My perception/experience with the role and function of
The Integrity Commission of Tasmania (ICT).

In Q & A format.

1. **Have I made a submission of complaint to ICT?**
   Yes.

   On 27th October 2010, I advised ICT there were two complaints requiring investigation. At this date I submitted my first complaint accompanied by extensive supporting information, as considered necessary at that time.

   Following lodgement of that submission, I was working on a further comprehensive submission for my 2nd complaint, which was about two (2) weeks away from completion, when on 25th January 2011 subsequent to some degree of investigation, I received an Acting Chief Executor Officer, RUSSEL PEARCE, signed letter, prepared for his signature by a Malcolm Budd.

2. **Was I satisfied with the ICT outcome? If not why not?**
   No. I was alarmed at the inadequate process that preceded the decision / letter and, then for sure distressed at what was in my view, uninformed and inadequate excuses as offered.

The penultimate paragraph, page 2 reads:

   *If you have any questions about the Integrity Commission’s determination, please contact Senior Investigation Officer/Complaint Assessor Malcolm Budd on 03 6216 4271.*

I promptly took up that invitation, as the content of the letter indicated to me that the excuses that followed a lengthy preamble before finally getting to:

   *I have given the matter very careful consideration, but I’m afraid I cannot do other than come to the view that an investigation by the Integrity Commission (or, for that matter, by any other investigative agency) would be problematic given the period of time that has now passed. Accordingly, in my opinion, it would not be in the public interest for the Integrity Commission to investigate.*

   *I have also given careful thought to the possibility of referring your complaint to either the Ombudsman or the Police Service to be dealt with. However, given that both agencies have previously made it very clear that*

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1 3rd para, page 2
2 The legislation was specifically made retrospective
no further action will be taken in respect of your grievances\(^3\), any such referral by the Integrity Commission would be pointless.

...  

\textbf{Note for Committee:} I have not scanned the letter to attach in this electronically provided submission. I can provide hard copy, if required.

3. \textbf{How do I feel about the scope of the (ICT) hearing / forum afforded me — in order to ensure the subject and extent of my complaint, was satisfactorily comprehended}\footnote{One of the reasons justifying complaint to ICT} 

The 2010 ICT investigator, Mr G Leonard, seemed a really decent and competent investigative person. Although, decent people can only work within the constraints imposed within their appointment. I am unaware of what they were / are.

The outcome of Mr Leonard’s preliminary examination suggests to me that he was insufficiently supported in resources\(^4\) to conduct an inquiry to the satisfactory standard required.

Following the investigator’s perusal of my submission, he had had merely one day to (i) travel north (ii) conduct a lengthy\(^5\) interview, and (iii) then return drive to Hobart. That to my mind is an excessive demand on any person.

Nevertheless, a few hours in interview and, then no follow-up on multifaceted and exceedingly serious matters is in my view, grossly deficient — most especially insofar as the facts transpired over too many years and, were /are interrelated with several executive-government administrative departments / authorities. It is unreasonable to expect any researcher to comprehend in a way necessary to arrive at an informed decision, under extremely limited circumstances. That had to happen. It didn’t.

In order to arrive at a fair and proper outcome, any inquiry needs to be thorough and not restricted and governed by — “resources …”, “resources …”, and “resources”.

4. \textbf{Am I aware of any restrictions on ICT — that translated into an inadequacy that resulted in an adverse outcome for my complaint?}\footnote{25/01/11 letter, para 2, page 2}

Other than as Mr Russell Pearce wrote\(^6\) and, as it appears from reading other complainants’ ICT letters of decision, this is a standard ‘cut and paste’ inclusion:

\begin{quote}
However, the problem for the Integrity Commission \textit{in justifying the use of its resources to investigate matters that go back so far in time, …}  
\[\text{[GEA inserted emphasis]}\]
\end{quote}

The writer continued recording his confused version of events:
... and especially so, when aspects of concerns have been previously aired in the course of litigation which was ultimately discontinued (albeit that there was an attempt to re-enliven the litigation...”.

5. What did I do about my dissatisfaction?

Being incensed at the weak cop-out excuses and the inaccuracies in the ICT decision, I was justifiably furious. Sure I phoned Mr Budd, who after our discussion advised that he was going to prepare a second briefing note as a result of matters I raised. It was evident to me during that discussion that there we far too many gaps in comprehension of the substance of my complaint. Critical disparities. By this time, the written withdrawal was increasingly unsettling.

In fairness to ICT:

Before I move to my next question, being even-handed, I must advise that following the 27th (I think) January 2011 phone-call with Mr Budd, I was in an extremely vulnerable personal situation.

On 21st January 2011, my husband had been admitted to hospital with a terminal illness. Additionally, at the same time I was diagnosed with an advanced illness. Following this extensive treatment was required, then surgery and then further treatments.

This transpired over the period February – November 2011. All this time, my husband was hospitalised.

Thus on 7th February 2011, prior to relocating to WA and commencing treatment, I emailed then CEO, Ms Barbara Etter and confidentially advised her of my circumstances. An extract of my email summarises my disquiet at that time:

... As I said I had a recent discussion with Mr. Budd re his decision. It seems timely to add that I was astonished at the content of the Commission letter and advised him so, then proceeded to raise what I saw as several oversights on the part of the Investigation team in arriving at the stated position. We discussed some errors of fact, but I was more concerned with the major omissions that jumped out for me as not receiving consideration. As I understood his position, Mr. Budd intended to prepare a supplementary briefing paper, including in that the substance of matters I raised during our telephone talk. We didn't discuss a time frame, and at the time of our discussion I did not know I was going to WA.

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7 NFA
8 Feb- July 2011
9 August – November 2011
10 We both transferred to WA on 12/02/11
I should add that I felt uneasy at the amount of times I heard the word “resources” mentioned in my discussion with Mr. Budd. It seemed to me, and it may have just been my interpretation, that available resources weighed heavily on decision-making. I understand that unlimited funds are not available to the Commission. However, I also understood that if a matter arose that required further than the available funds, the Commission had available to it direct access to Treasury. I raise this point for your (CEO) information, since the 25/01/11 letter also sends me the message that resources are dictating the outcome of my first complaint.

I had intended to reply in more detail to the January Pearce letter, spelling out the errors and omissions. Immediate circumstances have prevented me from doing that. These hurried plans have arisen following an appointment with my surgeon on Wednesday last. My doctor (who is aware of the history of the long and unacceptable battle of both Geoffrey & Geraldine battle to clear Geoffrey's name and obtain a just outcome) said to me recently "have no doubt about the significance of the effect of that battle on our current health situations. I already knew that, as I have watched the decline for us both.

... [Emphasis inserted 17/01/14 and, end of Extract of GEA email to Ms. Etter]

Then CEO Ms Etter’s 8th February 2011 reply to me reads: -

Dear Mrs Allan
Thank you for your email. I am concerned to hear about you and your husband’s failing health. Please be assured that we will not simply dismiss your concerns or issues due to your current situation.

I have been away overseas on leave and just getting back on top of things. I have asked for a briefing on your matter, including any errors of fact or apparent omissions, and hope to discuss any issues with you shortly. Can you please forward to me your email or phone contact details in WA?

I do hope that you and Geoffrey receive the very best of treatment in WA and that both of you are soon back to good health and back home in Tasmania.

Kind regards
Barbara Etter

On 9th February 2011 Mrs Etter wrote (in part_ ... I will be reviewing your current matter and hope to get back to you soon,
after I have received a full briefing from relevant personnel (in light of your comments).

...

Then on 3\textsuperscript{rd} March 2011, Mrs Etter wrote (in part)_

...  

Given your intention to write in “a more specific form”, I will delay my formal review of the matter until I hear from you.  

...

6. **What happened next?**  
After 2011 treatment, I was unwell and needed 2012 to recover. My husband died in March 2012. I returned to Tasmania in October 2012 and, planned to soon after take up with ICT where I left off in 2011.

Thus, in a sense, the matter has never been revisited / finalised. Therefore I submit my analysis in that context. Suffice to say my almost completed second complaint above mentioned, still remains in my files, never submitted.

Why? …

7. **Why haven’t I revisited my ICT matter(s)?**  
By mid 2013 once I had resettled myself back in Tasmania, and was ready to take up where I left off, I had become increasingly aware of and concerned about, the adversity surrounding ICT operations and outcomes.

The public criticisms and lack of faith in the Commission were overwhelming. I decided to reassess my confidence in having another look at the matter(s).

Being aware of the three (3) year mandatory Parliamentary Committee review, it seemed sensible to me not to waste further time and energy going about matters the same way and expecting a different result. Stupidity personified.

Thus my decision was / is to wait until the outcome of this specified assessment is public and remedy implemented, if any.

8. **How do I feel about the (ICT) Parliamentary Committee Review**  
Due to the limited time available, my submission is necessarily hastily prepared.

Additionally, I am hesitant to burn up too much energy on this matter. I am making a submission because several people, for whom I hold respect, have encouraged me to do so.
Generally, in my experience of making submissions in previous years, mostly I feel any citizen comments fall on deaf ears. Consensus is that at times, Joint Standing Committees give the impression of ‘going through the motion’ of affording a hearing, but not a lot more. That is regrettable and discourages more substantial participation.

Furthermore, given the timing of finalisation of this matter coinciding with a State election, I sense committee members will be otherwise distracted from this task. If I am wrong and further particulars are required, I will provide them.

Recently a group of interested persons discussed the Annual Reports of this particular Joint Standing Committee on Integrity. It was concluded the reports appear not to contain the information Tasmanians actually seek about the ICT. Like most other Annual Reports required by legislation, these reports contain facts and figures irrelevant to the citizens’ concerns, but information deemed necessary for inclusion, by the writer.

9. **How could the ICT role and functions be improved?**

   **Resources:** It seems increased funding is required in order that:
   
   · ICT investigative staff can undertake full and proper investigation / assessment of complaints;
   
   · Administrative staff can more adequately provide back-up assistance as required;
   
   · The ultimate objective to arrive at fair and just decisions overrides any pressure to form hurried cost effective decisions.

   **Representation:** Unless I am mistaken, it occurs to me that the make up of the Commission / Board fails to include any community representation. A glaring omission in my view insofar as no representative translates into a perception of no say.

   **Subsidiary Agencies:** Given that the decision not to re-refer my complaint to the agencies that had already failed —

   … referring your complaint to either the Ombudsman or the Police Service to be dealt with. However, given that both agencies have previously made it very clear that no further action will be taken in respect of your grievances, …

   [GEA inserted emphasis]

   — it seems to me ICT is ineffective. Worse still the ICT-declared non-referral demonstrates an approach of rubber-stamping impropriety in *at least* both those nominated agencies.

   **Other:** In the limited time available, I am unable to make an informed submission about any legislative reforms required. Nonetheless, I have no doubt others will do that.
10. SUMMARY

I have deliberately personalised my submission in an effort to convey to the committee there is always a human element and affect to any decision-making.

It is my fervent submission that the Review Committee recommend necessary changes occur that will hurriedly restore Tasmanians’ confidence in order that

· I can resume my dealing with ICT with confidence I am not wasting my time; and
· The Integrity Commission is respected and perceived as more than a “hollow expensive showpiece”¹¹ and, the following words known to be more than rhetoric.

Its role is to improve the standard of conduct and ethics in Tasmania's public authorities.

It aims to strengthen the confidence of Tasmanians in State Government agencies, police, the University of Tasmania, State-owned businesses and local government.

" ... The need for a new body clearly exists to address the identified deficiencies in the existing system of governance."

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I appreciate any and all open consideration afforded this submission.

Geraldine Allan

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¹¹ Gareth Evans