Our ref: AM/ TL                        22 October 2014

Ms Laura Ross
Secretary
Joint Standing Committee on Integrity
Parliament House, Hobart

By email only: laura.ross@parliament.tas.gov.au

Dear Madam

Thank you for your letter of 30 September 2014 and the opportunity to respond to the Tasmanian Government submission published following my appearance before the Committee.

I respond as follows:

1. If the board of the Commission were to be replaced by an officer responsible for overseeing it and other integrity entities, the Society submits that such a person ought to be an Australian Legal Practitioner with no less than 7 year's standing. This is currently the requirement for the Chief Commissioner of the Integrity Commission. Good governance of the Integrity Commission together with maintaining separation from government would be best achieved by a board of rather than an individual overseer with support staff. Those matters would be of less importance if the emphasis of the Commission is limited to education and prevention, and if its functions do not include the conducting of investigations.

2. The Society agrees that the Commission should maintain its focus on education, advisory and preventative functions.

3. The Society shares the Government's concerns regarding:

   a) Agencies being required to conduct fresh investigations of matters investigated first by the Commission, and

   b) The possibility of concurrent investigations by the Commission and other bodies.

4. There are matters in respect of which there is no or limited overlap between the investigatory role of the Commission and in respect of which it is desirable for the Commission to retain its investigatory role including investigations of Tasmania Police, heads of agencies and local government.
5. If it is necessary to reduce the funding of the Department of Justice, it is essential that access to justice is not harmed. Rationalising the Integrity Commission’s role in the manner submitted will not harm access to justice unlike reducing resources available for legal aid, the courts and law libraries which will harm access to justice.

Please let me know if I can be of further assistance to the Committee.

Yours faithfully,

[Signature]

Law Society of Tasmania
Anthony Mihal
Executive Committee Member