



## Standing Committee on Justice and Community Safety

### **Inquiry into Annual and Financial Reports 2021-2022** **ANSWER TO QUESTION TAKEN ON NOTICE**

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Asked by Mr Andrew Braddock MLA on 2 November 2022: Ms Judy Lind, Chief Executive Officer took on notice the following question(s):

Reference: Hansard [uncorrected] proof transcript 2 November 2022 [PAGE 67]

In relation to:

**MR BRADDOCK:** Thank you. The Inspector of the Integrity Commission's report makes reference to three recommendations being made to improve the processes of the Integrity Commission. Can you please take me through what those were and how you are progressing on the implementation of those recommendations?

**Ms Lind:** Of the first one off the top of my head, and I will have to take the other two on notice, I am sorry, relates to our communication mechanisms back to complainants. So there has been correspondence and discussions between the Commission and the Inspector on that and that was off the back of a complaint that they received from a complainant who was dissatisfied with the way we had handled their matter, and that then triggered conversations about whether our letters back to complainants were sufficient to help the complainant understand why we had made the decision that we made. In that decision we dismissed it as being not appropriate for us to investigate.

So that is an area where in a sort of a continual improvement pathway, if you like, with all our outbound correspondence, making sure it is in plain English, standing in the shoes of the complainant, do not reference technical sections of the Act without an explanation as to what they are and to make clear why it is that we are not taking their matter on board, because obviously all complainants see their matter as incredibly important. What we are finding is a lot of them are not sort of triggering the threshold for a serious and systemic, but rather than say, well, this is not serious and systemic, because in the mind of the person it clearly is a serious matter. We are saying if it is important, another organisation might be able to better handle your complaint if it is a matter that we can refer to other agencies and to make sure that individuals know about that.

**ACT Integrity Commissioner:** The answer to the Member's question is as follows:–

**Answer provided by Ms Lind**

The Inspector of the Integrity Commission makes reference, on page 11 of his Annual report 2021-22 to *“3 recommendations made to the Commission (the Inspector's first formal recommendations) to influence improvements, with a focus on promoting good administration and communication practices...”*

On 30 June 2022, these three recommendations were communicated to the former Chief Executive Officer of the ACT Integrity Commission (**'Commission'**) as follows:

- the Commission review its Assessment Process management procedure to ensure the Assessment Panel's considerations are fully documented and clear reasons for the Commission's decisions are recorded (**'Recommendation 1'**)
- the Commission ensure reasons are included, as required by s 72(1)(a)(ii) of the *Integrity Commission Act 2018 ('Act')* and are clearly and sufficiently explained, in correspondence so that a reasonable person would understand the Commission's reasons for deciding to dismiss a corruption report (**'Recommendation 2'**)
- the Commission review its processes and procedures in relation to communication with complainants, noting the suggestions included in Part 6, Step 6 of the Commonwealth Ombudsman's Better Practice Guide to Complaint Handling (**'Recommendation 3'**).

On 18 July 2022, the Commissioner of the Commission, the Hon Michael F Adams KC wrote to the Inspector, expressing only partial agreement to recommendation 1 and 2, based on matters of principle raised from the Inspector's recommendations. Notwithstanding, the Commission has embraced the intent of these recommendations and implemented the following changes.

**Recommendation 1:**

- the Commission has increased the level and standard of documentation relating to its considerations and reasons for decisions regarding whether corruption reports should be investigated, dismissed, or referred to another agency;
- these considerations and reasons are then recorded on the Commission's Condor case management system

**Recommendation 2:**

- the Commission has modified its practices and template for outcome letters to complainants. These modifications include providing suitable narratives around the Commission's decision to dismiss corruption reports.
- work is currently underway to update the Commission's website with further information to better explain why the Commission may dismiss matters and what matters fall within the Commission's jurisdiction.

**Recommendation 3:**

With a view to greater alignment with part 6, step 6 of the Commonwealth Ombudsman's Better practice guide, the Commission has:

- commenced inviting complainants to call the Director of Assessments if they wish to discuss the Commission's reasons for dismissing their report further; and
- incorporated additional authority bodies who may be more appropriately positioned to investigate the matter/s.

In relation to improving administration and communication more broadly, the Commission has recently restructured its Assessments team and created a director level position within its organisational structure to provide requisite high-level oversight and management of the assessments team. The assessments team is responsible for assessing corruption reports received by the Commission, communicating with complainants, and making recommendations on how corruption reports should be dealt with. While not directly related to the Inspector's recommendations, it is expected the restructure will enhance the Commission's quality of administration and communication.

Approved for circulation to the Standing Committee on Justice and Community Safety

A handwritten signature in black ink, appearing to read 'Adam', is written over a white background within a rectangular box.

The Hon M F Adams KC  
Commissioner,  
ACT Integrity Commissioner  
Date: 9 November 20