



---

PARLIAMENT OF TASMANIA

---

**JOINT STANDING COMMITTEE ON  
INTEGRITY**

**Annual Report 2018**

---

*Laid upon the Tables of both Houses of Parliament  
pursuant to section 26 of the Integrity Commission Act 2009*

---

**MEMBERS OF THE COMMITTEE**

**Legislative Council**

Mr Dean  
Mr Gaffney  
Mr Valentine (Deputy Chair)

**House of Assembly**

Mr Hidding (Chair)  
Ms Houston  
Mr Shelton

## Table of Contents

1	INTRODUCTION .....	2
	Joint Standing Committee on Integrity .....	2
	Annual Report to Parliament .....	2
2	FUNCTIONS AND POWERS .....	3
3	ACTIVITIES OF THE COMMITTEE .....	4
	Overview .....	4
	Committee Report .....	4
	Monitoring and Reviewing the Integrity Commission.....	4
	Monitoring and Reviewing the Office of the Ombudsman.....	7
	Public representations.....	8

# 1 INTRODUCTION

- 1.1 Pursuant to section 26(1) of the *Integrity Commission Act 2009*<sup>1</sup> (the Act), the Joint Standing Committee on Integrity (the Committee) has the honour to report its proceedings for 2017-18 to the Legislative Council and the House of Assembly.

## **Joint Standing Committee on Integrity**

- 1.2 The Committee is established pursuant to section 23 of the Act.
- 1.3 The Committee consists of six Members of Parliament, comprising of three appointed by the Legislative Council and three appointed by the House of Assembly.
- 1.4 During the reporting period, the membership of the Committee changed following the House of Assembly General Election held in March 2018.
- 1.5 Prior to the dissolution of Parliament on 28 January 2018, Members serving on the Committee on the part of the Legislative Council and the House of Assembly respectively were: the Member for Windermere, Mr Dean (Chairperson); the Member for Mersey, Mr Gaffney (Vice-Chairperson); the Member for Hobart, Mr Valentine; the Member for Lyons, Mr Shelton; the Member for Franklin, Ms Giddings; and the Member for Franklin, Dr Woodruff.
- 1.6 Following the House of Assembly General Election and the opening of the new Parliament on 1 May 2018, the Legislative Council and House of Assembly each appointed Members to the Committee. The Members now serving on the Committee on the part of the Legislative Council and the House of Assembly respectively are: the Member for Hobart, Mr Valentine (Vice-Chair); the Member for Windermere, Mr Dean; the Member for Mersey, Mr Gaffney; Member for Lyons, Mr Hidding (Chair); the Member for Bass, Ms Houston; the Member for Lyons, Mr Shelton.

## **Annual Report to Parliament**

- 1.7 This report details the proceedings of the Committee for 2017-18 and is made pursuant to section 26(1) of the Act which prescribes that the Committee reports its activities to both Houses of Parliament by 30 November of each year.

---

<sup>1</sup> *Integrity Commission Act 2009* (No. 67 of 2009)

## 2 FUNCTIONS AND POWERS

- 2.1 The Committee has the following functions:
- (a) monitor and review the performance of the functions of an integrity entity;
  - (b) report to both Houses of Parliament, as it considers appropriate, on the following matters:
    - (i) matters relevant to an integrity entity;
    - (ii) matters relevant to the performance of an integrity entity's functions or the exercise of an integrity entity's powers;
  - (c) examine the annual reports of an integrity entity and any other report of an integrity entity and report to both Houses of Parliament on any matter appearing in or arising out of such reports;
  - (d) report to the Legislative Council or House of Assembly on any matter relevant to an integrity entity's functions that is referred to it by the Legislative Council or House of Assembly;
  - (e) review the functions, powers and operations of the Integrity Commission at the expiration of the period of 3 years commencing on the commencement of this section and to table in both Houses of Parliament a report regarding any action that should be taken in relation to this Act or the functions, powers and operations of the Integrity Commission;
  - (f) provide guidance and advice relating to the functions of an integrity entity under this Act;
  - (g) refer any matter to the Integrity Commission for investigation or advice; and
  - (h) comment on proposed appointments to be made under section 14(1)(e), (f) or (g), section 15 and section 27.<sup>2</sup>
- 2.2 The Committee is not authorised to:-
- (a) investigate any matter relating to a complaint that is being dealt with by the Integrity Commission; or
  - (b) review a decision of the Integrity Commission to investigate, not investigate or discontinue an investigation or inquire into or not inquire into a particular complaint; or
  - (c) make findings, recommendations, determinations or decisions in relation to a particular investigation or inquiry of a complaint that is being or has been dealt with by the Integrity Commission.<sup>3</sup>

---

<sup>2</sup> Ibid, section 24(1).

<sup>3</sup> Ibid, section 24(2).

### **3 ACTIVITIES OF THE COMMITTEE**

#### **Overview**

- 3.1 The Committee met on 7 occasions during the reporting period.
- 3.2 In the course of the reporting period, the proceedings of the Committee focused primarily upon appropriately managing its relationships with the prescribed integrity entities and responding to issues raised by members of the public.

#### **Committee Report**

- 3.3 The Committee tabled on 30 November 2017 its report “A Code of Conduct for Members of Parliament No. 2”, which made recommendations for the introduction of a Code of Conduct for all Members of Parliament in Tasmania.

#### **Monitoring and Reviewing the Integrity Commission**

##### *Protocol*

- 3.4 Communication and coordination between the Committee and the Integrity Commission is managed pursuant to an agreed Protocol.
- 3.5 The Protocol provides for regular meetings between the Committee and the Integrity Commission with an agreed agenda. Whilst having regard to section 24(2) of the Act, the Protocol provides that the Commission will provide to the Committee information as to the volume and the nature of the work being undertaken by it and details of any suggested legislative amendments.
- 3.6 The Protocol also prescribes the communication process to be utilised by the Committee and the Commission in dealing with such complaints and representations about the Commission from members of the public, and also for those circumstances when the Committee seeks information from the Commission on a specific subject.

##### *Change in review of Annual Reports of the Integrity Commission*

- 3.7 In this annual report, the Committee examines the Integrity Commission annual reports for the years 2016-17 and the 2017-18. In previous years, the Committee reviewed the annual report of the previous year. The reason for this change is to provide a more timely review of the activities of the Integrity Commission.

## *Annual Report 2016-17 – Integrity Commission*

3.8 The Integrity Commission is required by section 11 of the Act to report to Parliament “on or before 31 October” each year. Pursuant to section 26, the Committee is required to provide its annual report by 30 November each year.

3.9 The Committee has examined the Integrity Commission’s Annual report from the previous year – *Integrity Commission Annual Report 2016-2017*, and noted the following activities during that period:-

- Greg Melick AO completed his first full year as Chief Commissioner and Michael Easton continued as Acting Chief Executive Officer;
- As a result of governance changes, the Ombudsman and the Auditor-General no longer hold positions on the Board of the Integrity Commission;
- The Commission tabled in Parliament a number of reports, including monitoring the parliamentary disclosure of interest register and an investigation into a complaint of an alleged conflict of interest against senior executive officers at TasTAFE;
- The Commission launched a new board education package, “Managing Ethical Risks on a Board”;
- The Commission worked with the public sector, including local government councils and elected members, state service agencies and government businesses to raise awareness of ethical risks and associated conduct;
- The Commission commenced implementation of recommendations of the Independent Five Year Review of the Commission;
- The Commission’s bi-annual Community Perceptions Survey, contained the following results:
  - an increase in public awareness of the Commission’s role (82% of respondents compared with 73% in 2015);
  - the majority of the respondents (59%) indicated that the Commission had increased the level of accountability across the public sector since being established in 2010; and

- The public desire for an integrity commission remains very high at 93% of respondents (92% in 2015);
- The Commission received a 13% increase in complaints compared to 2015–2016;
- The Commission changed its internal processes to increase the number of complaint assessments that we undertake, resulting in a corresponding increase in investigations. This has resulted in a strain on resources has created some delays in processing complaints.

*Annual Report 2017-18 – Integrity Commission*

3.10 The Committee has examined the Integrity Commission’s Annual report – *Integrity Commission Annual Report 2017-2018*, and noted the following activities during that period:-

- Greg Melick AO continued as the Chief Commissioner and Richard Bingham completed his first full-year as the Chief Executive Officer;
- There were several changes to the Board: Ms Liz Gillam and Mr David Hudson were replaced by Mr Phil Foulston and Mr Robert Winter; and Mr Luppo Prins was reappointed;
- The Commission tabled in Parliament a number of reports, including those covering management of misconduct by State and local government agencies, the Fox Eradication Program, the Glenorchy City Council and Tasmania Police’s management of its information resources;
- Complaint numbers increased by 53% on the previous year; and
- Continuation of misconduct prevention activities with the number of face-to-face sessions were doubled and Public sector employees from 17 organisations completed the programs on 1585 occasions.

## **Monitoring and Reviewing the Office of the Ombudsman**

### *Protocol*

- 3.11 Communication and coordination between the Committee and the Ombudsman is managed pursuant to an agreed Protocol.
- 3.12 The Protocol also prescribes the communication process to be utilised by the Committee and the Ombudsman in dealing with such complaints and representations about the Ombudsman from members of the public, and also for those circumstances when the Committee seeks information from the Ombudsman on a specific subject.
- 3.13 The Committee is required to table an Annual Report prior to 30 November each year, this results in the Committee only being able to review the Annual Report of the Ombudsman produced for the previous financial year.

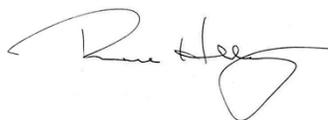
### *Annual Report 2016-17 – Office of the Ombudsman*

- 3.14 The Committee has examined the *Ombudsman Annual Report 2016-2017* and noted the following matters highlighted by the Ombudsman:  
period:-
  - An increase of 15% in the number of complaints received in the Ombudsman jurisdiction;
  - An increase in the number of complaints resolved within three months in the Ombudsman jurisdiction;
  - A decrease in the number of complaints resolved within three months in the Energy Ombudsman jurisdiction;
  - A significant increase (almost double) in the number of Right to Information applications received;
  - An increase in number of complaints received in the Health Complaints Commissioner jurisdiction;
  - Whilst the Office has an almost full complement of staff, historic budget cuts means there is a number of unfunded positions unable to be filled and continue to limit the office capacity; and
  - The amount of review files backlogged is preventing the office from delivering any formal or extended training despite a high demand for such training.

## **Public representations**

- 3.15 The Committee has continued to receive a number of representations from citizens of Tasmania during the reporting period. Such representations detailed the correspondents' negative experiences in dealing with the Commission in the apparent expectation that this Committee was itself a form of appeal/review body or investigative authority which had powers and functions that would allow it independently to investigate or revisit such cases and recommend a specific remedy.
- 3.16 It is quite clear that the section 24(2) of the Act proscribes the Committee from: investigating any matter before the Commission; reviewing a decision of the Commission regarding its investigatory powers; or make findings, recommendations, determinations or decisions in relation to investigations or inquiries of the Commission.
- 3.17 In relation to these representations from dissatisfied complainants, the Committee has on each occasion, referred these matters to the Chief Commissioner to consider the issues raised by the complainant.
- 3.18 The Committee is unable to take any further action to investigate complaints against the Integrity Commission beyond writing to the Chief Commissioner because of restrictions placed on the Committee's level of oversight by section 24(2) of the Act.

**Parliament House  
HOBART  
27 November 2018**



**Mr. Rene Hidding M.P.  
CHAIRPERSON**