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PARLIAMENT OF TASMANIA

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**JOINT STANDING COMMITTEE ON  
INTEGRITY**

**Annual Report 2016**

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

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**MEMBERS OF THE COMMITTEE**

**Legislative Council**

Mr Dean (Chairperson)  
Mr Gaffney  
Mr Mulder (Deputy Chairperson)

**House of Assembly**

Ms Giddings  
Mr Shelton  
Ms Woodruff



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## 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 2015-16 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: three appointed by the Legislative Council; and three appointed by the House of Assembly.
- 1.4 As at the end of the reporting period, the membership of 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; the Member for Rumney, Mr Mulder (Vice-Chairperson); the Member for Lyons, Mr Shelton; the Member for Franklin, Ms Giddings; and the Member for Franklin, Dr Woodruff.
- 1.5 There were two changes in membership of the Committee during the reporting period, Mr Shelton replaced Mr Barnett and Dr Woodruff replaced Mr McKim.

### **Annual Report to Parliament**

- 1.6 This report details the proceedings of the Committee for 2015-16 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.

## 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

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

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>

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

#### **Overview**

- 3.1 The Committee met on 20 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.

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

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

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

### *Protocol*

- 3.3 Communication and coordination between the Committee and the Integrity Commission is managed pursuant to an agreed Protocol.
- 3.4 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.
- 3.5 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.

### *Annual Report 2014-15*

- 3.6 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.
- 3.7 This prescribed time frame provides very little time to enable the Committee to adequately examine the report of the Commission and include in its own annual report any findings and/or recommendations on any matter appearing in or arising out of the report of the Commission.
- 3.8 The Committee has examined the Integrity Commission’s Annual report from the previous year – *Integrity Commission Annual Report 2014-2015*, and noted the following activities of the Integrity Commission during that period:-
  - The results of the Integrity Commission’s 2015 community perceptions survey, which demonstrated a strong majority of the public agreed that the Integrity Commission was necessary and more than half of respondents agreed that the Commission has increased attention on ethical behaviour in the public service.
  - The last full year of the inaugural Chief Commissioner, the Hon. Murray Kellam AO.

- Production of three video scenarios based on ethical risk for councillors, produced in partnership with the Local Government Division of the Department of Premier and Cabinet.
- Commencement of the 'Speak Up' campaign, a misconduct prevention tool for public authorities to provide for and to support employees to report misconduct. The program includes a range of print, web and video resources.
- Continued focus on local government, with visits to all twenty-nine councils, following the 2014 local government elections training was offered to all councillors, production of resource materials designed to assist council as part of the "Speak Up" campaign.
- Continued facilitation of Ethical Reference Groups.
- Continued work of the *Ethics and Integrity Training Program*, which consists of Modules on key misconduct areas and is designed for public sector agencies to deliver in-house training to staff to meet the specific needs of the agency. Three new modules were developed during the year.
- Production of a range of education and prevention resources, to support public authorities with targeted, high quality and flexible resources to enable in-house training and support of their staff.
- Developed and released the online learning environment, 'Integrity Hub'.
- Developed and distributed news alerts to inform stakeholders of relevant activities.
- Conducted *Practical Ethics in the Public Sector* half-day workshops to provide public sector employees throughout the state with an understanding of the role of the Integrity Commission, codes of conduct, and ethical decision-making processes.
- Investigation Report No. 2 of 2014, *Audit of Tasmania Police Complaints*, tabled in both Houses of Parliament in November 2014.

## Monitoring and Reviewing the Office of the Ombudsman

### *Protocol*

- 3.9 Communication and coordination between the Committee and the Ombudsman is managed pursuant to an agreed Protocol.
- 3.10 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.

### *Annual Report 2014-15*

- 3.11 The Committee has examined the *Ombudsman Annual Report 2014-2015* and noted the following matters highlighted by the Ombudsman:-
- Cabinet approval for the establishment of a Tasmanian Custodial Inspector attached to the Office of the Ombudsman, to be established in 2015-16.
  - Exploration of co-locating the Ombudsman office with the Integrity Commission and the Office of the Anti-Discrimination Commissioner, as proposed by the State Budget. This proposal was ultimately not acted on.
  - Continuing budgetary constraints and a subsequent reduction in staffing levels. Staffing reduction includes:
    - Replacement of a Band 9 position with a Band 8, two Band 6 positions replaced by two Band 5 positions.
    - Not filling vacant positions, including the Right to Information Senior Investigation and Review position as well as a Band 6.
  - Due to reduced staffing levels was unable to undertake own motion and complaint based investigations.
  - Due to resource constraints only limited Right to Information training to councils was provided and the demand for similar training by public agencies was unable to be met.
  - A decrease in complaints received by 14%, continuing a trend since 2011-12.
  - A slight decrease in complaints resolved within 90 days.
  - A decrease in out-of-jurisdiction complaints.

- A significant decrease in complaints received by the Energy Ombudsman jurisdiction.
- A decrease in the number of cases assessed outside the required 90-day period by the Health Complaints jurisdiction.
- An increase in the number of Right to Information reviews received, a decrease in the number of reviews finalised, and an increase in the number of cases carried forward into the reporting year. A lack of resourcing is cited as the cause for the delays in processing reviews.

**Parliament House  
HOBART  
25 November 2016**

**Hon. I.N. DEAN MLC  
CHAIRPERSON**