previously investigated.

Approved for circulation to the Select Committee.


Andrew Barr MLA
Chief Minister

Date: 5-10-18