Joint Standing Commission on Integrity:

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Reading with interest the Submission of the Integrity Commission, (Oct 2013), one must take care not to be too critical in analysis of the 259 pages, other then to say it appears to be a well presented document that seeks to explain, if not justify the very existence of the Commission. A cloak of secrecy seems to be the prevailing interest

Two issues are cause for concern in the recommendations placed before The Joint Standing Committee. These two issues together with some concern about the powers conferred under Section 98 of The Act and as to whether Tasmania in the future needs an Integrity Commission, is the subject of this submission. The two issues considered to be the most controversial:

- Recognising in law that the Integrity Commission is another Tasmanian Law Enforcement body; and
Powers sought by the Integrity Commission in use of technical surveillance.

It is understandable, but not justifiable, that the Integrity Commission is seeking to enshrine these two issues into the Act. The protection of Integrity Commission activities seems to be at the heart of the recommendations, rather then the three objects of the Commission relative to misconduct by public officers.
It should be fundamentally understood that the focus of the Integrity Commission is not the investigation of criminal behaviour.

Employees in the Public Service, Members of Parliament and members of parliament in Government, including the whole parliamentary process, should not be in a position to be placed under inappropriate surveillance as the result of an unscrupulous and anonymous complaint. Terrorism and major criminal activity are worthy subjects for surveillance, rather of members of parliament and public servants.

The Integrity Commission has made no claims that its inability to conduct operations without the powers it seeks, has impeded any of their misconduct investigations. No matter how much individual misconduct may lead to criminal behaviour, it is right and proper that only Tasmania Police have the powers to exercise technical surveillance.

Tasmania Police should be the one and only entity with powers to undertake technical surveillance and investigate corruption. The Integrity Commission should not be put on a par with Tasmania Police. The limited operational information disclosed in the October 2013 submission, clearly indicates a pattern of cooperation on matters of interest at the most Senior Police level.

Section 98 of the Act is an extraordinary power to give Commission Investigators in their role to gather information. To legally bind to silence any witness or suspect has no equal in Tasmania.

On its own admission, Commission Investigators do not have a practice of administering a caution prior to admissions being made. This aspect of investigative manner is in direct contravention of human rights, historical rules of evidence and expected fairness. Section 98 Powers seem designed only to protect Commission activities from public awareness.
Section 98, whether intentional or not by the lawmakers, seems to exceed the rights of freedom of speech in Tasmania, and in no way should be justified outside any matter other then National Security. It would be an absolute eye-opener for the Select Committee to hear evidence from some of the 160 Tasmanians who were bound to silence under the Section 98 provision, yet had their complaints set aside.

In conclusion, the cost to maintain the Integrity Commission seems out of proportion to results as well as the obvious top heavy oversight and administrative responsibilities.

I would recommend the Integrity Commission be disbanded.

In the three year operations of the Integrity Commission, a large number of complaints, possibly 90%, have been assessed rather then investigated. Of those Investigated, few if any, have gone on to Prosecution by the Director of Public Prosecutions.

Judicial processes in matters of misconduct should not be carried out under the weight on an Integrity Commission. Training and awareness on matters of integrity could well be carried out by a Secretariat attached to the Justice Department. This would put the public service community under the CEO of the Justice Department reporting direct to the Justice Minister.

Serious misconduct bordering on corruption and criminal behaviour should be the sole responsibility of the Commissioner of Police.

Parliament should not only avoid any increase in the powers of the Integrity Commission, but should make careful assessment as to the future needs of public service scrutiny. As previously stated above, integrity issues could well be met within the existing structure of the Public Service. Current budget expenditure to be split between Justice Department and Police Service.