

## FACT SHEET

### *Integrity Commission Amendment Bill 2017*

The *Integrity Commission Act 2009* (the Act) commenced on 17 December 2009. The object of the Act is to promote and enhance standards of ethical conduct by public officers by the establishment of the Integrity Commission with powers to investigate misconduct.

Section 106 of the Act provides for an independent review of the Act. The Hon William Cox AC, RFD, ED, QC was appointed as the Independent Reviewer to undertake the five year review. The appointment commenced on 1 February 2016 and expired on 31 May 2016.

Mr Cox provided his report to the Minister for Justice by 31 May 2016 and a copy was tabled in both Houses of Parliament on 23 August 2016.

The Report of the Five Year Independent Review makes 55 substantive recommendations. In November 2016 the Government Response to the Report was tabled in Parliament.

The *Integrity Commission Amendment Bill 2017* (the Bill) makes technical and other amendments to the Act, as set out in recommendations 1-6 of the Report, as the first phase of implementing the Government Response. These amendments will provide improved governance and clearer direction to the organisation.

The key features of the Bill are as follows:

- It removes the Auditor-General and Ombudsman as members of the Board;
- It provides for a person with “experience, in a government organisation, in both human resources and industrial relations” to be included as member of the Board;
- It reduces the quorum at a meeting of the Board from four to three;
- It strengthens the provisions in relation to the suspension or removal of Board members;
- It amends the Act to include appointment, suspension and removal provisions in relation to the Chief Commissioner that are consistent with those that apply to the Director of Public Prosecutions and Solicitor-General, as recently amended by the *Law Officers (Miscellaneous Amendments) Act 2015*;
- It removes the current requirement that the Chief Commissioner and Parliamentary Standards Commissioner be under the age of 72 years. This is consistent with fixed-term statutory appointments generally which have no statutory age limits;
- It excludes the Chief Commissioner and CEO as designated public officers, to remove any potential inconsistency between section 5(2) and section 6(1)(d) of the Act; and
- It amends section 13(a) of the Act to clarify that the role of the Board includes providing guidance to facilitate the functions and powers of the Integrity Commission being

performed and exercised in accordance with sound public administration practice and principles of procedural fairness and the objectives of the Act.

The Government's response to the remaining recommendations in the Report will be implemented later in 2017.