

DRAFT SECOND READING SPEECH

HON. MATTHEW GROOM MP

Integrity Commission Amendment Bill 2017

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Madam Speaker, I move that the Bill be read a second time.

This Bill makes amendments to the *Integrity Commission Act 2009* to provide improved governance and clearer direction to the Integrity Commission, which was established to promote and enhance standards of ethical conduct by public officers.

Section 106 of the Act provides for an independent review of the Act and, as members are aware, the Hon William Cox AC, RFD, ED, QC was appointed early last year as the Independent Reviewer to undertake the five year review.

After completing the review, Mr Cox provided his Report to the Government and a copy was tabled in both Houses of Parliament on 23 August 2016. In November 2016 the Government tabled its Response to the Report in Parliament.

The Report provided by Mr Cox makes 55 substantive recommendations and the first six of those relate to providing improved governance and clearer direction to the Integrity Commission.

This Bill makes amendments to the Act that address those six recommendations. The Government's response to the remaining recommendations in the Report will be implemented later in 2017.

Madam Speaker, I will now outline the key features of the Bill.

The Bill amends the Act to clarify that the Chief Commissioner and Chief Executive Officer (CEO) are not considered to be designated public officers under section 6(1)(d) of the Act.

Section 5(2) of the Act provides a list of persons and entities that are not considered public authorities for the purposes of the Act, therefore excluding them from its scope of operation. This list includes the Integrity Commission itself.

In his Report, Mr Cox noted that both the Chief Commissioner and the CEO are holders of a statutory office by virtue of having been appointed by the Governor or a Minister, and may currently be considered to be designated officers under section 6(1)(d) of the Act, leading to potential inconsistency with section 5(2).

Explicitly excluding the Chief Commissioner and the CEO as designated public officers removes this potential inconsistency and gives effect to recommendation 5 in the Report.

A significant feature of the Bill is the introduction of updated appointment, suspension and removal provisions in relation to the Chief Commissioner.

In responding to recommendation 4 of the Report, which aimed to emphasise and strengthen the high standard of behaviour expected by members of the Board of the Integrity Commission, the Government determined that it would be appropriate to include appointment, suspension and removal provisions for 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*. The Bill provides for these.

To further address recommendation 4 in the Report, the Bill amends the Act so that the sections relating to suspension of the Chief Commissioner and members of the Board include a specific provision that captures “conduct, or an attempt to engage in conduct which if engaged in by a public officer is misconduct”.

As I noted earlier, the Chief Commissioner and CEO are not considered designated public officers for purposes of the Act, which means that the definition of “misconduct” in the Act cannot apply to them. The Bill rectifies this by enabling the misconduct provisions to apply to the Chief Commissioner and Board members.

The updated appointment provisions also provide for the Chief Commissioner’s term of appointment to be for a maximum of five years, with the total of all periods for which a person is appointed or reappointed as Chief Commissioner not exceeding a period of 10 years.

The Bill also removes the current requirement that the Chief Commissioner and Parliamentary Standards Commissioner be under the age of 72 years. This makes these appointment provisions consistent with other Tasmanian Acts, which do not have statutory age limits for fixed-term positions.

Madam Speaker, the Bill makes several amendments to the Act in relation to the membership, operation and purpose of the Board. It removes the Auditor-General and Ombudsman as members of the Board, addressing recommendation 1 in the Report. This change was supported by both the Ombudsman and Auditor-General in their submissions to the Independent Review.

The Bill also 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, and reduces the quorum required at a meeting of the Board from four to three. These changes are being made in response to recommendations 2 and 3 in the Report.

The Bill further amends 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. This clarification responds to recommendation 6 in the Report.

Madam Speaker, the Government values the role of the Integrity Commission in strengthening standards of behaviour and ethics in the public sector, and these amendments will provide better governance arrangements to support that important work.

This Bill represents the first phase of the Government’s response to the Independent Review, and I would like to take this opportunity to once again thank Mr Cox for his work in undertaking the five year review of the Act, and all of those stakeholders who provided submissions that have informed the development of this Bill.

I commend the Bill to the House.