

What is an examination?

What is the ACT Integrity Commission?

The ACT Integrity Commission (the Commission) is an independent statutory authority located in the Australian Capital Territory.

The Commission was established to investigate, expose, and prevent corruption in the ACT public sector and foster public confidence in the integrity of government.

What is an examination?

An examination is an investigative tool available to the Commission for investigations into alleged serious or systemic corrupt conduct. The purpose of an examination is to gather evidence to support Commission investigations.

A person required to attend an examination will receive a document called a summons. More information is available in the [Examination Summons factsheet](#).

Any person required to attend an examination is called a witness.

A witness is required to attend the Commission to give evidence and/or produce documents or other things.

Where do examinations happen?

Examinations generally take place in a dedicated examination room at the Commission's premises. Our '[Who's who in the Examination Room](#)' resource outlines the layout of the examination room and what to expect.



Public examinations

The Commission can hold an examination in public or in private.

The Commission will only hold an examination in public if it determines it is in the public interest to do so and if it has decided a public examination can be held without unreasonably infringing a person's human rights. Section 143 of the *Integrity Commission Act 2018* outlines what must be considered in deciding whether to hold an examination in public or in private.

Before a public examination is held, a proposed witness will, most likely, be given an opportunity to make submissions on the question of holding the examination in public. The Commission will consider any such submissions carefully when determining whether to hold a public examination.

What happens during an examination?

At the start of an examination, before giving evidence the witness must take an oath or make an affirmation that their evidence will be truthful. An oath is frequently made while holding the Bible or another religious text. An affirmation is a formal declaration. There is a separate oath or affirmation for people who act as an interpreter before the Commission. Witnesses are able to choose whether they prefer to take an oath or make an affirmation.

Throughout the examination, the witness will be asked questions by Counsel Assisting the Commission as well as the Commissioner. They may be shown documents and other things and be asked questions about them.

A witness may seek leave to be legally represented when providing evidence to an examination. In limited circumstances, their lawyer may be able to ask questions of the witness.

In a private examination, cross-examination of a witness by any other affected parties will generally not be permitted – although the Commissioner considers each examination on a case-by-case basis. This is outlined in the Commission's [Examination Conduct Guidelines](#). During a public examination, cross examination will usually be permitted.

Witnesses must answer all questions that they are asked truthfully – it is an offence to knowingly give false or misleading evidence to the Commission.

Why would someone be called as a witness?

There are a number of reasons why a person may be summonsed to attend an examination and give evidence to the Commission.

These reasons include (but are not limited to):

- they were involved in any way with matter that the Commission is investigating; and/or
- they have specific subject matter expertise that will assist the Commission to understand a matter.

Being called as a witness to provide evidence to an examination is not indicative that an adverse finding will be made, by the Commission, against that person.

The Commission calls a range of different witnesses throughout an investigation and considers all information they provide carefully before proceeding to the finalisation stage of an investigation and making formal corruption findings.

What happens after an examination?

Conducting an examination is just one step in the investigation process. Evidence gathered during an examination will assist the Commission in determining further action and, potentially, making a finding of corruption.

Immediate steps for the Commission following an examination include reviewing the evidence provided by the witness and considering whether further examinations, or other investigative steps, are required.

Our [Investigative Process](#) resource has further information on how an investigation works and the next steps once formal investigative activity is completed. Finalising an investigation is no small feat and is not an instantaneous process.



The image features a stylized background with a large, light grey number '7' on a white background. The bottom portion of the image is a solid teal color. The text 'ACT INTEGRITY COMMISSION' is centered in the white area. The 'ACT' is in a bold, dark teal font, with a small teal dot above the 'A'. 'INTEGRITY' and 'COMMISSION' are in a smaller, dark teal, all-caps font stacked to the right of 'ACT'.

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For more information
integrity.act.gov.au