17 January 2014

The Secretary,
Joint Standing Committee on Integrity,
Parliament House, Hobart TASMANIA 7000
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As one of those who gave evidence to the original Committee on whose recommendation the Integrity Commission was established, I am pleased to have the opportunity to make a submission regarding the review of the Commission by the Joint Standing Committee.

At the outset, I would draw attention to the evidence that Sir Max Bingham and I provided to that original Committee and the contents of our submission on that occasion. We urged the establishment of a small Commission that would draw on the resources of other agencies and organizations rather than having a large staff of its own. We also argued for a Commission that, although having the power to initiate and undertake investigations (with powers akin to those of a Royal Commission), would be strongly oriented to the task of education and training. We quite deliberately referred to the body we had in mind as an ethics commission, and not as an integrity commission.

I would contend that almost everything contained in our original submission remains relevant in the present circumstances. My view was then, and remains now, that a large Commission is neither viable in Tasmania nor needed. I am also still of the view that there is a significant challenge to be met in terms of the strengthening of ethical culture and the improvement of ethical expertise within government and public organizations in Tasmania – a challenge that has not been met by the current Commission and is unlikely to be met in the future.

In my view, the key problem centers on the character of the Commission as largely focused around what I would refer to as a 'code and compliance' approach. This approach is widespread within the contemporary integrity industry (the use of term 'integrity' being a common marker of this approach), and has increasingly become embedded in public sector organizations and culture. It is an approach which places primary emphasis on codified forms of conduct and legislative compliance. As such, it tends to reinforce hierarchical structures within organizations, undermines the capacity for judgment that is at the heart of ethical practice, and instead encourages...
a purely proceduralist mentality of a sort that is antithetical to genuine ethical thought and behavior.

It is precisely the adoption of such an approach that underpins the current size and cost of the Commission: the 'code and compliance' or 'integrity systems' approach (like the contemporary systems of audit and assurance with which it is associated) inevitably brings an increase in administrative costs, since it treats integrity as itself a function of an administrative system – a system based around constant monitoring and review – rather than looking to ethical conduct as it is based in individual and collective capacities for reflection and judgment, and in the cultivation of those capacities. The code and compliance approach adopted by the Commission has also, in my view, led to an increased overlapping of the Commission's work with that of other audit bodies within government, and so to significant duplication of function.

The record of the Integrity Commission over the last three years seems to me to be fairly predictable given the nature of the Commission and the manner of its approach. The achievements that it cites in its own reports seem to me to be entirely consistent with the character of its current operation, but of little relevance to the real ethical challenges at issue. The fact that the Commission seems not to have been able to establish a significant public profile for itself a key ethical body or as a significant voice in the public arena seems to me especially telling.

I would not favour the continuation of the Commission in its current form. I believe that it could be reformed in a way that would be both less costly and more effective, but such reformation would involve quite a radical shift in the nature of the Commission and the manner of its operation.

Should the Committee be interested in exploring some of the scholarly work that underpins my comments here, my own 2012 article, 'The Demise of Ethics', Research in Ethical Issues in Organizations, 8, pp.29-46, provides references to a number of sources as well as exploring (although in fairly polemical fashion) some of the ideas at issue.

I would welcome the opportunity to expand on my comments to the Committee should that be deemed appropriate.

Yours sincerely

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