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PARLIAMENT OF TASMANIA

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**JOINT STANDING COMMITTEE ON  
INTEGRITY**

**Three Year Review – Progress  
Report**

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*Laid upon the Tables of both Houses of Parliament pursuant to section 24  
of the Integrity Commission Act 2009*

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**MEMBERS OF THE COMMITTEE**

**Legislative Council**

Mr Dean (Chairperson)  
Mr Mulder (Vice Chairperson)  
Mr Gaffney

**House of Assembly**

Mr Barnett  
Ms Giddings  
Mr McKim

## 1 INTRODUCTION

- 1.1 The Joint Standing Committee on Integrity (the Committee) is established pursuant to section 23 of the Integrity Commission Act 2009<sup>1</sup> (the Act).
- 1.2 The Committee has the following functions:
  - (a) to monitor and review the performance of the functions of an integrity entity;
  - (b) to 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) to 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) to 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) to 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) to provide guidance and advice relating to the functions of an integrity entity under this Act;
  - (g) to refer any matter to the Integrity Commission for investigation or advice;
  - (h) to comment on proposed appointments to be made under section 14(1)(e), (f) or (g), section 15 and section 27.<sup>2</sup>
- 1.3 As noted above, the Committee is required to review the functions, powers and operations of the Integrity Commission at the expiration of the period of 3 years from the date of commencement and to table in both Houses of Parliament a report regarding any action that

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

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

should be taken in relation to the Act, or the functions, powers and operations of the Integrity Commission.<sup>3</sup>

- 1.4 The Committee has resolved to present this Progress Report to both Houses of Parliament to provide an update as to the progress of the three year review inquiry.

## **2 PROGRESS OF THREE YEAR REVIEW**

- 2.1 The three year review commenced under the previous Committee (of which the membership was Hon. Ivan *Dean* MLC; Hon. Craig *Farrell* MLC; Hon. Vanessa *Goodwin* MLC (Chairperson); Mr Kim *Booth* MP (Vice Chairperson); Mr Rene *Hidding* MP and Ms Rebecca *White* MP).
- 2.2 The three year review was due to commence on 1 October 2013.
- 2.3 On 16 November 2013, the Committee placed an advertisement in the three major daily newspapers seeking submissions to the three year review with a closing date of 17 January 2014.
- 2.4 The Committee also wrote to a number of stakeholders inviting them to make submissions to the review.
- 2.5 The Committee had received 16 submissions by the closing date of 17 January 2014.
- 2.6 The Committee scheduled public hearings to occur on in February 2014.
- 2.7 On 16 January 2014, it was announced that the Parliament would be prorogued and the House of Assembly dissolved for a General Election. The Committee took the view that significant change to the composition of the Committee following the election was likely and accordingly resolved that the three year review be suspended to enable the new Committee complete carriage of the inquiry. The Committee considered such a course of action would provide continuity of the inquiry process and avoid the likely necessity of witnesses being recalled for re-examination by the new Committee.
- 2.8 The public hearings scheduled for February 2014 were therefore cancelled.
- 2.9 Following the opening of the new Parliament on 6 May 2014, the current Members (as listed on the front page of this Report) were appointed to the Committee.
- 2.10 The newly constituted Committee met on 29 July 2014 to consider the conduct of the three year review and resolved to re-advertise for submissions. The Committee considered it appropriate to do so,

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<sup>3</sup> Ibid, section 24(1)(e)

given the length of time that had passed since the initial advertisement was placed.

- 2.11 On 2 August 2014, the advertisement calling for submissions appeared in the three major daily newspapers with a closing date for submissions of 22 August 2014.
- 2.12 Between the initial closing date for submissions set by the previous Committee of 17 January 2014, and the new closing date for submissions set by the current Committee of 22 August 2014, a further 12 submissions were received.
- 2.13 The Committee commenced public hearings to hear evidence in relation to the three year review on 29 September 2014.
- 2.14 Following the commencement of the public hearings and consequent media coverage, the Committee received a number of enquiries from interested parties which resulted in a number of late submissions being received. A further 12 late submissions were received by the Committee after the closing date for submissions of 22 August 2014.
- 2.15 The Committee considered it appropriate in the circumstances to receive these late submissions, given the issues raised and their relevance to the inquiry. The Committee also considered it appropriate in some circumstances to call these witnesses to give evidence at hearings.
- 2.16 The Committee conducted its last hearing on 17 November 2014.
- 2.17 In total, to date the Committee has received 40 submissions to the three year review, and has heard evidence from 10 groups of witnesses (totaling approximately 14 hours of evidence taken at hearings).
- 2.18 While the Committee is still to review all evidence provided and agree to detailed findings and recommendations in respect of issues raised during the course of the review, the Committee can indicate that it will be seeking to make recommendations that will improve the operation of the existing model which includes both educative and investigative functions.
- 2.19 In accordance with s23(6) and Schedule 5(2) of the Integrity Commission Act, a division was recorded on the Question that paragraph 2.18 stand as part of the Report. The Committee divided:

**Ayes - 5**

*Mr Dean*

*Mr Gaffney*

*Ms Giddings*

*Mr McKim*

*Mr Mulder*

**Noes - 1**

*Mr Barnett*

2.20 The Committee notes that the Integrity Commission Act provides for an independent review to be commissioned by the Minister as soon as possible after 31 December 2015, to consider the following matters:

- (a) The operation of the Act in achieving its object and the objectives of the Integrity Commission; and
- (b) The operation of the Integrity Commission, including the exercise of its powers, the investigation of complaints and the conduct of inquiries; and
- (c) The operation of the Parliamentary Standards Commissioner; and
- (d) The operation of the Joint Committee; and
- (e) The effectiveness of orders and regulations made under the Act in furthering the objectives of the Act and the objectives of the Integrity Commission; and
- (f) Any other matters relevant to the effect of the Act in improving ethical conduct and public confidence in public authorities.<sup>4</sup>

2.21 The Committee considers that it is appropriate that any major structural changes to the model of the Integrity Commission be considered as a part of the five year independent review.

2.22 The Committee intends to carefully consider and deliberate in relation to all evidence received, and it is the Committee's intention to table its final report in both Houses of Parliament on the first sitting day of 2015.

**Parliament House  
HOBART  
24 November 2014**

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

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<sup>4</sup> Integrity Commission Act 2009, s106

