

*An initiative for Corruption Awareness Week 2023*

# Trends Analysis - Understanding the ACT Integrity Commission and its functions in 2022-23

For Corruption Awareness Week 2023, the ACT Integrity Commission (ACTIC) is focusing on 'myth-busting' common misconceptions about the agency and its work. The nature of the ACTIC and the matters we deal with means that we conduct a lot of our work quietly and as discreetly as possible. This can lead to some confusion about what the ACTIC is working on and when.

This resource is designed to share some of the 'behind-the-scenes' insights of our discrete functions that our prevention team has gathered to assist you in understanding our functions and the work we do.

## What are the ACTIC's main functions?

The ACTIC's functions are: **investigate, expose, prevent and educate**. We undertake these functions to achieve our mission of building public confidence in the integrity of the ACT Government.

Our prevention and education functions are public facing - this team at the ACTIC runs training for the ACT public service and community, develops resources and tools, and provide advice on preventing corruption. However, these are our 'external' functions and they differ from our more 'internal' functions like conducting investigations and assessing allegations of corruption. It is important to differentiate between these two distinct function types.

## Why is the ACTIC's work so confidential?

The aforementioned ACTIC functions are required to be confidential so they are properly carried out. This approach ensures the ACTIC can conduct its investigation fully and without interruptions. The ACTIC is also concerned with 'procedural fairness' and avoiding undue reputational damage.

For these reasons, the ACTIC often won't comment on its investigations or the reports it may or may not have received, and may not answer questions on the status of these matters.

Our investigators and assessment staff work hard behind the scenes to action all reports received, preliminary inquiries, and assessments.

## Trends emerging from assessments

### *Allegations received and assessed*



**120** Corruption complaints

**22** Mandatory corruption notification

**6** Disclosures of disclosable conduct

In the last financial year (2022-23), the ACTIC **received 148 allegations** and **assessed 167 allegations**. A number of the allegations we assessed were carried over from previous financial years.

Most of these allegations were 'corruption complaints' - a type of report that any person can submit.

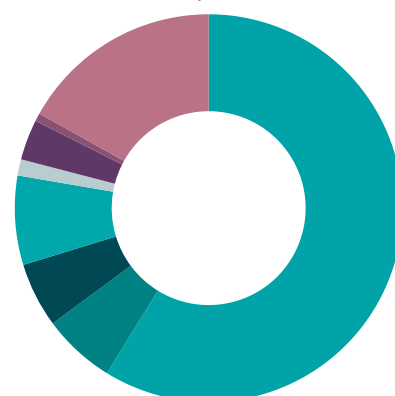
### *Analysis of allegations received*

The ACTIC applies a behaviour type classification to each allegation when it is received. In 2022-23, the most common 'type' of report was abuse of office (58.8%), followed by matters that fell out of the Commission's jurisdiction (16.9%).

**Abuse of office** is an umbrella term used by the ACTIC's prevention team to encompass a number of different types of conduct that are included in the ACTIC's legislative definition of corruption. This includes:

- a serious disciplinary offence,
- conduct that constitutes reasonable grounds for dismissing or otherwise terminating the services of a public official,
- conduct that constitutes the exercise of a public official's functions in a way that is not honest or impartial, or
- conduct that constitutes a breach of trust.

■ Abuse of office ■ Criminal conduct  
■ Mismanagement of a conflict of interest  
■ Misuse of official information  
■ Perverting the course of justice  
■ Maladministration  
■ Danger to public health or safety, or the environment  
■ Out of jurisdiction



#### Did you know?

Allegations made under the *Public Interest Disclosure Act 2012* are given a different classification type, in line with the types of conduct outlined in the legislation.

These two types are maladministration, and danger to public health or safety, or the environment.

### *Where are reports coming from?*

The ACTIC can receive two types of reports under the *Integrity Commission Act 2018* (corruption complaints from anyone, or mandatory corruption notifications only from specified mandatory reporters). The ACTIC can also receive public interest disclosures (or 'disclosures of disclosable conduct') from any person. The ACTIC can receive these reports anonymously, though anonymous reports can make it more difficult to investigate some matters.

Of the 148 reports received by the ACTIC in 2022-23, the majority (58.1%) were received from members of the ACT community (or persons who did not identify as public officials). A further 20% were from anonymous persons and it is therefore unknown if they are public officials or community members.



**30**  
Anonymous persons



**86**  
Community members



**32**  
Those who identify as public officials

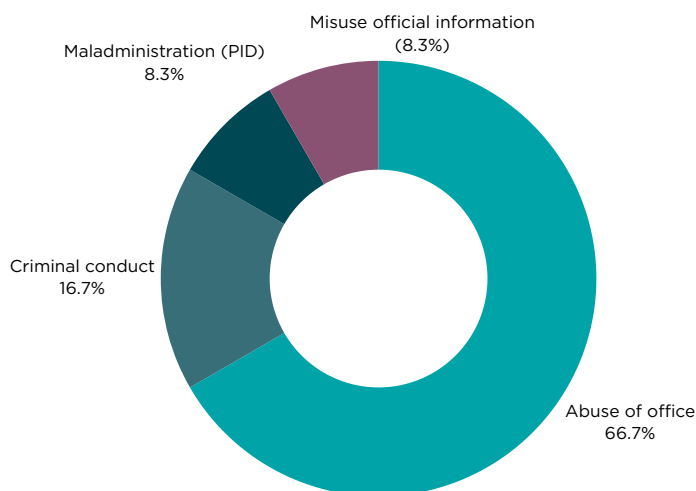
## Trends emerging from investigations

In the last financial year (2022-23), the ACTIC worked on **13 investigations** and **14 preliminary inquiries**. Of the 13 investigations, **two were new** (initiated in 2022-23). Of the 14 preliminary inquiries, **3 were new**.

During the period, the ACTIC did not exercise its power to initiate an 'own-motion' investigation or preliminary inquiry. This meant that each new investigation worked on resulted from an allegation the ACTIC received.

### *Preliminary inquiries*

Preliminary inquiries are used by the ACTIC in some matters to determine whether a corruption report should be dismissed, referred or investigated. The ACTIC does not publicly comment on the exact subject matter of its preliminary inquiries to ensure there is no undue reputational damage or unnecessary concern.



The ACTIC applies a behaviour type categorisation to its investigations and preliminary inquiries in the same way it does corruption reports.

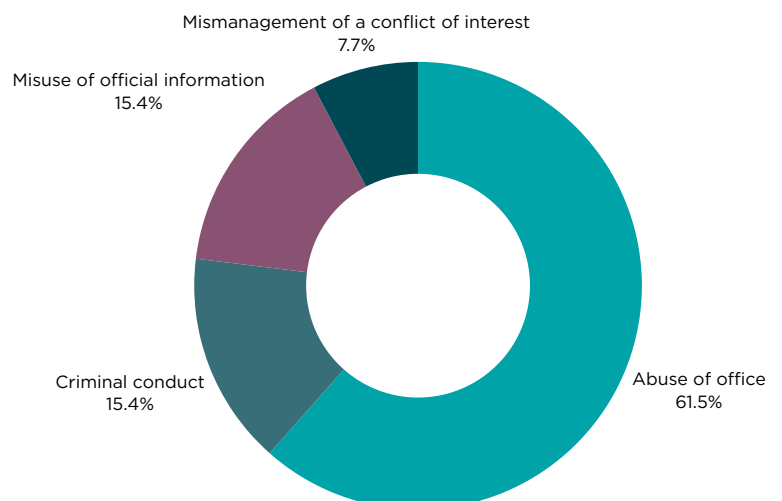
The majority of the preliminary inquiries (66.7%) relate to **abuse of office**.

1 relates to potential maladministration - a potential conduct type specifically defined in the *Public Interest Disclosure Act 2012*.

### *Investigations*

**The ACTIC prioritises the investigation of serious or systemic corrupt conduct.** Investigating these matters is significant, and the ACTIC can use information and evidence gathering powers - including holding 'examinations' (or hearings) in public or private.

Like with reports received and preliminary inquiries, the majority of the ACTIC's 2022-23 investigations related to **abuse of office**.



#### Did you know?

ACTIC investigations are assigned an 'operation name' to assist us with maintaining secrecy and confidentiality.

For example: The ACTIC has investigations on hand codenamed Operation Kingfisher, Operation Luna and Operation Maggie.

## Trends emerging from information and evidence gathering powers

The use of information and evidence gathering powers is primarily managed by the ACTIC's legal team. In addition to this function, the team also act as internal legal counsel, providing advice and ad-hoc legal support to the entire agency.

In 2022-23, the ACTIC saw a significant uplift in the use of these powers that has allowed it to progress a number of large, long-term investigations.

### Examinations

The ACTIC saw a **450% increase in the number of examinations held** in 2022-23 - from 10 examinations in the previous financial year, to **55 examinations**.

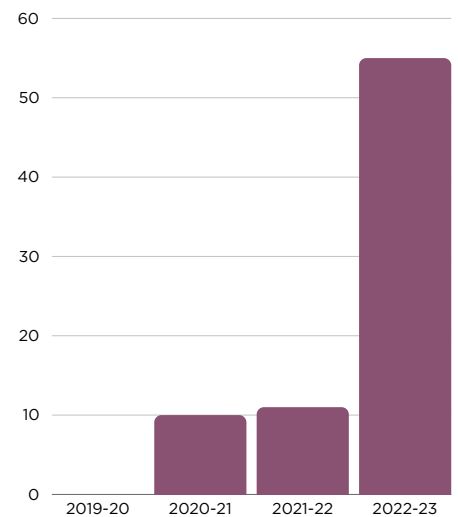
Although the ACTIC has the power to hold public examinations in specific circumstances, all 55 private examinations were held in private.

These examinations are used to ask questions of witnesses to better understand the allegation being investigated, and what occurred.

Of the 55 investigations, the majority related to two large investigations:

**24** Examinations for  
Operation Kingfisher

**21** Examinations for  
Operation Luna



### Summonses and confidentiality notices

There are a number of other 'behind-the-scenes' legal notices that go into supporting a ACTIC investigation that you might not know about. The ACTIC saw a similar uplift in operational tempo for these notices as well:



**114** Confidentiality notices issued (for investigations and preliminary inquiries)

**5** Preliminary inquiries notices (notifying a person that a preliminary inquiry is being undertaken)

**88** Examination summonses issued (requiring a person to attend an examination, provide documents or other things, or both)