

Annual Report

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This publication should be attributed as the '*ACT Integrity Commission 2022-23 Annual Report*, ACT Integrity Commission, Canberra ACT'.

Acknowledgement of Country

The ACT Integrity Commission acknowledges the Ngunnawal people as Traditional Custodians of the ACT and recognises any other people or families with connection to the lands of the ACT and region. We acknowledge and respect their continuing culture and the contribution they make to the life of this city and the surrounding region.

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/ Part A



Transmittal certificate

Dear Madam Speaker

This report has been prepared in accordance with section 7A of the *Annual Reports (Government Agencies) Act 2004* and in conformity with other legislation applicable to the preparation of the annual report by the ACT Integrity Commission (Commission) including the *Integrity Commission Act 2018* (Integrity Commission Act) and the *Public Interest Disclosure Act 2012* (PID Act).

I certify that information in the attached annual report and provided for whole of government reporting constitutes an honest and accurate account of the Commission's activities, and that this report includes all material information on the operations of the Commission for the period 1 July 2022 to 30 June 2023.

I hereby certify that fraud prevention has been managed in accordance with the *Public Sector Management Standards 2006 (repealed)*, Part 2.3 (see section 113, *Public Sector Management Standards 2016*).

Section 15 of the *Annual Reports (Government Agencies) Act 2004* requires that you present the report to the Legislative Assembly within 15 weeks of the end of the reporting year.

Yours sincerely,

A handwritten signature in dark teal ink, appearing to read 'M Adams', with a long horizontal flourish extending to the right.

The Hon Michael F Adams KC
Integrity Commissioner

September 2023

Commissioner's foreword

This reporting period marked the Commission's third full year of operational activity after opening its doors for business on 1 December 2019.

As well as completing its operational tasks of assessment, investigation and education, the Commission continued to work on maturing its internal operating processes and practices, and governance arrangements.

The Commission also concentrated on dealing with a substantial backlog of corruption reports due to staffing shortfalls the previous year. This work can be underappreciated – the assessment of these corruption reports is not necessarily a public output in the way the Commission's investigative or educative efforts are. However, it is an important way that the Commission identifies corrupt conduct that is occurring in the ACT. This work is also resource demanding. For example, it is not uncommon for complaints to be accompanied by more than 100 pages of material that needs to be worked through.

As in previous years, the Commission continued to feel the weight of implicit and explicit expectations to produce results and deliver investigation outcomes, particularly in high-profile matters.

The Commission also focused on producing submissions to the statutory review of the Integrity Commission Act. Since its inception, the Commission has identified several parts of the Act that have proven problematic in practice and/or where rationalisation or harmonisation would assist with its efficient and effective operation. The Commission's team has engaged with the reviewer throughout this process to clarify its understanding of the Act and discuss suggested improvements.

Internally, the Commission went through several recruitment processes to identify suitable individuals for roles. While staff numbers ebbed and flowed throughout the year, the Commission was, for the first time, largely fully staffed at the end of the reporting period. In addition, the Commission has also ramped up its efforts to bed down internal governance arrangements, with reviews of and updates to key internal policies such as the Fraud and Anti-Corruption Policy and the Conflicts of Interest Policy and related procedures. This ensures the Commission's conduct is exemplary in every respect.

Staff also focused on preparing for the Commission's interim declaration under the *Telecommunications (Interception and Access) Act 1979*. This follows both ACT and Australian Government approval that enables the Commission to access stored communications and telecommunications data. Once the declaration is enacted, these tools will form an important part of the Commission's information-gathering toolkit, and are expected to deliver significant benefits to its investigative process. These include faster access to exculpatory evidence and more efficient identification of relevant lines of enquiry.

At the time of writing this foreword in August 2023, the Commission has conducted its first tranche of public examinations for Operation Kingfisher. These are an important mechanism for publicly exposing the issues being investigated by the Commission. Examinations in public are only held when public interest requirements are satisfied.

A significant amount of work occurred in the lead-up to the inaugural public examinations, with critical policy and practice issues considered for the first time. These included establishing guidelines relating to the cross-examination of witnesses, policies relating to the use of pseudonyms, and policies designed to minimise the potential effects on the wellbeing of witnesses.

As disclosed elsewhere in this report, 55 private examinations were conducted during the year. These comprise only a small – although key – part of the Commission’s investigations. They required the identification and acquisition of evidence, which involved analysing millions of items of data, resolving strategic issues and determining related legal questions.

The performance of the Commission’s work requires teamwork of a high order, as well as constant challenges to skills and judgment. I take this opportunity to commend the Commission’s staff on their commitment, which goes far beyond what is strictly necessary.

“The Commission was, for the first time, largely fully staffed at the end of the reporting period.”

The Hon Michael F Adams KC

Reporting corruption

How to report potential corrupt conduct

It is important that all allegations of serious or systemic corrupt conduct in the ACT are reported to the Commission. This is essential for identifying and exposing any corruption occurring in the Territory and stopping it from continuing or occurring again.

The Commission can investigate allegations of corrupt conduct relating to or involving any current or former ACT public official. A public official is a person who performs an official function for the ACT or who acts in an official capacity for the ACT Government.

The Commission can also investigate allegations of corruption relating to any ACT public sector entity, including:

- the ACT Legislative Assembly and its entities – including Members of the Legislative Assembly (MLAs) and their staff
- ACT Government Directorates and their staff
- statutory bodies
- ACT authorities and instrumentalities
- Territory-owned corporations and their subsidiaries
- public health services, including hospitals
- public transport authorities
- emergency services organisations (excluding ACT Policing)
- public education bodies
- public utilities, including gas, electricity and water suppliers
- ACT correctional centres and places of detention.

The Commission is not able to investigate matters relating to public sector entities from the Commonwealth or other state or territory jurisdictions, unless there is a connection to the ACT. This includes reports about ACT Policing, which operates as a community policing branch of the Australian Federal Police.

Assessing corruption allegations

The Commission comprehensively assesses all reports of corrupt conduct it receives. It then decides whether to dismiss, refer or investigate the alleged conduct.

Those reporting conduct do not need to provide the Commission with their name. However, information given anonymously may be more difficult to investigate. The Commission strongly suggests that individuals making a report provide their contact details.

The Commission undertakes corruption investigations. It does not have a complaint-handling role and cannot help individuals to achieve personal remedies or resolve disputes.

The Commission prioritises the investigation of allegations of serious or systemic corrupt conduct. If a report is not investigated, the Commission may keep the report on file to inform future decisions.

All information provided to the Commission is handled in accordance with relevant privacy laws and the Integrity Commission Act.

How to report

Online: report.integrity.act.gov.au

Email: complaints@integrity.act.gov.au

Phone: (02) 6205 9899

Organisational overview
and key achievements



Part B:

Organisational overview and key achievements

This annual report covers the fourth year of operations for the Commission, which opened its doors for business on 1 December 2019. The 2022–2023 financial year is the Commission’s third full year of operational activity.

The ACT Integrity Commission and the role of the Integrity Commissioner were established under the *Integrity Commission Act 2018* (ACT) (Integrity Commission Act). In April 2021, responsibility for administering the *Public Interest Disclosure Act 2012* (PID Act) shifted from the Public Sector Standards Commissioner to this Commission.

The Commission’s purpose, values and functions

Our purpose

The Commission’s purpose is to strengthen public confidence in the integrity of the ACT Government by preventing, investigating and exposing corruption.

Our values

The Commission’s values provides structure to, and guide how it performs, its functions. The following four organisational values guide and underpin the Commission’s day-to-day work.

Independence

Our actions are lawful, ethical, evidence-based and free from political direction, influence or bias.

Professionalism

We demonstrate excellence, respect, courtesy and dedication in everything we do.

Accountability

We accept responsibility for our actions and decisions; transparency and consistency are fundamental to our business.

Fairness

We exercise the Commission’s powers fairly, paying due respect to civil and human rights.

Our functions

The Commission’s role is to assess reports of alleged corrupt conduct in the ACT Government and the public service, and to investigate and report on allegations where warranted. It is also responsible for raising awareness in the public sector and the community about the risks of corruption and how to combat it.

According to section 23 of the Integrity Commission Act, the Commission’s functions are to:

- investigate alleged corrupt conduct
- refer suspected instances of criminality or wrongdoing to the appropriate authority for further investigation and action
- prevent corruption, including by:
 - researching corrupt practices
 - mitigating the risks of corruption
- publish information about its investigations, including lessons learned

- run education programs about the operation of the Act and the Commission, including providing advice, training and educational services to:
 - the Legislative Assembly and the public sector to increase capacity to prevent corrupt conduct
 - people who are required to report corrupt conduct under the Act
 - the community on the detrimental effects of, and ways to prevent corruption
- receive, assess, refer and investigate reports of disclosable conduct
- oversee ACT public sector agencies' management of public interest disclosures (PIDs)
- foster public confidence in the Legislative Assembly and public sector.

In undertaking these functions, the Commission assesses reports of wrongdoing in the ACT Government and public sector. After receiving an allegation, it decides whether there could be corrupt conduct as per the definition given under section 9 of the Integrity Commission Act. Corrupt conduct, in substance, comprises criminal offences or actions that could have serious disciplinary or employment consequences for a public official. It also constitutes a significant breach of public trust or the abuse or misuse of an official position.

If the Commission decides an allegation merits further action, it either initiates an investigation or refers the matter to another agency for investigation. The Commission also reviews investigations by other agencies and monitors their reports to ensure fair outcomes.

It also has the power to initiate an investigation without having received a report of wrongdoing.

In exercising its functions, the Commission must prioritise the investigation and exposure of corrupt conduct that it considers may be serious or systemic.

PID Act

The Commission also has supervisory powers in relation to the PID Act, which is designed to encourage people to disclose wrongdoing in the public sector and to protect whistle-blowers who do so.

Detailed guidelines about the PID Act and the Commission's role are available on the **ACT Integrity Commission website**.

The PID Act also prescribes the Commission's annual reporting requirements, which are included in this report.

Part B:

Organisational overview and key achievements

Organisational structure

Section 20 of the Integrity Commission Act provides that the Commission consists of the Commissioner. The Commissioner is an independent officer of the ACT Legislative Assembly and has complete discretion in exercising the Commission's functions, subject to the Integrity Commission Act and other ACT laws.

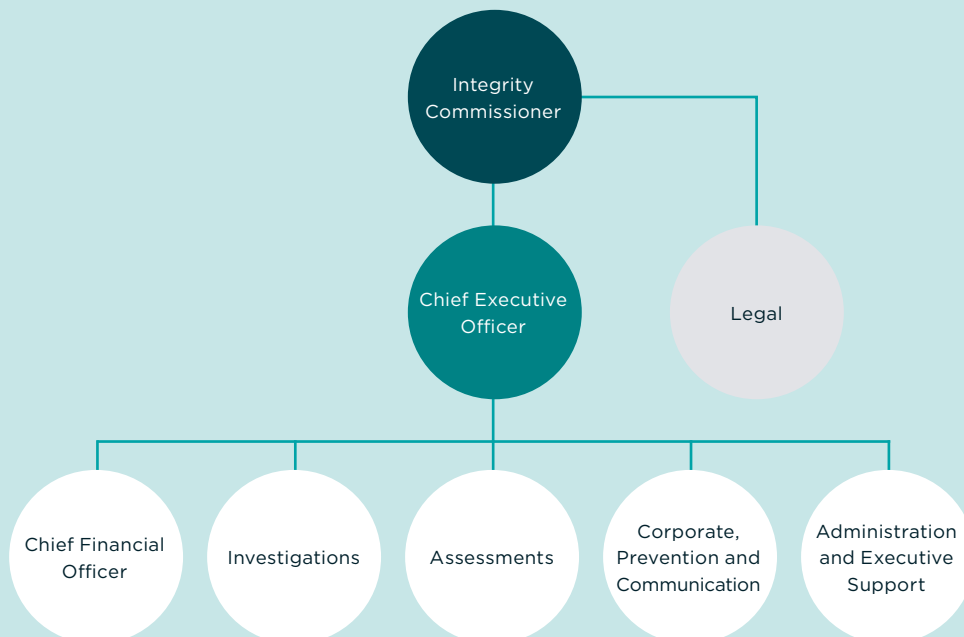
Section 41 of the Integrity Commission Act requires the Commissioner to appoint a Chief Executive Officer (CEO) and specifies the conditions of the appointment.


The CEO's functions, outlined in section 44 of the Integrity Commission Act, are to:

- manage the day-to-day operations of the Commission
- advise the Commission on its operations and financial performance.

As at 30 June 2023, the Commission consisted of the Commissioner, the CEO, the Chief Financial Officer (CFO), a Solicitor to the Commission who leads the Legal function, a Senior Director who leads the Corporate, Prevention and Communications functions and two directors who lead the Investigations and Assessments functions, respectively. There is also an Administration and Executive Support unit. Figure 1 outlines the Commission's organisational structure.

Figure 1. The ACT Integrity Commission's organisational structure as at 30 June 2023





Under this organisational structure, the Director of Assessments manages the Assessments team. The Commission's Assessments team is the first point of contact for members of the public and ACT Government staff.

The role of the Assessments team is to record, triage and assess corruption reports and PIDs received by the Commission and propose appropriate recommendations on how the Commission should deal with these reports. The team also provides advice, guidance and information on the Commission's jurisdiction and processes to the public, external agencies and ACT Government staff.

The Director of Investigations manages the investigative function, including conducting preliminary inquiries and investigations into alleged corrupt conduct, and exercising the Commission's information-gathering powers. This includes engaging with witnesses and persons who have made corruption complaints. The Director of Investigations also oversees the use of specialist digital forensic capabilities and the exercise of search and seizure powers by investigators authorised under the Integrity Commission Act.

The Solicitor to the Commission ensures the Commission's legal team provides high-quality, accurate and timely legal services to support the Commission's investigative work. This enables the Commission to perform its main functions and exercise its statutory powers in a lawful, effective, ethical and accountable manner. The Legal team also advises the Commission on policy and other legal matters relevant to its operation.

The Senior Director of Corporate, Prevention and Communication manages the prevention and education functions. This includes researching and analysing corruption risks and trends, and providing best-fit anti-corruption advice, products and education to the ACT's public sector and community. It also promotes the Commission's work within the ACT, nationally and internationally. The Senior Director who leads the Corporate, Prevention and Communications functions.

Part B:

Organisational overview and key achievements

Key statistics

The key statistics for the Commission's third full year of operational activity are outlined below.



148
reports
received



120
corruption complaints



22
mandatory corruption
notifications



6
disclosures of
disclosable conduct



14

**preliminary inquiries
worked on**



13

**investigations
worked on**



55

**examinations
held**



88

**summonses
issued**



114

**confidentiality
notices issued**



2

special reports tabled



14

**prevention
resources released**

Part B:

Organisational overview and key achievements

Achievements

This year saw a significant uplift in the number of activities conducted across the Commission.

The increase in operational tempo is particularly reflected in the significant growth in the number of private examinations held, and the volume of information and evidence gathering work being undertaken. Notably, there was a 450% increase in the number of examinations held, a 70% increase in the number of confidentiality notices issues, and a 54.4% increase in the number of summonses issued.

A key focus for 2022-23 was clearing the backlog of report assessments from previous years that had accumulated due to insufficient resourcing. There was a 149.3% increase in the number of reports assessed during 2022-23. This was a considerable achievement that required significant effort and multi-tasking from the Assessments team.

The increase in operational tempo was made possible by extensive recruitment activity that resulted in 17 people joining the Commission this year, and a 15% increase in the total full-time equivalent (FTE). Part C provides detailed information on the Commission's performance in 2022-23. A further representation of the key metrics between financial years is on the following page.



450%

increase in number of examinations held - from 10 to 55



149.3%

increase in number of reports assessed - from 67 to 167



70%

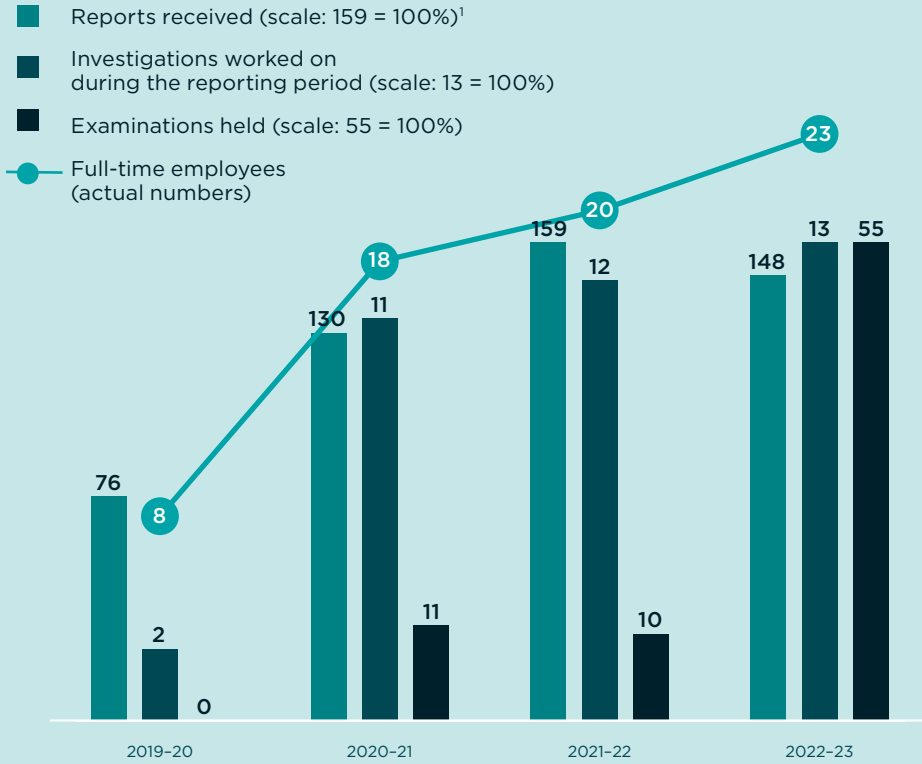
increase in number of confidentiality notices issued - from 67 to 114



54.4%

increase in number of summonses issued - from 57 to 88

Figure 2. Key metrics comparison 2019–2023



¹ Includes corruption complaints and mandatory corruption notifications made under section 57 and section 62 of the Integrity Commission Act respectively, and disclosures of disclosable conduct made under section 17 of the PID Act.

Part B:

Organisational overview and key achievements

Organisational priorities

The Commission's operating environment remains challenging, with community and commentators' expectations of delivering findings of corrupt conduct weighing heavily on staff.

Managing the expectations of individuals who make allegations of corruption and believe their case to be the most important case before the Commission is particularly difficult. This is especially true when their concerns fall outside the Commission's jurisdiction or don't meet the threshold of serious or systemic corrupt conduct.

The Commission also continues to experience instability in its staffing levels and problems related to its immaturity as an organisation.

In this context, the Commission has identified five main organisational priorities to help it mature. These priorities are part of the evolution of the Commission's processes and practices, having regard to its relative 'youthfulness' as an organisation.

These organisation priorities also relate to achieving the budget priorities, as set out on page 22.

In addition to the Budget priorities set out in Part B, the Commission shared several priorities with staff in January 2023. These focus areas are explained below.

Focus area 1 – People

Since its inception, the Commission has struggled to staff up to its available budget. This year, additional resources were secured using secondments, engaging people with temporary contracts and contracting external expertise.

The Commission is focused on achieving full staffing up to its budget. It also plans to establish retention strategies to address the relatively high turnover of staff and to adopt a more deliberate approach to professional development and learning opportunities for staff.

Focus area 2 – Investigation capabilities

The Commission is working on several projects to increase its investigation capabilities, including:

- implementing its declaration as a criminal law enforcement agency under the *Telecommunications (Interception and Access) Act 1970* (Cth). This declaration is required to achieve access to stored telecommunications data. Preparing for this declaration includes developing internal policies and procedures, and liaising with the telecommunications sector and other partner agencies involved in the process to declare the Commission as a criminal law enforcement agency (see page 53 for more details).
- establishing information access and partner assist arrangements with entities that hold information relevant to the Commission's operations and/or capabilities
- developing its intelligence and analytical capabilities to support operational work.

Focus area 3 – Corporate capabilities

The Commission is committed to improving its organisational capabilities by:

- implementing a project to consider its ICT requirements, including a contemporaneous assessment of needs and approaches to delivery
- maturing internal governance frameworks and mechanisms
- upgrading physical infrastructure and security arrangements.

Focus area 4 – Statutory Review of the Integrity Commission Act

The Commission will participate in the comprehensive, independent Statutory Review of the Integrity Commission Act being undertaken by the ACT Government, including:

- developing position papers and responses to the Statutory Review discussion paper
- engaging with, and providing data to, the Statutory Review team.

Focus area 5 – Maturing internal processes and practices

The Commission is committed to becoming a more mature organisation by refining, developing and documenting internal policies, procedures and business processes.

As at 30 June 2023, it has made significant progress across all these focus areas but there is still more work to be done. These focus areas remain in place for 2023-24.

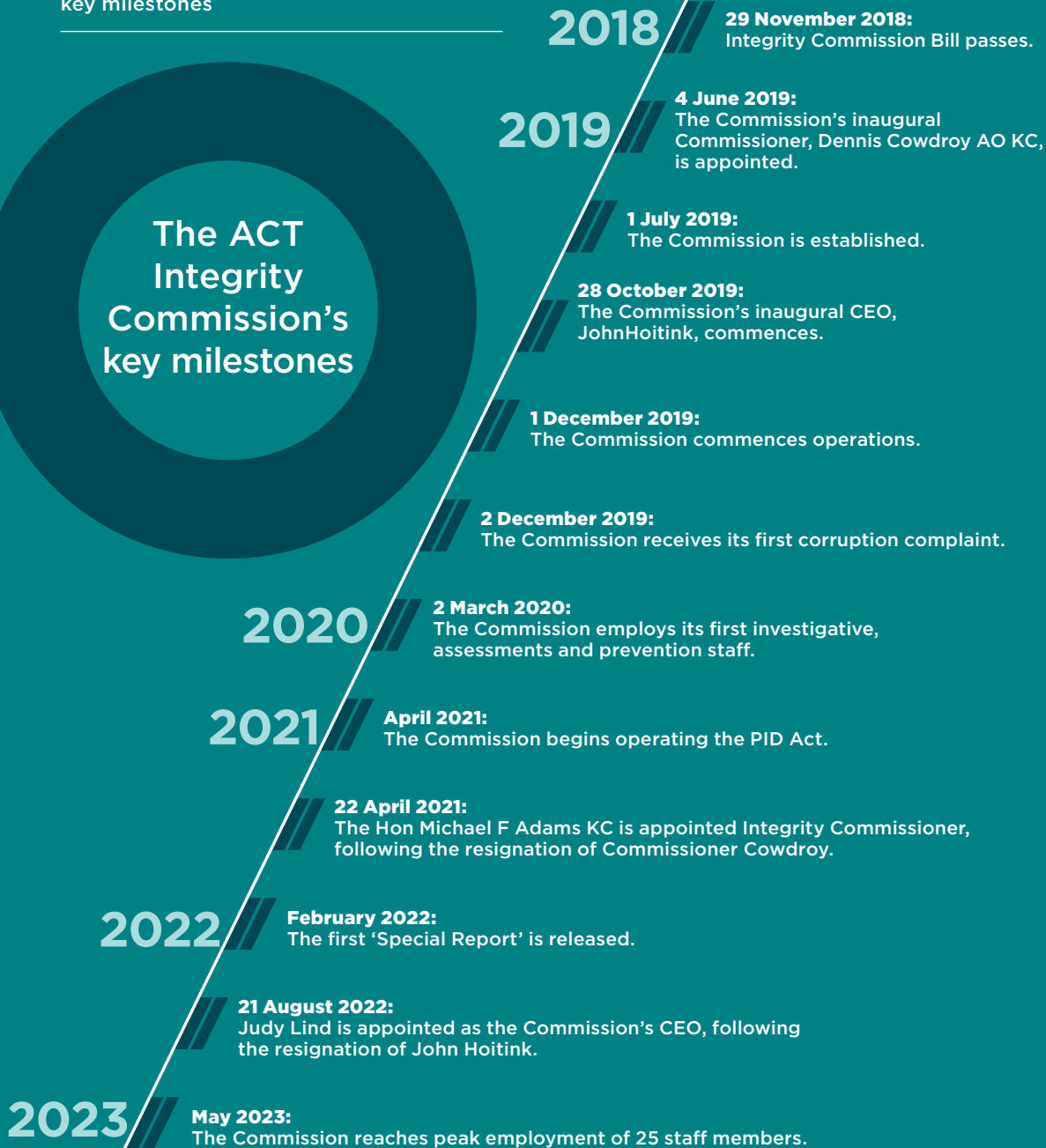
Part B:

Organisational overview and key achievements

Figure 3. The ACT Integrity Commission's key milestones



The ACT Integrity Commission's key milestones



Performance





Part C: Performance

The Commission's reporting framework

The Commission's performance reporting framework is underpinned by the functions and objectives specified in the *Integrity Commission Act 2018* (Integrity Commission Act) and the *Public Interest Disclosure Act 2013* (PID Act). The framework also aligns with the annual reporting requirements that are specified in these Acts.¹

The Integrity Commission Act establishes the Commission's functions and the role of the Integrity Commissioner. It defines the Commission's jurisdiction, including who and what matters it can investigate and how it will conduct investigations.

The Integrity Commission Act also defines 'corrupt conduct'. It mandates that the Commission must prioritise the investigation of, and expose, serious and systemic corrupt conduct.

The PID Act assigns several functions to the Integrity Commissioner. These relate to assessing, investigating and overseeing reports of disclosable conduct, as well as public interest disclosures (PIDs) within the ACT. It also sets out a range of annual reporting requirements for the Commission.

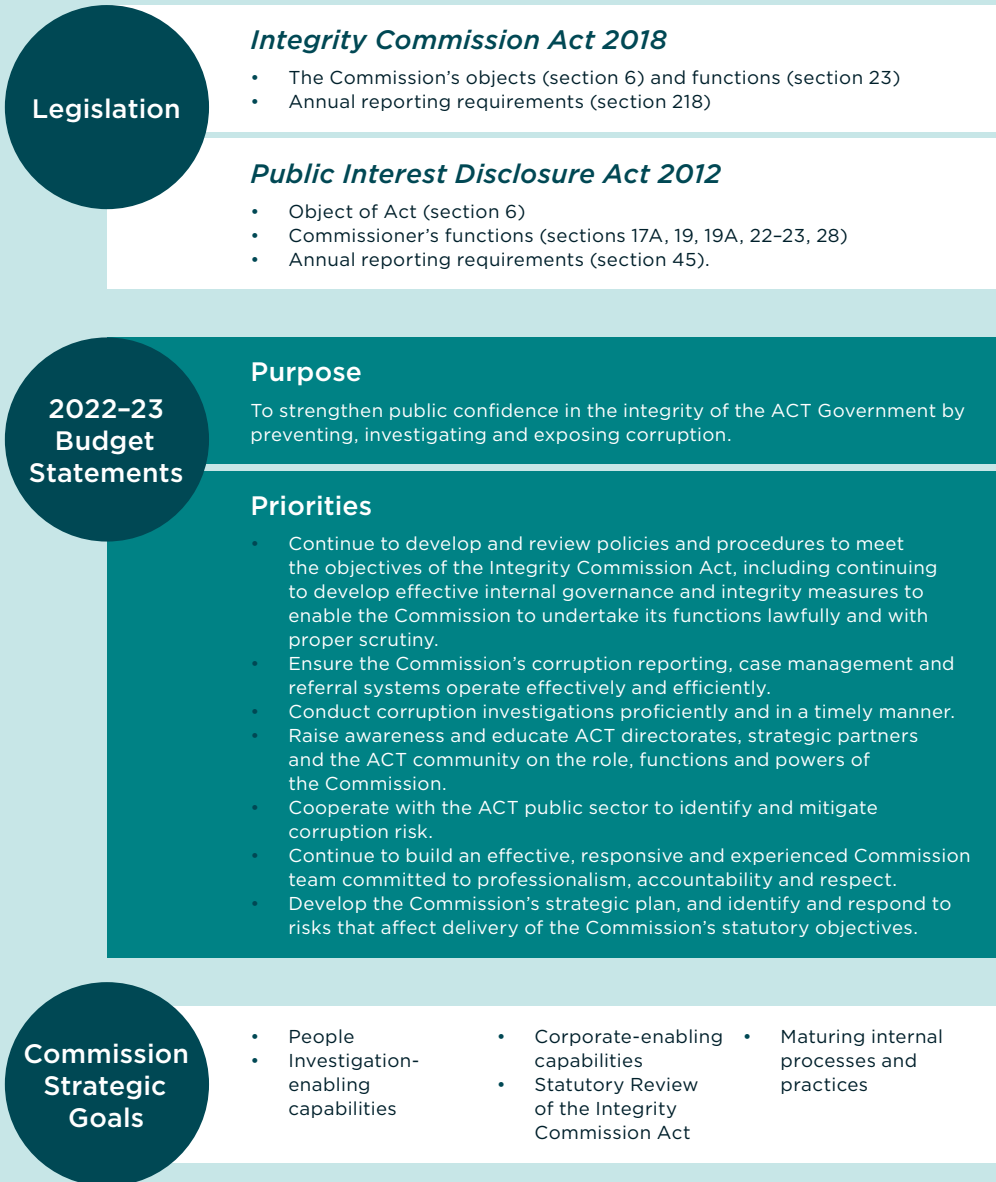
2022-23 Budget Statements

The Commission's 2022-23 Budget Statements describe the organisation's major priorities for the reporting period, and the actions it will take to fulfil its purpose.

The Commission's functional priorities are described in Figure 4.

¹ *Integrity Commission Act 2018* - see section 23 for the Commission's functions and section 218 for the annual reporting requirements. *Public Interest Disclosure Act 2012* - see section 6 for objects of the Act; sections 17A, 19, 19A, 22-23 and 28 for the Commissioner's functions; and section 45 for the annual reporting requirements.

Figure 4. The ACT Integrity Commission's functional priorities



Part C: Performance

Performance measures for 2022-23

Table 1 outlines the measures against which the Commission assessed its performance in achieving its 2022-23 budget priorities.

Table 1. Performance measures for 2022-23

Budget priority	Measures
Priority 1 – Continue to develop and review policies and procedures to give effect to the objectives of the Integrity Commission Act, including the continued development of effective internal governance and integrity measures to enable the Commission to undertake its functions lawfully and with proper scrutiny	1.1 Conflicts of interest and other matters involving Commission staff are reported and managed effectively. 1.2 Commission powers are discharged effectively and are consistent with legislative requirements. 1.3 Policies and procedures are aligned to legislative requirements and Commission objectives.
Priority 2 – Ensure the Commission’s corruption reporting, case management and referral systems operate effectively and efficiently	2.1 Public officials, members of the public and other entities can make reports or referrals to the Commission in an effective and efficient manner. 2.2 The Commission has appropriate systems in place to refer corruption reports to other entities efficiently and effectively.
Priority 3 – Conduct corruption investigations proficiently and in a timely manner	3.1 The Commission has systems in place to ensure investigations are expedited as efficiently as possible.
Priority 4 – Raise awareness of, and educate ACT directorates, strategic partners and the ACT community of the role, functions and powers of the Commission	4.1 The Commission’s corruption prevention and education activities are effective in increasing awareness of the role, functions and powers of the Commission within the ACT public sector and the ACT community.
Priority 5 – Cooperate with the ACT public sector to identify and mitigate corruption risk	5.1 The Commission has systems in place that enable cooperation and collaboration with the ACT public sector to identify and mitigate corruption risk.
Priority 6 – Continue to build an effective, responsive and experienced Commission team that is committed to professionalism, accountability and respect	6.1 The Commission’s recruitment and selection processes are effective at attracting and retaining suitably experienced officers. 6.2 The Commission has systems in place that promote and ensure staff professionalism, accountability and respect.
Priority 7 – Develop the Commission’s strategic plan and identify and respond to risks that could impact the delivery of the Commission’s statutory objectives	7.1 The Commission develops and implements a strategic plan that aligns to the Commission’s statutory objectives. 7.2 The Commission has systems in place to identify, assess and treat risks that may affect the delivery of the Commission’s statutory objectives.

All these measures were either fully met or are in the process of being further developed or reviewed to reflect the evolution of the Commission’s practices and processes.

Detailed information about the Commission's performance is provided below.

Corruption reports

A core function of the Commission is to assess reports of corruption it receives, as well as matters submitted to it that could be regarded as PIDs. This section includes information on the number of reports and PIDs the Commission received in 2022-23, as well as the actions it took to assess reports during this period.

For the purpose of this section, the term 'reports' is used to indicate, where relevant, the combined total of all types of corruption reports and PIDs received and processed by the Commission.

There are several different types of reports:

- Corruption complaints are made under section 57 of the Integrity Commission Act. Anyone may make a complaint to the Commission about conduct that might be corrupt. This includes any public servant or member of the ACT community.
- Mandatory corruption notifications are made under sections 62 and 63 of the Integrity Commission Act. Section 62 requires the head of a public sector entity or a Senior Executive Service member to notify the Commission about any matter they reasonably suspect involves serious or systemic corrupt conduct. Section 63 requires a member of the Legislative Assembly, a chief of staff of a Minister, or the Leader of the Opposition to notify the Commission about any matter they reasonably suspect involves serious or systemic corrupt conduct.
- Disclosures of disclosable conduct made under section 17 of the PID Act.

The Commission's Assessments team processes corruption reports. As at 30 June 2023, the team included a director, an assistant director, two assessment officers and a data assurance officer.

Reports received by the Commission in 2022-23

During 2022-23, the Commission received 148 reports comprising 120 corruption complaints, 22 mandatory corruption notifications and six disclosures of disclosable conduct. This is 11 fewer than in 2021-22, or a 6.9% decrease.



120

corruption complaints received



22

mandatory corruption notifications



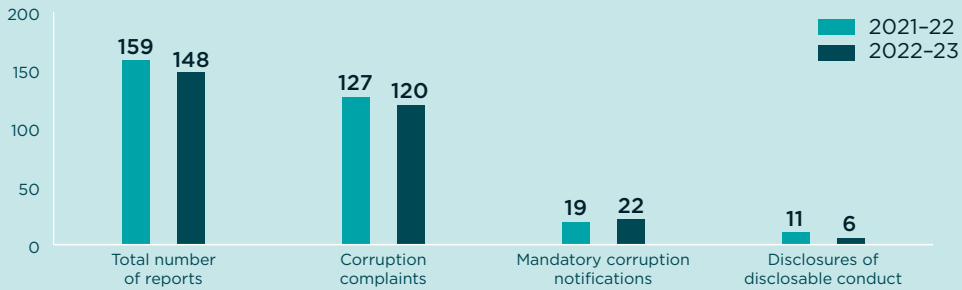
6

disclosures of disclosable conduct

The number of reports received in this reporting period, compared to the previous reporting period, is outlined in Figure 5.

Part C: Performance

Figure 5. Comparison of corruption reports received by type and reporting period



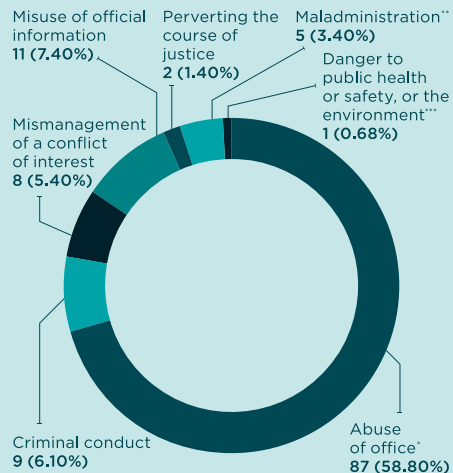
Classification of reports received in 2022-23

All corruption reports and PIDs received by the Commission are categorised according to the type of corrupt conduct that is alleged to have occurred, using a model developed by the Commission. Reports are categorised when they are received, based on the information provided to the Commission at that time.

During the reporting period, abuse of office was the most common allegation, comprising 58% of the total number of reports. This was followed by reports that fell outside the Commission's jurisdiction, comprising 16.9% of the total number of reports. The third most common report was misuse of official information, comprising 7.4% of all reports.

Matters categorised as falling outside the Commission's jurisdiction includes all reports of allegations of corrupt conduct that relate to federal, state or territory governments or other entities that are clearly outside the jurisdiction of the Commission. It is not uncommon for the Commission to receive reports relating to the conduct of ACT police officers. ACT Policing is a community policing branch of the Australian Federal Police – a federal entity that is not within this Commission's jurisdiction.

Figure 6. Reports received in 2022-23 by allegation type[†]



[†] This figure only includes reports received by the Commission in 2022-23. A full breakdown of all individual reports assessed by the Commission during 2022-23, including reports made to the Commission in previous years and the relevant classification, is available in Part F in Appendix B.

Notes:

- * Abuse of office occurs when a public official exercises their official functions or influence in a way that is not honest or impartial. Such behaviour could constitute a serious disciplinary offence or reasonable grounds for dismissing or otherwise terminating the employment of a public official.
- ** Maladministration is a specific type of disclosable conduct under the PID Act. Only disclosures of disclosable conduct received by the Commission will be categorised this way.
- *** Conduct that results in a substantial danger to public health or safety, or the environment, is a specific type of disclosable conduct under the PID Act. Only disclosures of disclosable conduct received by the Commission will be categorised this way.

The assessment process

After the Commission receives a matter, the Commission's Assessments team assesses the allegations made in the report. This process includes determining whether the report is within the jurisdiction of the Commission and, if so, how it should be dealt with. Section 70 of the Integrity Commission Act requires the Commission to either dismiss, refer or investigate a corruption complaint or a mandatory corruption notification. Disclosures of disclosable conduct made under the PID Act will either be determined not to be a PID, or decided to be a PID and subsequently investigated.

The assessment process is shown in Figure 7.

Figure 7. Assessment life cycle



Part C: Performance

Reports assessed in 2022-23

During 2022-23, the Commission assessed 167 reports in total, comprising 154 corruption complaints and mandatory corruption notifications under the Integrity Commission Act, and 13 disclosures of disclosable conduct under the PID Act.

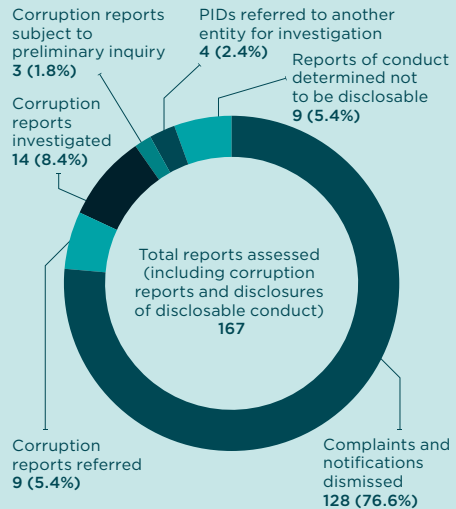
The 'stock on hand' of corruption reports is shown below.²

Figure 8. 'Stock on hand' of corruption reports

Reports on hand as at 1 July 2022	93
New reports received in 2022-23	148
Reports received and assessed in 2022-23	89
Reports received in previous financial years and assessed in 2022-23	78
Reports unassessed as at 30 June 2023	74

The Commission deals with the corruption reports it receives in a number of different ways. In relation to corruption complaints and mandatory corruption notifications, the Integrity Commission Act requires the Commission to either dismiss, refer or investigate the allegation. In relation to allegations of PIDs, the Commission must determine whether the conduct is a disclosure of disclosable conduct and, if so, whether it should be investigated by the Commission or by another entity. Figure 9 shows how all corruption reports that were assessed during the reporting period were dealt with.

Figure 9. How corruption reports were dealt with



² Corruption reports, for the purposes of this figure, include corruption complaints and mandatory corruption notifications under the Integrity Commission Act and disclosures of disclosable conduct under the PID Act.

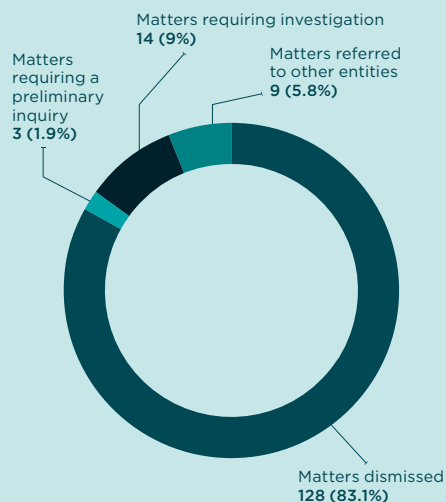
How corruption complaints and mandatory corruption notifications were assessed under the Integrity Commission Act

This section refers to the assessment of corruption complaints made under section 57 of the Integrity Commission Act and mandatory corruption notifications made under section 62.³ The Commission did not receive or assess any mandatory corruption notifications made under section 63 of the Act during the reporting period.

The Commission assessed 154 matters during the reporting period, including 131 corruption complaints and 23 mandatory corruption notifications.⁴

Of the 154 matters, the Commission dismissed 128 matters (83.1%).⁵ Three matters (1.9%) required a preliminary inquiry, 14 matters (9%) were determined to require an investigation and nine matters (5.8%) were referred to other entities under section 107 of the Integrity Commission Act.⁶

Figure 10. Action taken on matters assessed under the Integrity Commission Act



³ In this section, corruption complaints and mandatory corruption notifications made under the Integrity Commission Act will be referred to as 'matters'.

⁴ Includes both corruption complaints and mandatory corruption notifications that were received and assessed in 2022-23, and those that were received in previous financial years and were assessed in 2022-23.

⁵ Section 71 of the Integrity Commission Act.

⁶ The Integrity Commission Act enables the Commission to refer a corruption report to a referral entity at any time if the Commission and referral entity both have power to investigate the report, and the Commission thinks it would be more appropriate for the entity to investigate the matter. In addition to the nine matters referred in 2022-23, five further section 107 referrals relating to reports finalised in 2021-22 were also made. This included four referrals to the Public Sector Standards Commissioner and one referral to Major Projects Canberra.

Part C: Performance

Of the 14 reports assessed as requiring investigation, most related to existing investigations and were therefore merged into those investigations.⁷ Two new investigations were initiated during the reporting period.

These matters comprised:

- Operation Athena - involving three reports
- Operation Mercury - involving two reports.

During the reporting period, the Commission referred 9 matters to referral entities under section 107 of the Integrity Commission Act:

- six referrals to the Public Sector Standards Commissioner
- one referral to ACT Corrective Services
- one referral to ACT Health
- one referral to the Justice and Community Safety Directorate.

The Commission did not refer any matters to a prosecutorial body during the reporting period. No reports referred by the Commission were withdrawn. The Commission also disclosed information on 30 occasions to 14 different entities under the general information dissemination provisions (refer to Part F in Appendix B).⁸


There are a number of grounds under which the Commission can dismiss a corruption report. These grounds are outlined in section 71 of the Integrity Commission Act. The grounds under which the Commission dismissed each matter assessed during the reporting period is included in Part F in Appendix B. Of the 128 matters dismissed, 10 were also given to other entities under section 71(4).⁹

⁷ Eight reports were merged into an existing investigation - codenamed Operation Luna - and one report was merged into an existing investigation - codenamed Operation Magpie

⁸ Section 196 of the Integrity Commission Act.

⁹ Section 71(4) of the Integrity Commission Act enables the Commission to give corruption reports it has dismissed to other entities if these entities have the power to investigate the subject matter.


Figure 11. Working days for matters received and assessed under the Integrity Commission Act

 **153.8 days**
average for all matters assessed under the Integrity Commission Act

 **142 days**
average for corruption complaints received in previous years and assessed in 2022-23

 **74 days**
average for corruption complaints received and assessed in 2022-23

 **216 days**
average for mandatory corruption notifications received in previous years and assessed in 2022-23

 **52 days**
average for mandatory corruption notifications received and assessed in 2022-23

Assessment time frames¹⁰

The Commission monitors the time it takes to deal with matters under the Integrity Commission Act. In this reporting period, the average number of working days for all matters assessed was 153.8. The average number of working days for matters that were both received and assessed in the reporting period was 72.8.

The discrepancy between the total averages and the averages for matters received and assessed in 2022-23 reflects the significant work undertaken by the Commission to address the backlog of unassessed matters that were on hand as at 1 July 2022.

Further, the Commission monitors the time it takes to assess both corruption complaints received by anyone under section 57 of the Integrity Commission Act and the mandatory corruption notifications under section 62 of the Integrity Commission Act.

In the reporting period, it took an average of 142 working days to assess all matters under section 57 of the Integrity Commission Act and 216 working days to assess all matters under section 62.

Notably, it took an average of 74 working days to finalise corruption complaints received and assessed in 2022-23 under section 57 of the Act, and 52 working days to finalise mandatory corruption notifications under section 62.

The Commission continues to refine its processes to improve the time taken to assess matters. Some matters are voluminous and generate multiple contacts between the complainant and Commission staff. For example, one matter received via email contained six different attachments totalling 858 pages of information. This subsequently resulted in 29 contacts between the complainant and Commission.¹¹ Another matter involved 38 attachments and 110 pages of material, and resulted in 27 contacts.

¹⁰ Working days are calculated as the number of business days it takes to make a decision after receiving a report, even if the report was received in a previous year.

¹¹ Contacts with complaints can include phone calls, email conversations and other written correspondence.

Public interest disclosures

Public interest disclosures vs corruption complaints and mandatory notifications

The Commission's role in relation to administration of the PID Act commenced in April 2021. This means the Commission can receive, assess, refer and investigate complaints regarding 'disclosable conduct'.

Disclosable conduct includes:

- maladministration (which is often considered to be substantial mismanagement of public resources or public funds), or
- conduct that results in a substantial and specific danger to public health or safety, or the environment.

A report can also be assessed under both the PID Act and the Integrity Commission Act (as a corruption complaint or mandatory corruption notification). A report may be assessed under both acts if an initial assessment shows that the report includes allegations of potential corruption conduct and potential disclosable conduct, or if the reporter alleges that both corrupt conduct and disclosable conduct has occurred.

Assessment of public interest disclosures

This section refers to matters assessed by the Commission that fall under section 17 of the PID Act.¹²

During the reporting period, six matters were received, of which five had been assessed as at 30 June 2023. Two other matters were also received under the Integrity Commission Act and assessed under both the Integrity Commission Act and the PID Act. Six matters received in previous financial years were also assessed.

The 'stock on hand' for the matters received under the PID Act is shown in Figure 12.

Of the 13 matters assessed, four were considered PIDs and were referred to investigating entities. Three matters were referred to the Chief Minister, Treasury and Economic Development Directorate, and one matter was referred to ACT Health.¹³ Nine matters were taken not to be PIDs.

No disclosures of disclosable conduct assessed during the reporting period were taken to be corruption complaints.¹⁴

¹² Disclosures of disclosable conduct made under the Integrity Commission Act will be referred to as 'matters' in the rest of this section.

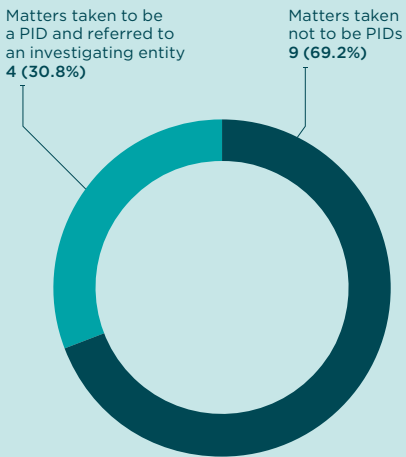
¹³ Under section 19 of the PID Act.

¹⁴ Under section 59A of the Integrity Commission Act, disclosures of disclosable conduct may be taken to be corruption complaints.

Figure 12. 'Stock on hand' of matters received under the PID Act

Matters on hand as at 1 July 2022	8
Matters received in 2022-23	8
Matters received and assessed in 2022-23 ¹⁵	7
Reports received in previous financial years and assessed in 2022-23	6
Matters unassessed as at 30 June 2023	3

Figure 13. Matters taken not to be PIDs following assessment in 2022-23



15 Includes 2 matters received under the Integrity Commission Act and assessed under both the Integrity Commission Act and PID Act.

Part C: Performance

Assessment time frames – matters assessed under the PID Act in 2022–23

Figure 14. Working days for matters
assessed under the PID Act



204.1 days

average for matters assessed
in 2022–23



97.3 days

average for matters received
and assessed in 2022–23

Investigation of public interest disclosures

Once a matter is determined to be a PID, it will be investigated by an investigating entity at the direction of the Commission.¹⁶

Four new investigations were started in 2022–23, including three investigations by the Chief Minister, Treasury and Economic Development Directorate, and one investigation at ACT Health. As at 30 June 2023, all investigations were ongoing. One of the investigations resulted from a matter received and assessed in 2022–23, and three were received in previous years and assessed in 2022–23.

For the purpose of the PID Act, the Commission is also an investigating entity and can initiate and undertake PID investigations.¹⁷ The Commission did not initiate or undertake any new PID investigations during the reporting period.

The Commission had one PID investigation on hand that was initiated in a previous financial year. The investigation relates to an allegation of conduct that results in a substantial and specific danger to public health or safety, or the environment.¹⁸ As at 30 June 2023, this investigation remained ongoing.

No PID investigations were ended during the reporting period by the Commission or any other investigating entity and therefore there were no determinations made that any investigated PIDs were about disclosable conduct.

¹⁶ Section 20 of the PID Act.

¹⁷ Section 20 of the PID Act.

¹⁸ Section 8 of the PID Act.

Investigations and preliminary inquiries

As at 30 June 2023, the Investigations team comprised the director, four investigators and a digital forensic specialist.

The Commission's investigators worked on 27 matters during the year, including 14 preliminary inquiries and 13 investigations. Five of these matters were initiated in 2022-23. The team had 12 investigations and eight preliminary inquiries on hand as at 30 June 2023.¹⁹

The reporting period saw a significant increase in operational tempo for the Investigations team. The recruitment of two experienced investigators and the appointment of a dedicated Director bolstered the team's capability to undertake corruption investigations and strengthen its existing processes.

During the period, the team made significant headway into three complex, high-profile investigations that required continuing investigative activity throughout the year:

- **Operation Luna**, an investigation into the awarding of more than \$8.5 million in consultancy contracts by the Canberra Institute of Technology, involving:
 - private examinations of 24 people
 - voluntary interviews with one person
 - forensic examination of three mobile phones
 - summonses for, and the review of, materials produced from numerous government and private sector organisations.

- **Operation Kingfisher**, an investigation into the contract awarded for the Campbell Primary School Modernisation Project, involving:
 - private examinations of 21 people
 - consideration of significant volumes of procurement documentation
 - forensic examination of three mobile phones
 - preparation for public examinations.
- **Operation Mercury**, an investigation into the misuse of information by staff at the Dhulwa Mental Health Facility and related matters, involving:
 - three summonses for documents and electronic data
 - consideration of more than 365,000 emails of potential interest.

Preliminary inquiries

The Commission worked on 14 preliminary inquiries during the reporting period.²⁰ Three of these were new and 11 were carried forward from previous financial years.

The Commission concluded six preliminary inquiries this year and had eight still underway at 30 June 2023.

The Commission did not commence any own-initiate preliminary inquiries during the reporting period.²¹

On average, the Commission spent 228 business days on each of the six concluded preliminary inquiries.

The 'stock on hand' for the Commission's preliminary inquiries is shown in Figure 15.

19 Only includes investigations and preliminary inquiries undertaken pursuant to the Integrity Commission Act. For information on PID investigations, refer to page 32.

20 Section 86 of the Integrity Commission Act.

21 Section 87 of the Integrity Commission Act.

Part C: Performance

Figure 15. 'Stock on hand' of preliminary inquiries

Preliminary inquiries on hand at 1 July 2022	11
New preliminary inquiries initiated in 2022-23	3
Preliminary inquiries initiated in previous financial years and finalised in 2022-23	5
Preliminary inquiries initiated and finalised in 2022-23	1
Preliminary inquiries underway at 30 June 2023	8

What is a preliminary inquiry?

The Commission can conduct preliminary inquiries to assist in deciding whether to dismiss, refer or investigate a corruption report.

When conducting a preliminary inquiry, the Commission has the power to request information from the head of a public sector entity. It can also issue a notice instructing a person to produce information, documents or other things to the Commission.²²

In contrast, the Commission has further coercive powers available to it when conducting an investigation.²³

The general nature of the allegations of preliminary inquiries and the number of days taken by the Commission to undertake these inquiries is shown in Table 2.

²² The Commission uses its powers carefully and will only exercise the additional powers afforded by a preliminary inquiry once a preliminary inquiry notice has been issued.

²³ The Integrity Commission Act allows for a confidentiality notice, which prohibits the disclosure of certain information, to be imposed on the recipient of a preliminary inquiry notice.

The Commission carried out 14 preliminary inquiries under section 86 of the Integrity Commission Act during 2022–23²⁴

Table 2. Preliminary inquiry statistics

Preliminary inquiry number ²⁵	Allegation type	Number of days in 2022–23 ²⁶	Total number of days ²⁷
INV-2021-14	Criminal conduct	69	321
INV-2022-2	Abuse of office	179	267
INV-2022-1	Abuse of office	179	267
INV-2022-8	Abuse of office	179	178
INV-2022-5	Misuse of official information	198	285
INV-2023-1	Abuse of office	53	53
INV-2021-20 (Lark) ²⁸	Maladministration	Not completed ²⁹	Not completed
INV-2021-21	Abuse of office	Not completed	Not completed
INV-2021-22	Abuse of office	Not completed	Not completed
INV-2021-13	Abuse of office	Not completed	Not completed
INV-2022-3	Abuse of office	Not completed	Not completed
INV-2022-4	Abuse of office	Not completed	Not completed
INV-2023-4	Abuse of office	Not completed	Not completed
INV-2023-5	Criminal conduct	Not completed	Not completed

24 16 preliminary inquiries were carried out under section 86 of the *Integrity Commission Act 2018* in the preceding year (2021–22).

25 Preliminary inquiries are not assigned operation names like investigations. Instead, a de-identified number is assigned to each of these matters.

26 The number of days spent working on preliminary inquiries in 2022–23 is the number of business days from 1 July 2022 to the date the Commission decided to dismiss, refer or investigate the matter (if a decision was made) before the end of the reporting period.

27 The total number of days spent working on preliminary inquiries is calculated as the number of business days from the date the Commission decided to carry out the inquiry (which may have been before 1 July 2022) to the date the Commission decided to dismiss, refer or investigate the matter.

28 As noted in the Commission's 2021–22 Annual Report, Operation Lark was reclassified from an investigation to a preliminary inquiry on 5 January 2022.

29 A preliminary inquiry is listed as 'not completed' if it was still in progress at 30 June 2023. The number of business days spent working on these preliminary inquiries is 254 days for each matter that was not completed as at 30 June 2023.

Part C: Performance

Investigations

The Commission worked on 13 investigations during the reporting period.³⁰ Two of these were new and 11 were carried forward from previous financial years.³¹

The Commission finalised one investigation via discontinuation during the reporting period – Operation Raven.³² No other investigations were finalised and the Commission had 12 still underway at 30 June 2023.

The Commission did not initiate any own-motion investigations, or joint investigations with other entities, during the reporting period.

The ‘stock on hand’ for investigations is included in Figure 16.

Figure 16. ‘Stock on hand’ of Commission investigations

Investigations on hand as at 1 July 2022	11
New investigations initiated in 2022–23	2
Investigation initiated in previous financial years and finalised in 2022–23	1
Investigation initiated and finalised in 2022–23	0
Investigations on hand at 30 June 2023	12

30 Only includes investigations and preliminary inquiries undertaken pursuant to the Integrity Commission Act. For information on PID investigations, refer to page 32.

31 Operation Lark was reclassified from an investigation to a preliminary inquiry on 5 January 2022. As such, it was not included in the number of investigations on hand as at 1 July 2022.

32 Operation Raven was discontinued pursuant to section 112(1) of the Integrity Commission Act. For more information, refer to page 43.



Table 3. Types and number of investigations

	2021-22	2022-23
Investigations of corruption reports carried out under section 100 of the Integrity Commission Act	12	13 <ul style="list-style-type: none">• Apollo• Luna• Nemesis• Raven³³• Kingfisher• Falcon• Kite• Riflebird• Butcherbird• Lyrebird• Magpie• Mercury• Athena
Investigations commenced in previous years and worked on but not completed during the year	Not reported in 2021-22	10 <ul style="list-style-type: none">• Apollo• Luna• Nemesis• Kingfisher• Falcon• Kite• Riflebird• Butcherbird• Lyrebird• Magpie
Investigations commenced but not completed during the year	3	2 <ul style="list-style-type: none">• Mercury• Athena

33 Operation Raven was worked on during the reporting period and was discontinued in accordance with section 71(2) of the Integrity Commission Act. A special report on this operation was published on 23 August 2022.

Part C: Performance

A summary of the main types of allegation is provided below.

Table 4. Investigations undertaken in 2022–23 by allegation type

Investigation name	Allegation type
Nemesis	Criminal conduct
Raven	Abuse of office ³⁴
Lyrebird	Abuse of office
Magpie	Criminal conduct
Kite	Abuse of office
Kingfisher	Abuse of office
Falcon	Abuse of office
Butcherbird	Abuse of office
Apollo	Abuse of office
Riflebird	Misuse of official information
Luna	Abuse of office
Mercury	Misuse of official information
Athena	Mismanagement of a conflict of interest

Status of investigations

Throughout the reporting period, the Commission had to prioritise its work on existing investigations. In particular, Operations Luna and Kingfisher were prioritised as they required a significant amount of investigative work, and because of the seriousness of the allegations. Other investigations were temporarily put on hold pending resources becoming available.

The status of the Commission's investigations, as at 30 June 2023, is shown in Table 5.

Table 5. Status of investigations as at 30 June 2023

Investigation name	Status as at 30 June 2023
Nemesis	Pending finalisation
Lyrebird	Pending finalisation
Magpie	Active
Kite	Active
Kingfisher	Active
Falcon	Active
Butcherbird	Investigation temporarily on hold
Apollo	Active
Riflebird	Active
Luna	Active
Mercury	Active (commenced in 2022–23)
Athena	Active (commenced in 2022–23)

Time frames for decisions to investigate

The number of days between the day the Commission received a report and the day it decided to investigate a matter is shown below.

Table 6. Days between receiving a corruption report and deciding to investigate

Investigation	Days to decision
Mercury	22
Athena	135


³⁴ Abuse of office occurs when a public official exercises their official functions or influence in a way that is not honest or impartial. This could constitute a serious disciplinary offence or reasonable grounds for dismissing or otherwise terminating the employment of a public official.


Legal processes including use of information and evidence-gathering powers

The Integrity Commission Act provides the Commission with several powers that enable it to gather information that is relevant to its investigations. The Commission's Legal team supports the Commissioner in exercising statutory powers under the Integrity Commission Act. As at 30 June 2023, the Legal team included the Solicitor to the Commission, three principal lawyers, two paralegals and a legal assistant.


There was significant growth in the Commission's use of its information and evidence-gathering powers during 2022-23, reflecting an uplift in the Commission's investigative tempo. Notably, the Commission held 55 private examinations in 2022-23, conducted over a total of 40 days.³⁵ No public examinations were held during the reporting period.³⁶ The following section provides statistical data and other information on the use of powers under the Integrity Commission Act during the reporting period.


Notices and summonses

 **55 private examinations held**


 **0 public examinations held**


 **114 confidentiality notices issued**

 **5 preliminary inquiry notices issued**

 **88 examination summonses issued³⁷**

 **37 summonses to give evidence**

 **48 summonses to produce documents or things**

 **3 summonses to produce documents and things and to give evidence**

³⁵ Section 143 of the Integrity Commission Act outlines the Commission's ability to hold public examinations and the factors the Commission must consider before determining whether an examination should be held in public.

³⁶ The Commission may hold multiple examinations during a day. Examinations held by the Commission vary in length and there is no set duration for an examination.

³⁷ Examination summonses issued under section 147 of the Integrity Commission Act include summonses to give evidence at an examination (section 147(1)(a)), to produce documents or things (section 147(1)(b)), and to both give evidence and to produce documents or things (issued under sections 147(1)(a) and 147(1)(b)).

Part C: Performance

This figure represents the significant increase in the Commission’s operational activity, as demonstrated by the substantial growth in its use of information and evidence-gathering powers compared to previous years.

Figure 17. Comparison of use of information and evidence-gathering powers to previous years



* This includes confidentiality notices for preliminary inquiries, issued under section 78 of the Integrity Commission Act, and confidentiality notices for investigations, issued under section 79 of the Integrity Commission Act.

† Examination summonses issued under section 147 of the Integrity Commission Act include summonses to give evidence at an examination (section 147(1)(a)), to produce documents or things (section 147(1)(b)), and to both give evidence and to produce documents or things (issued under both sections 147(1)(a) and 147(1)(b)).

Table 7. Notices, summonses issued³⁸

	2021-22	2022-23
Confidentiality notices for preliminary inquiries issued under section 78 of the Integrity Commission Act	5	5 <ul style="list-style-type: none"> • INV-2022-1 - 1 notice issued • INV-2022-3 - 1 notice issued • INV-2022-4 - 2 notices issued • INV-2023-1 - 1 notice issued
Confidentiality notices for investigations issued under section 79 of the Integrity Commission Act	62	109 ³⁹ <ul style="list-style-type: none"> • Luna - 72 notices issued • Magpie - 12 notices issued • Kite - 9 notices issued • Kingfisher - 8 notices issued • Falcon - 5 notices issued • Mercury - 3 notices issued
Preliminary inquiry notices issued under section 90 of the Integrity Commission Act	5	5 <ul style="list-style-type: none"> • INV-2022-1 - 1 notice issued • INV-2022-3 - 1 notice issued • INV-2022-4 - 2 notices issued • INV-2023-1 - 1 notice issued
Total summonses issued under section 147 of the Integrity Commission Act ⁴⁰	57 <ul style="list-style-type: none"> • Luna - 8 summonses issued • Magpie - 6 summonses issued • Kite - 4 summonses issued • Kingfisher - 29 summonses issued • Lyrebird - 2 summonses issued • Falcon - 2 summonses issued • Butcherbird - 5 summonses issued • Riflebird - 1 summons issued 	88 ⁴¹ <ul style="list-style-type: none"> • Luna - 57 summonses issued • Magpie - 8 summonses issued • Kite - 7 summonses issued • Kingfisher - 8 summonses issued • Falcon - 5 summonses issued • Mercury - 3 summonses issued

38 A notice or summons is issued on the date the Commissioner or an appropriate delegate approves the notice or summons. A notice or summons is served on the date it is given to its addressee.

39 As at 30 June 2023, 114 confidentiality notices had been issued. Of these, 109 had been issued and served, and five had been issued but not served.

40 Examination summonses issued under section 147 of the Integrity Commission Act include summonses to give evidence at an examination (section 147(1)(a)), to produce documents or things (section 147(1)(b)), and to both give evidence and to produce documents or things (issued under sections 147(1)(a) and 147(1)(b)).

41 As of 30 June 2023, 88 examination summonses had been issued. Additionally, 81 notices had been issued and served, and seven had been issued but not served.

Part C: Performance

	2021-22	2022-23
Summons to give evidence at an examination under section 147(1)(a) of the Integrity Commission Act	30 <ul style="list-style-type: none"> Luna - 6 summonses issued Magpie - 5 summonses issued Kingfisher - 16 summonses issued Lyrebird - 1 summons issued Butcherbird - 2 summonses issued 	37 <ul style="list-style-type: none"> Luna - 23 summonses issued Magpie - 3 summonses issued Kite - 5 summonses issued Kingfisher - 6 summonses issued
Summons to produce documents or things to the Commission under section 147(1)(b) of the Integrity Commission Act	27 <ul style="list-style-type: none"> Luna - 2 summonses issued Magpie - 1 summons issued Kite - 4 summonses issued Kingfisher - 13 summonses issued Lyrebird - 1 summons issued Falcon - 2 summonses issued Butcherbird - 3 summonses issued Riflebird - 1 summons issued 	48 <ul style="list-style-type: none"> Luna - 32 summonses issued Magpie - 5 summonses issued Kite - 2 summonses issued Kingfisher - 2 summonses issued Mercury - 3 summonses issued Falcon - 4 summonses issued
Summons to both produce documents and things and to give evidence at an examination under sections 147(1)(a) and 147(1)(b) of the Integrity Commission Act	0	3 <ul style="list-style-type: none"> Luna - 2 summonses issued Falcon - 1 summonses issued

Analysis of material

As part of the Commission's investigative process, its digital forensic specialist sometimes needs to ingest and analyse certain material in responses to summonses.

The volume of material analysed during the reporting period was 1 terabyte. This included downloading and analysing the contents of five mobile devices and 23 USB drives (containing over 6.5 million files).

Use of other powers

The Commission did not use its powers under various pieces of legislation governing covert information gathering during the reporting period. This included functions exercised under the:

- *Crimes (Assumed Identities) Act 2009*
- *Crimes (Controlled Operations) Act 2009*
- *Crimes (Protection of a Witness Identity) Act 2011*
- *Crimes (Surveillance Devices) Act 2010*.

Reports issued by the Commission

The Integrity Commission Act outlines the legislative framework for investigations completed by the Commission, including requirements for reporting to the ACT Legislative Assembly and for making findings public.⁴² The Commission presented two special reports to the ACT Legislative Assembly during the reporting period, in accordance with section 206 of the Integrity Commission Act.⁴³

- **Special Report: Operation Raven – Sale of Block 30, Section 34, Dickson** was presented to the Speaker on 23 August 2022. The report was published on the Commission's website and detailed its consideration of a corruption complaint relating to the ACT Government's sale of land to the Canberra Tradesman's Union Club (the Tradies Club) in 2014. Close examination of the available information did not give rise to a reasonable suspicion of corrupt conduct. Accordingly, the Commission discontinued the matter pursuant to section 112(1) of the Integrity Commission Act based on it being satisfied on reasonable grounds that the corruption report did not justify investigation, in accordance with section 71(2) of the Integrity Commission Act.

⁴² The process for finalising Commission investigations is outlined in Parts 3.8 and 3.9 of the Integrity Commission Act

⁴³ Section 206 of the Integrity Commission Act allows the Commission to prepare a special report for the Legislative Assembly, at any time, on any matter relating to the exercise of the Commission's functions, including administrative and general policy matters.

Part C: Performance

- **Special Report: Suburban Land Agency Land Sales** was presented to the Speaker on 17 October 2022. The report detailed the Commission's consideration of a mandatory corruption notification regarding allegations that the 'book-to-buy' process for the sale of residential lots was rigged to benefit certain registered applicants.

Having examined the circumstances, the Commission concluded that further investigation of the corruption report was not justified. The Commission dismissed the matter in accordance with section 71(2) of the Integrity Commission Act.

However, although the Commission determined there was no reasonable suspicion of corruption, examination of the issues brought to light several significant matters that could be potential corruption risks. The Suburban Land Agency made improvements – before and after the Commission's special reports – to their business processes to mitigate the identified risks. These changes were reflective of changed market conditions and consumer demand. The Suburban Land Agency considers its current controls to be effective.

Commission's legal proceedings

In addition to supporting the Commission's information and evidence-gathering functions, the Legal team engaged in several legal proceedings during the reporting period.

ACTIC v Levy (SCC 300 of 2022)

The ACT Supreme Court proceedings (ACTIC v Levy (SCC 300 of 2022)) commenced because of the provisions within Division 3.6.2 of the Integrity Commission Act, which require claims for privilege to be decided by the ACT Supreme Court. The proceedings arose following a claim of legal professional privilege by Ms Levy (a pseudonym) over two mobile telephone handsets that were requested to be provided to the Commission for digital forensic analysis, in accordance with an examination summons issued pursuant to section 147(1)(b) of the Integrity Commission Act.

Scott Robertson SC was briefed to advise and appear on behalf of the Commission.

The matter was listed before the Honourable Chief Justice McCallum on 11 occasions between August 2022 and March 2023. Two originating applications were filed on behalf of the Commission, as well as five affidavits in support of these applications. Written submissions were filed on behalf of the Commission and draft proposed orders were prepared by the Commission for each occasion the matter was before the Court.

The proceedings were eventually resolved by consent, with the parties reaching a pragmatic compromise. This involved the Commission's digital forensic specialist examining the handsets in a way that protected Ms Levy's rights and maintained her legal professional privilege claim, while progressing the matter for the investigative purpose of the Commission.

Ms Levy's claims of legal professional privilege spanning several documents were pressed by the Commission and were accepted on face value to progress the proceedings without wasting court time and increasing the cost of further proceedings.

Her Honour published the following decisions with respect to these proceedings:

- ACT Integrity Commission v Levy (a pseudonym) [2022] ACTSC 240
- ACT Integrity Commission v Levy (a pseudonym) (No 2) [2022] ACTSC 284.

These judgments can be found on the **ACT Supreme Court website**.

Service and Execution of Process Act 1992 (Cth)

While not litigation, the Commission made 16 applications to the ACT Supreme Court, in accordance with section 76 of the *Service and Execution of Process Act 1992 (Cth)*, to be granted leave to serve an examination summons in accordance with section 147 of the Integrity Commission Act outside of the ACT. These applications were made between August 2022 and May 2023.

The applications require the Commission to file the following materials:

- a Form 6.11 Affidavit – general in support of the application
- a draft Form 6.24A Order to serve an ACT Integrity Commission summons outside of the ACT
- a SEPA Form 2 – Notice when serving subpoena.

All these applications were successful and leave was granted for the Commission to serve the summonses outside of the ACT.

Part C: Performance

Counsel Assisting Services Panel

In 2022-23, the Commission began the process of establishing a Counsel Assisting Services Panel. The panel will comprise members of the ACT legal profession who expressed an interest in undertaking the role of counsel assisting for the Commission. This process was ongoing at 30 June 2023.

Notifiable instruments

During the reporting period, the Commission notified the Integrity Commission (Chief Executive Officer) Appointment 2022 - N12-22-380 instrument on the ACT Legislation Register.⁴⁴

Recommended legislative amendments - Statutory Review into the Integrity Commission Act

On 12 January 2023, the ACT Government announced a review of the Integrity Commission Act, in accordance with the requirement under section 303. The terms of reference for this review can be found on its [website](#).

The Commission engaged extensively with the statutory review, including making a comprehensive submission to the Statutory Review team. This submission provided the Commission's response to several discussion papers released by the statutory reviewer, as well as the Commission's current thinking on possible amendments to the Integrity Commission Act that could improve the efficacy of the Act.

The Commission's submission is available on its [website](#).

The full list of proposed legislative amendments, as reflected in last year's Annual Report is included in Part F in Appendix A.

Access to information

The *Freedom of Information Act 2016* (FOI Act) enables public access to information held by government agencies, including the Commission.

The FOI Act allows individuals and organisations to apply for access to information held by an agency. However, it restricts access to information held by the Commission, unless it is about the Commission's administration. This means that information relating to - among other things - the Commission's investigative and report-writing functions cannot be disclosed under the FOI Act.

The FOI Act also provides that where information is deemed to not be in the public interest, or there is an overriding public interest against disclosure of the information, disclosure is not allowed.

Section 96 of the FOI Act requires agencies to report on their obligations under the FOI Act. The Commission's report is set out in Part F in Appendix B.

The Commission received one freedom of information request in the reporting period.

⁴⁴ The Integrity Commission Act requires that certain guidelines and protocols made by the Commission are notifiable instruments and must be notified in accordance with the *Legislation Act 2001*.

Corruption prevention and engagement

During the reporting period, the Commission's corruption prevention and engagement function successfully delivered the following outputs:⁴⁵



These functions are delivered by the Commission's Corporate, Prevention and Communication team. As at 30 June, this team had two staff members – a Senior Director and an Assistant Director.

⁴⁵ The Commission's prevention and education functions are outlined in section 23 of the Integrity Commission Act.

Part C: Performance

Summary

The work of the corruption prevention and engagement function is focused on providing tools for the ACT public sector to understand and combat corruption, and helping the ACT community to identify and report suspected instances of corruption. The team works collaboratively with a range of stakeholders – including ACT Government directorates, community groups and the Commission’s counterparts at interstate and national integrity agencies – to understand the unique environment and emerging risks. This information is necessary to target our work accordingly.

In alignment with the Commission’s **Corruption Prevention and Education Strategy**, its prevention and engagement activities are broadly split into three categories:

- research and analysis
- awareness and education
- outreach and engagement.

The Commission also collaborates with the ACT Government’s Professional Standards Unit to develop integrated whole-of-service products.

Research and analysis

The research and analysis work is aimed at understanding the corruption risk environment in the ACT through environmental scans, data analysis and surveys. The team then creates resources and tools, as appropriate, to support the public service in combatting any identified trends.



Understanding ACT Government approaches to managing fraud and corruption risk

During the 2022-23 financial year, the team reviewed various ACT Government directorates’ and agencies’ fraud and corruption control plans to understand their approaches to managing fraud and corruption risk.

This review indicated that, in the Commission’s view, most plans need further consideration and actions to effectively prevent fraud and corruption from occurring.

In response to this, the Commission started producing and delivering a range of resources to support agencies in increasing the effectiveness of their fraud and corruption risk plans. This was done in collaboration with the ACT Education Directorate, Canberra Health Services and the Professional Standards Unit.

Resources included a:

- model fraud and corruption control policy, outlining the Commission’s suggested approaches and controls
- document explaining high-risk functions and their applicability
- ‘menu’ of fraud and corruption controls agencies should consider and incorporate into their approaches
- prioritisation model to assist agencies in determining which corruption controls will deliver the greatest impact or be most useful in preventing corruption.

As at 30 June 2023, the team was finalising these resources for release during the first half of 2023-24.

Awareness and education

The awareness and education work focuses on delivering products to support corruption prevention and awareness. Products include briefs explaining corruption vulnerabilities, research reports, education products and specialist prevention tools.



E-learning modules - an innovative training solution

In December 2022, the team launched two bespoke e-learning modules. These modules were made available to all ACT public sector employees in January 2023 through the whole-of-government Human Resources Information Management System.

As at 30 June 2023, 749 ACT public officials had completed at least one Commission module and enhanced their understanding of the Commission's work and jurisdiction.

One ACT Government directorate made the modules compulsory for all senior executives. Another agency is also using these models as mandatory fraud and corruption control training in the 2023 calendar year.

The modules enable the Commission to create targeted training and disseminate products quickly and efficiently without significant resourcing. In 2023-24, the Commission will continue to expand its e-learning holdings to include training on identified corruption risk concepts. It will also offer to develop bespoke e-learning modules for different areas of the ACT Government.

Outreach, engagement and community support

The team supports the Commission's external outreach through training, agency promotion and marketing activities. This work also includes the Commission's community engagement and support activities.

In December 2022, the Commission delivered a Corruption Awareness Week campaign in the lead-up to International Anti-Corruption Day. The aim of this campaign was to increase community and public service awareness of the Commission's work. The Commission released numerous bespoke resources, including fact sheets and conversation starters, and initiated social media campaigns. The overall campaign resulted in an 113% increase in engagement with the Commission's external communication channels.

In the reporting period, the team delivered seven training sessions to approximately 150 staff, including:

- two presentations to incoming corrections recruits on the corruption risks in the custodial environment and the high rate of corruption in interstate correctional centres
- three information sessions for Health Protection Service staff on the unique risks associated with their roles
- a training session to ACT public sector staff as part of the Corruption Awareness Week campaign.

The Commission was unable to deliver any significant community engagement activities during the reporting period due to staffing shortages. It will pursue community engagement activities during the 2023-24 financial year.

Part C: Performance



Explaining the Commission's work through videos

Community and public sector engagement is a core part of the Commission's work, but the team recognised that many people didn't understand the Commission's role.

In July 2022, the team began working on a series of engaging animated 'explainer' videos about the Commission's key functions and responsibilities.

The aim with these resources was to make the Commission seem approachable and to explain complex legislative concepts and definitions.

In March 2023, the team launched three videos:

- Introduction to the ACT Integrity Commission
- What is corruption?
- How to report corruption to the ACT Integrity Commission.

These are available on our [website](#).

Collaborating with the ACT public sector to prevent corruption

The Commission's Community of Practice for Corruption Prevention brings together senior executives, who are responsible for business integrity risks, and other senior public sector officials, who are responsible for integrity matters. The goals of the group are to:

- identify corruption risks and vulnerabilities
- share information and updates on current and proposed initiatives
- counter threats to ACT public sector integrity
- strengthen their organisations' respective integrity systems.

This forum provides the Commission with key insights that inform its corruption prevention and education work agenda. It also ensures the Commission continues to direct resources where they will have the greatest impact.

Aboriginal and Torres Strait Islander engagement

The Commission was unable to conduct specific outreach and engagement with the ACT's Aboriginal and Torres Strait Islander communities during the reporting period due to staffing shortages.

The Commission is committed to engaging positively with the ACT's Aboriginal and Torres Strait Islander communities in 2023-24. It anticipates it will have more opportunities to work with these communities.

Management, governance
and accountability



Part D:

Management, governance and accountability

Internal governance and accountability

During 2022–23, the Commission refined its internal governance. This included changing the operation of the Commission’s Senior Management Group (SMG) to include standing items on significant projects and formalising the tabling of functional reports by each Director.

The Commission also developed or enhanced its:

- Conflict of Interest Policy
- Gifts and Hospitality Policy
- Fraud and Corruption Prevention and Control Policy
- approach to assessing risks in relation to the conduct of public examinations
- policies relating to the assessment function.

Significant projects

During 2022–23, the Commission worked on the following significant projects.

Physical and technical infrastructure projects

- Refitting and reconfiguring the Commission’s office space to better meet the needs of its staff.
- Upgrading the Commission’s server room to achieve Zone 3 protective security classification.
- Assessing the Commission’s technical capacity to live stream public examinations.
- Undertaking preparatory work to separate the Commission’s information and communications technology (ICT) capabilities from its existing shared service arrangement, including a re-assessment of needs and requirements.

People and culture projects

- Working on the Commission’s internal culture, including the inaugural whole-of-Commission planning event, which was held in October 2022.
- Appointing a human resources consultant to further assess and develop the Commission’s internal culture and produce a strategic workforce plan in 2023–24.

Business process improvement projects

- Engaging external experts to undertake business process mapping of key business processes.
- Updating key functional policies and procedures.
- Continuing to implement the Commission’s new case management system.

Legislation-related projects

- Preparing for the Commission to be granted interim powers under the *Telecommunications (Interception and Access) Act 1979* (TIA ACT).
- Preparing responses to discussion papers on the statutory review of the Integrity Commission Act.

Governance-related projects

- Procuring an external provider to implement a strategic internal audit – the first internal audit was underway as at 30 June 2023.
- Updating key internal policies, including the Fraud and Corruption Prevention and Control Policy, the Conflict of Interest Policy and the Gifts and Hospitality Policy.
- Engaging a provider to finalise the Commission’s business continuity plan.

Preparing for access to TIA Act powers

In April 2023, the federal Attorney-General notified the ACT Government that it would allow the Commission to temporarily be treated as a criminal law enforcement agency under the TIA Act. This means that the Commission will ultimately have the power to access stored communications and telecommunications data – subject to it putting appropriate processes, procedures and privacy measures in place.

Since the notification, the Commission has started work on its TIA Act Readiness Project. The aim of the project is to consult with stakeholders, including the Commonwealth Ombudsman, the Inspector of the Commission and the Office of the Australian Information Commissioner, about the use of these powers and to develop internal processes and procedures for using them.

It is anticipated that this work will be completed by the end of 2023.

The ability to access telecommunications data and stored communications in accordance with the requirements of the TIA Act will enhance the Commission's ability to access information relevant to its investigations.

Senior Management Group

The SMG is the key executive forum within the Commission. It is chaired by the CEO and comprises the Commissioner, the CEO, the Solicitor to the Commission, the Chief Finance Officer and the Directors of each function (Assessments, Investigations and Corporate, Prevention and Communication).

The SMG meets monthly and is the executive forum responsible for:

- overseeing the delivery of the Commission's objectives
- managing resources effectively
- ensuring the Commission meets its statutory responsibilities and accountability requirements
- managing strategic risks
- developing budget and resourcing proposals
- overseeing the development of organisational policies, standard operating procedures and protocols.

The SMG meetings are scheduled monthly, with 12 meetings held in 2022–23. The group's effectiveness as an executive forum has been enhanced through the implementation of standing agenda items on significant projects and a quarterly discussion about strategic risk management to strengthen responses and mitigation.

Part D:

Management, governance and accountability

Measures to promote operational integrity

The Commission has robust systems in place to promote and ensure staff professionalism, accountability, respect and integrity.

All staff employed at the Commission are required to obtain and maintain a Negative Vetting 1 security clearance from the Australian Government Security Vetting Agency. This measure is designed to ensure that staff employed at the Commission are 'fit and proper persons'.

As a condition of holding this clearance, staff are required to:

- declare any circumstances or associations that could impact their suitability to hold the clearance and to continue being employed at the Commission
- declare any conflicts of interest that arise in the course of their employment (see page 56)
- provide an updated conflict of interest and associations declaration annually, even where they have nothing to declare.

Staff are also required to advise of any contacts they have with individuals or entities that relate to the operational work of the Commission. These 'contact reports' enable the Commission to consider if any conflicts exist and what mitigation strategies might be required to address any perceived or actual inappropriate influence. The Inspector of the Commission reviews the Commission's conflict of interest register twice a year.

The role of Agency Security Advisor is built into the role of the Senior Director Corporate, Prevention and Communication. The Agency Security Advisor ensures the Commission complies with the ACT Government Protective Security Policy Framework and provides training and advice on information, personnel and physical security requirements to staff.

Fraud prevention

The Commission's Fraud and Corruption Prevention and Control Policy was authorised on 3 May 2023. This policy outlines the responsibilities and obligation of Commission staff in preventing fraud and corruption within the agency, and the procedure for staff should they identify internal fraud or corruption.

The Commission's executive team will regularly review the effectiveness of measures to prevent, detect and deal with fraud and corruption. The Commission will supplement these controls with relevant training as needed to ensure staff are aware of their obligations and responsibilities.

The Commission did not receive any allegations of fraud or other forms of misconduct from staff during 2022-23, and no investigations were conducted during the reporting period.

External scrutiny and oversight

Internal accountability is reinforced via external oversight mechanisms. These include the Inspector of the Integrity Commission (the Inspector) and the Justice and Community Safety (JACS) Committee.

Inspector of the Integrity Commission

The Commission is subject to oversight by the Inspector. At present, the Inspector is the ACT Ombudsman.

The Inspector's functions are to:

- assess and report on compliance with the Integrity Commission Act and any memoranda of understanding or agreements entered into under the Integrity Commission Act
- receive, assess and investigate complaints about the Commission and staff members
- make recommendations to the Commission or public bodies about its practices or procedures in relation to performing its functions under the Integrity Commission Act
- perform any other functions given to the Inspector under the Integrity Commission Act or another ACT law.

Engagement with the Inspector in 2022-23

As per Section 205 of the Integrity Commission Act, the Commission provides written monthly reports to the Inspector regarding the use of Commission powers during the preceding month. The Commission and Inspector have agreed these monthly reports are to be provided within 10 working days of the end of the relevant reporting period.

The Inspector's staff meet with the Commission's CEO and the Solicitor to the Commission monthly. At these liaison meetings relevant information is shared on the activities of the Commission to clarify matters arising from the monthly reports submitted to the Inspector under Section 205 of the Integrity Commission Act, and any other matters of relevance to both agencies.

During the year, the Inspector made five requests under Section 228(c) and Section 266(1)(c) for information or documents about the Commission's activities to be produced. These were:

- one request to provide information to inform a complaint investigation
- two requests to review the Commission's Conflict of Interest Register
- two request to review the Commission's response to, and implementation of, recommendations made by the Inspector.

Standing Committee on Justice and Community Safety

The ACT Legislative Assembly established the JACS Committee to perform accountability and oversight functions, including:

- examining matters related to corruption and integrity in public administration
- inquiring into and reporting on matters referred to it by the Legislative Assembly, or matters the JACS Committee considers to be of concern to the community
- performing all functions required of it in accordance with the Integrity Commission Act
- monitoring, reviewing and reporting on the performance of the Commission and the Inspector, and the use of the powers and functions of the Commission and the Inspector. This includes examining the annual reports of the Commission and the Inspector, and any other Commission reports.

Part D:

Management, governance and accountability

The Committee does not:

- investigate matters relating to conduct
- reconsider a decision to investigate, not to investigate or to discontinue an investigation of a particular complaint to the Commission
- reconsider the findings, recommendations, determinations or other decisions of the Commission or the Inspector in relation to a particular investigation or complaint.

Engagement with the JACS Committee in 2022–23

The Commission appeared before the JACS Committee once during the reporting period – in November 2022. This was in relation to the Committee’s Inquiry into the Commission’s Annual and Financial Reports for 2021–22.

The Commission also appeared before the Select Committee on Estimates 2022–23 in relation to the Commission’s 2022–23 budget and performance.

Conflicts of interest reported to the Inspector and Speaker

Section 31 of the Integrity Commission Act requires the Commissioner to avoid any actual, potential or perceived conflicts of interest. It also requires the Commissioner to disclose to the Speaker of the Legislative Assembly and the Inspector in writing any financial or other personal interest that conflicts with, or could conflict with, the Commissioner’s functions.

During the reporting period, the Commissioner disclosed no conflict of interests.

The management of conflicts of interest for Commission staff is governed by the Commission’s Conflict of Interest Policy and Procedure. The Commission’s conflict of interest register is reviewed regularly by the Inspector.

Allegations of corruption conduct by Commission staff

Complaints concerning alleged misconduct of Commission officers can be made directly to the Inspector or to the Commission. Section 105 of the Integrity Commission Act requires the Commission to refer corruption reports about Commission staff to the Inspector. The Inspector may decide to investigate complaints directly or ask the Commission to undertake an investigation and report its findings to the Inspector.

The Commission made three referrals to the Inspector this financial year.

Two referrals related to allegations of corrupt conduct by Commission staff in response to Commission decisions to dismiss corruption reports made by the complainants under Section 57 of the Integrity Commission Act, and one related to a decision under the PID Act.

Allegations of corrupt conduct against members of staff generally arise in circumstances where complainants are dissatisfied with a decision made by the Commission. In some instances these allegations are non-specific and can include statements along the lines of ‘you are corrupt’ during conversations with Commission staff.

The Commission, in consultation with the Inspector’s Office, applies a ‘low’ threshold to referring all allegations of corrupt conduct by Commission staff to the Inspector’s office. This is in accordance with Section 105 of the Integrity Commission Act, which requires the Commission to refer any corruption allegation to the Inspector if it involves a Commission staff member.

Risk management

The Commission continues to refine its risk management frameworks, including evolving its strategic risk register and improving its risk management processes. This reporting period, the Commission secured the services of an external provider to assist it to finalise its business continuity plan. Continuing to develop and enhance its risk management processes is a priority for the Commission in 2023–24.

Internal audit

During 2022–23, the Commission secured the services of an external auditor and assurance services provider to help it develop a strategic internal audit plan.

An initial audit looking at the effectiveness and efficacy of the Commission's internal fraud controls was underway as of 30 June 2023.

The Commission's SMG remains the primary internal governance mechanism for identifying, assessing and addressing risks that arise from the course of the Commission's activities.

Work health and safety

The health and safety of the Commission's staff and other people who engage with the Commission in the course of its work is of utmost importance. In 2022–23, the Commission developed and implemented a policy outlining the requirements for assessing and mitigating risks associated with the security and safe conduct of Commission examinations. This policy covers all matters that may lead to risks related to the security, health or safety of people and property connected with a Commission examination.

The development of this policy supplemented procedures already in place that require work health and safety risks to be actively considered in the context of the Commission's operations.

During 2022–23, the Commission was not issued with any notices or enforceable undertakings under the *Work Health and Safety Act 2011*.

Part D:

Management, governance and accountability

Human resources management

In January, the Commission's CEO, Judy Lind, wrote in her *Strategic Priorities 2023* that 'As the Commission enters its fourth year of full operations, it finds itself in a period of change, particularly in the areas of people, culture, policy and procedure. In navigating this period, it is important that we learn from the past as an organisation. However, it is equally - if not more important - to move on and build on lessons learnt. I see a bright future for all the individuals and the Commission itself, and hope that moving into the future we will build a high performing organisation which is a desirable place for all to work.'

The Commission has faced considerable issues with recruiting suitable staff since its inception. During 2022-23, vacancies existed within key functions, including the legal, assessment and corporate, prevention and communication teams at several points throughout the year.

To remedy this shortfall, efforts were made from late 2022 to identify and recruit staff to fill all vacancies. This included 10 selection processes. At the end of the reporting period, the Commission had recruited all but two positions within the Commission's structure and budget.

As part of its submission to the statutory review of the Integrity Commission Act, the Commission advocated for the removal of the restriction preventing the Commission from recruiting staff who have worked in the ACT public service within the last five years. As a result of this legislative restriction, most job applicants come from either the Australian Public Service or other state and territory public sectors. Removal of this provision will broaden the pool of local skilled candidates and assist the Commission in filling vacancies with suitably skilled staff.

At the end of this financial year, the Commission procured the services of a human resources consultant to produce a strategic workforce plan in 2023-24. This important work will develop short-, medium- and long-term workforce strategies to assist the Commission to recruit and retain suitably qualified staff.

The following tables provide workforce data for 2022-23.

Table 8. Commission staff (full-time equivalent) and headcount by team on 30 June 2023¹

	Full-time equivalent	Headcount
Executive (the CEO)	1.0	1
Administration and Executive Support	2.0	2
Assessments	5.0	5
Investigations	6.0	6
Legal (including the Solicitor to the Commission)	7.0	7
Corporate, Prevention and Communication	2.0	2
Subtotal	23.0	2
Secondees	0.0	0
TOTAL	23.0	23

¹ The Integrity Commissioner is an independent Officer of the Assembly and is not included in the workforce data tables.

Table 9. Commission full-time equivalent staff and headcount by gender

	Female	Male	Non-binary	Total
Full time equivalent by gender	16.0	7.0	0.0	23.0
Headcount by gender	16	7	0	23
% of workforce	69.6%	30.4%%	0%	100%

Table 10. Commission headcount by classification and gender²

	Female	Male	Non-binary	Total
Executive officers (CEO and Solicitor to the Commission)	2	0	0	2
Senior officers ³	3	5	0	8
Legal officers ⁴	2	1	0	3
Legal support ⁵	2	0	0	2
Administrative ⁶ officers	7	1	0	8
TOTAL	16	7	0	23

Table 11. Commission staff by employment category and gender

	Female	Male	Non-binary	Total
Casual	0	0	0	0
Permanent full time	12	6	0	18
Permanent part time	0	0	0	0
Temporary full time	4	1	0	5
Temporary part time	0	0	0	0
TOTAL	16	7	0	23

2 Classification is determined by the relevant ACT Government's enterprise agreements.

3 All staff at or above the Senior Officer Grade C classification under the Administrative and Related Classifications Enterprise Agreement are considered senior officers.

4 All staff employed as Legal Officers under the Legal Professionals Enterprise Agreement are considered legal officers. This includes the Commission's Principal Lawyers.

5 All staff employed as paralegals under the Legal Professionals Enterprise Agreement are considered legal support officers.

6 All staff at or below the Administrative Services Officer Class 6 classification are considered administrative officers.

Part D:

Management, governance and accountability

Table 12. Commission staff by diversity

	Headcount	% of total staff
Aboriginal and Torres Strait Islander people	1	4.3
Culturally and linguistically diverse	0	0.0
People with a disability	1	4.3

Table 13. Average years of service by gender

	Female	Male	Non-binary
Average years of service	1.7	1.7	0

Table 14. Recruitment and separation rates for the Commission

Recruitment rate	47.3%
Separation rate	47.3%

Learning and development

The Commission is committed to ensuring staff have access to training and development opportunities that meet the requirements of their roles while developing future potential.

During their employment with the Commission, staff can access a broad range of learning and development opportunities. These opportunities can be discussed with their manager as part of the performance management process.

Capability development

Throughout the reporting period, the Commission continued to develop and mature its business processes and capabilities. The capability development work implemented for each Commission team is as follows.

Assessments

Under the structure of the Commission, the Assessments team is responsible for dealing with all corruption reports received from members of the public, as well as other mandatory reports under the Integrity Commission Act and public interest disclosures under the PID Act. This team is the 'front line' of the Commission and handles phone calls and correspondence from individuals who make corruption reports. It also undertakes the assessment of all corruption reports and prepares advice for decision makers within the Commission on how these matters should be dealt with.

The Commission decided in 2022-23 to invest further resources into this function. This included creating a director-level position solely responsible for this function, an assistant director role, and additional assessment positions.

The team focused on addressing three critical priorities:

- tackling the backlog of unassessed corruption reports
- implementing recommendations made by the Inspector about process improvements, focusing on documenting the reasons for the Commission's decisions and improving communication with complainants
- reviewing and updating policies and procedures for the Assessment function to ensure assessment processes operate as efficiently as possible.

Investigations

Investigating allegations of corrupt conduct is a core function of the Commission. Under the Commission's organisational structure, both the Investigations team and the Legal team play critical roles throughout an investigation.

Recruiting additional team members was a key focus for the Investigations team, throughout the reporting period. This included increasing the team's headcount from two investigators in late 2022 to one director and four investigators by 30 June 2023. The Commission's digital forensic expert is also part of the Investigation team.

In addition to working investigations, key priorities for the Investigations team this year included:

- mapping its business processes to strengthen and standardise its internal investigative processes
- continuing to invest in its purpose-built digital forensic laboratory, which has state-of-the-art capabilities for digital and forensic analysis (the Commission has, on occasion, made this available to other law enforcement agencies to assist with the extraction of digital evidence)
- implementing and refining its new case management system, known as Condor. This system provides a consolidated system to record and manage the Commission's workflows, including the assessment of corruption reports and its investigations.

Legal

As of 30 June 2023, the Legal team included the Solicitor to the Commission, three principal lawyers, two paralegals and a legal assistant. This represents a significant uplift in capacity, with critical staffing shortages occurring throughout the reporting period. The Legal team's capabilities were further bolstered by the recruitment of two paralegals to assist with administrative work arising from the function.

The Commission's Legal team performs many critical roles within the Commission, including:

- providing legal advice to all teams about the operation of the provisions of relevant legislation
- performing counsel assisting roles in examination processes
- producing summonses
- liaising with the legal advisers of witnesses
- other legal work associated with the activities of the Commission.

A key aspect of the team's work during the reporting period was assisting the Commissioner to prepare for public examinations expected to take place in 2023-24.

Internal advice

The Commission's Legal team provided internal legal advice on 11 occasions during the reporting period. Notably, eight of these instances were between April and June 2023.

Broadly, advice was provided on the following:

- the content of an examination summons issued by the Commission
- international human rights law and the *Telecommunications (Interception and Access) Act 1979*
- a jurisdictional issue regarding the meaning of corrupt conduct
- the Integrity Commission Act and PID Act protections
- the jurisdiction of the Commission
- advice regarding the *Information Privacy Act 2014*

Part D:

Management, governance and accountability

- advice regarding the *Freedom of Information Act 2016*
- dismissing a complaint pursuant to section 71(2) of the Integrity Commission Act – disclosure under section 71(4).

The increase in advice provision can be attributed to the increase in staffing during this period, with the number of principal lawyers on staff more than doubling since April 2022.

Under the direction of the Solicitor to the Commission, the Legal team also worked on improving cycle times for the provision of internal legal advice and appropriately triaging requests based on skill set, expertise and capacity. The team also created a compendium of all legal advices provided.

Corporate, Prevention and Communication

This small multi-functional team comprises three staff members when fully staffed – the Senior Director, the Assistant Director and the Senior Communications and Engagement Officer. In 2022–23, the team’s capacity to deliver a broad range of prevention and education products, services and advice to the ACT Government and community was constrained by ongoing resourcing challenges following extended staff illnesses and the departure of the Assistant Director and the promotion of the Senior Communications and Engagement Officer into the vacant position.

During the reporting period, the Commission centralised its corporate and governance functions within the team and created a new, dedicated governance officer position at the Senior Officer Grade C level. This position remained unfilled as at 30 June 2023.

Ecologically sustainable development

The Commission is committed to the ecologically sustainable development principles outlined in the *Climate Change and Greenhouse Gas Reduction Act 2010* (ACT) and the *Environment Protection Act 1997* (ACT).

Employees are encouraged to help reduce the Commission’s ecological footprint by:

- only printing documents when essential
- recycling paper and cardboard.

The Commission also uses:

- motion sensor lighting in its office, ensuring lights are only on when the office is occupied
- carbon-neutral paper
- recyclable printer toner cartridges
- a waste disposal system that separates recyclable material from non-recyclable material.

In 2022–23, the Commission reduced its fleet vehicles from two to one. The Commission has also ordered an electric vehicle in line with ACT Government policy. Delivery is expected in 2023–24.

Financial statements



Part E:

Financial statements

Financial management analysis

Financial performance

The following financial information is based on audited financial statements for 2022–23, and the forward estimates contained in the ACT 2023–24 Budget Statements.

- software, subscriptions and memberships of \$0.192 million
- shared services (such as human resources and information and communications technology (ICT) services) of \$0.119 million.

Total expenses

Components of expenses

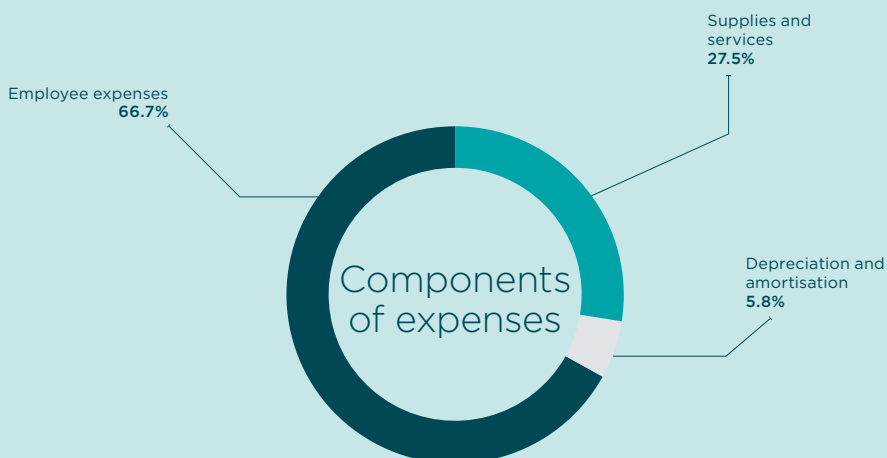
Figure 18 shows the components of the Commission's total expenses for 2022–23. The main components were:

- employee expenses of **\$3.921 million** (66.7%)
- supplies and services of **\$1.618 million** (27.5%), including:
 - professional (legal, accounting and management) services of \$0.571 million
 - accommodation costs of \$0.415 million

Comparison to budget

Total expenses for 2022–23 were **\$5.878 million**. This was **\$1.326 million** (18.4%) lower than the budget. The variance was mainly due to a delay in the Commission's proposed establishment of an independent ICT network – separate from the ACT Government's Shared Services ICT environment – to enable further analysis of alternative solutions.

Figure 18. Components of expenses 2022–23





Comparison to 2021-22 expenditure

Total expenses for 2022-23 were **\$1.042 million** (21.5%) higher than in 2021-22. The increase mainly relates to the engagement of additional staff members in response to the Commission's increasing workload and legislative responsibilities, including the assessment and investigation of public interest disclosures.

Future trends

Total expenses are expected to increase by **\$2.160 million** (36.7%) in 2023-24, to **\$8.038 million**. This is mainly due to the funding required to establish the Commission's telephone interception capabilities and independent ICT network, and the engagement of additional staff members in response to an increasing workload.

Total income

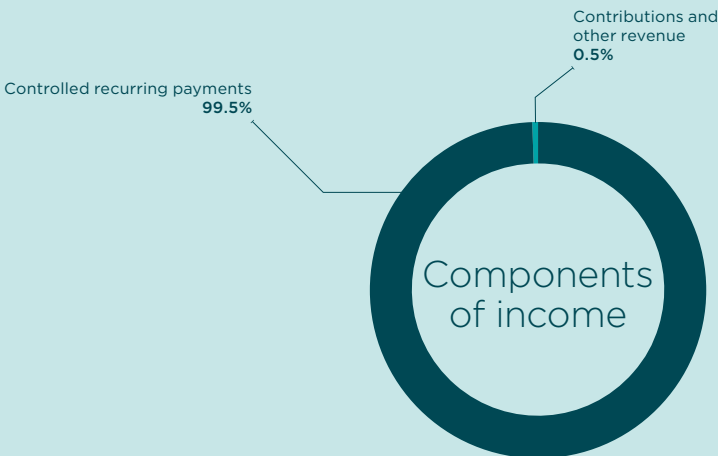
Components of income

Figure 19 shows the components of the Commission's total income for 2022-23. The main source was controlled recurrent payments, which accounted for **\$5.553 million** (99.5%) of total income.

Comparison to budget

Total income for 2022-23 was **\$5.579 million**. This was **\$1.290 million** (18.8%) lower than budget. The variance was mainly due to a delay in the Commission's proposed establishment of an independent ICT network - separate from the ACT Government's Shared Services ICT environment - to enable further analysis of alternative solutions. The Commission has rolled forward \$0.685 million of this funding into the 2023-24 budget to support its future operational requirements.

Figure 19. Components of income 2022-23



Part E:

Financial statements

Comparison to 2021–22 income

Total income was **\$0.972 million** (21.1%) higher than total income for 2021–22. This mainly relates to increased funding requirements to engage additional staff members to meet the Commission's increasing workload.

Future trends

Total income is expected to increase by **\$2.021 million** (36.2%) in 2023–24 to **\$7.600 million**. This is mainly due to the additional funding required to establish the Commission's independent ICT network and telephone interception capabilities, and to engage additional staff members in response to an increasing workload.

Financial position

Total assets

Components of total assets

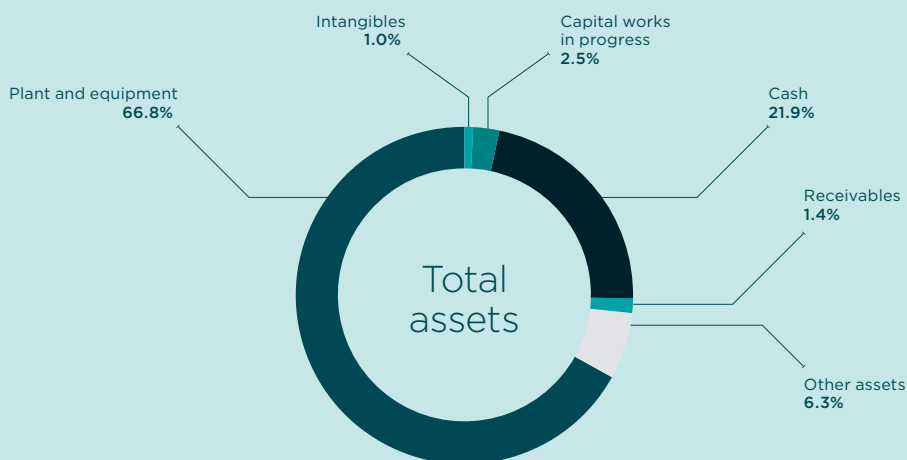
Figure 20 shows a breakdown of the Commission's total assets at 30 June 2023. The main components were:

- plant and equipment valued at **\$2.064 million** (66.8%)
- **\$0.678 million** in cash (21.9%).

Comparison to budget

The Commission's total assets at 30 June 2023 were **\$3.089 million**. This was **\$1.713 million** (35.7%) lower than budget. The variance was mainly due to a delay in the Commission's proposed establishment of an independent ICT network – separate from the ACT Government's Shared Services ICT environment – to enable further analysis of alternative solutions.

Figure 20. Total assets at 30 June 2023





Future trends

Total assets held by the Commission are expected to increase by **\$1.048 million** (33.9%) in 2023-24, to a value of **\$4.137 million**. This increase mainly relates to the Commission's proposed establishment of an independent ICT environment.

Total liabilities

Components of total liabilities

Figure 21 shows a breakdown of the Commission's total liabilities at 30 June 2023. The main component was employee benefits of **\$0.669 million** (70.7%).

Comparison to budget

At 30 June 2023, the Commission's total liabilities were **\$0.946 million**. This was **\$0.759 million** (44.5%) lower than budget. The variance was mainly due to a delay in the Commission's proposed establishment of an

independent ICT network - separate from the ACT Government's Shared Services ICT environment - to enable further analysis of alternative solutions.

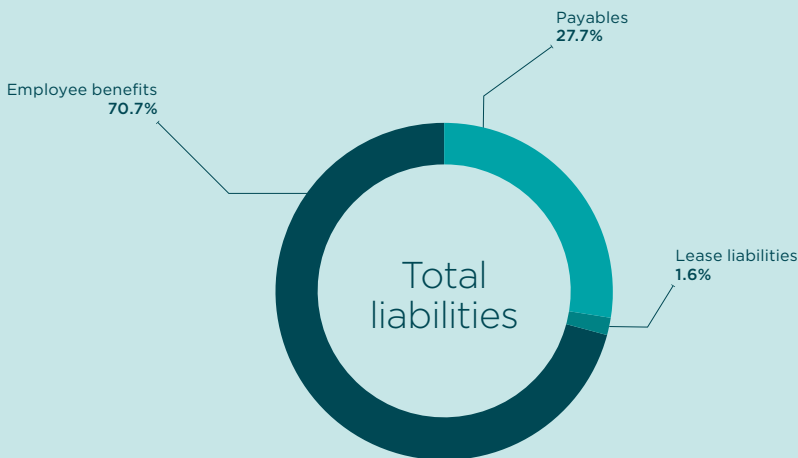
Comparison to liabilities at 30 June 2022

Total liabilities on 30 June 2023 were **\$0.175 million** (22.8%) higher than total liabilities on 30 June 2022. This variance mainly relates to an increase in payables.

Future trends

Total liabilities owed by the Commission are expected to increase by **\$0.541 million** (57.2%) in 2023-24, to **\$1.487 million**. This increase is expected to mainly relate to the cost of leasing ICT equipment to support the establishment of an independent ICT network that is separate from the ACT Government's Shared Services ICT environment.

Figure 21. Total liabilities at 30 June 2023



Part E:

Financial statements

Financial statements of the ACT Integrity Commission For the year ended 30 June 2023

Independent auditor's report



AUDITOR-GENERAL AN OFFICER
OF THE ACT LEGISLATIVE ASSEMBLY 

INDEPENDENT AUDITOR'S REPORT

To the Members of the ACT Legislative Assembly

Opinion

I have audited the financial statements of the ACT Integrity Commission (Commission) for the year ended 30 June 2023 which comprise the operating statement, balance sheet, statement of changes in equity, statement of cash flows, statement of appropriation and notes to the financial statements, including a summary of significant accounting policies and other explanatory information.

In my opinion, the financial statements:

- (i) present fairly, in all material respects, the Commission's financial position as at 30 June 2023, and its financial performance and cash flows for the year then ended; and
- (ii) are presented in accordance with the *Financial Management Act 1996* and comply with Australian Accounting Standards.

Basis for opinion

I conducted the audit in accordance with the Australian Auditing Standards. My responsibilities under the standards are further described in the 'Auditor's responsibilities for the audit of the financial statements' section of this report.

I am independent of the Commission in accordance with the ethical requirements of the Accounting Professional and Ethical Standards Board's APES 110 *Code of Ethics for Professional Accountants (including Independence Standards)* (Code). I have also fulfilled my other ethical responsibilities in accordance with the Code.

I believe that the audit evidence obtained is sufficient and appropriate to provide a basis for my opinion.

Responsibilities of the Commissioner for the financial statements

The Commissioner is responsible for:

- preparing and fairly presenting the financial statements in accordance with the *Financial Management Act 1996* and relevant Australian Accounting Standards;
- determining the internal controls necessary for the preparation and fair presentation of the financial statements so that they are free from material misstatements, whether due to error or fraud; and
- assessing the ability of the Commission to continue as a going concern and disclosing, as applicable, matters relating to going concern and using the going concern basis of accounting in preparing the financial statements.

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Auditor's responsibilities for the audit of the financial statements

Under the *Financial Management Act 1996*, the Auditor-General is responsible for issuing an audit report that includes an independent opinion on the financial statements of the Commission.

My objective is to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes my opinion.

Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with Australian Auditing Standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of the financial statements.

As part of an audit in accordance with Australian Auditing Standards, I exercise professional judgement and maintain professional scepticism throughout the audit. I also:

- identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for my opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control;
- obtain an understanding of internal controls relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for expressing an opinion on the effectiveness of the Commission's internal controls;
- evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the Commission;
- conclude on the appropriateness of the Commission's use of the going concern basis of accounting and, based on audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Commission's ability to continue as a going concern. If I conclude that a material uncertainty exists, I am required to draw attention in this report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify my opinion. I base my conclusions on the audit evidence obtained up to the date of this report. However, future events or conditions may cause the Commission to cease to continue as a going concern; and
- evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether they represent the underlying transactions and events in a manner that achieves fair presentation.

I communicated with the Commissioner regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that I identified during my audit.

Ajay Sharma
Assistant Auditor-General, Financial Audit
17 August 2023



Part E: Financial statements

Statement of Responsibility

In my opinion, the ACT Integrity Commission's financial statements fairly reflect the financial operations for the year ended 30 June 2023 and its financial position on that date.



The Hon. Michael Adams KC
ACT Integrity Commissioner
25 July 2023



Statement by the Chief Finance Officer

In my opinion, the ACT Integrity Commission’s financial statements have been prepared in accordance with the Australian Accounting Standards, are in agreement with its accounts and records and fairly reflect its financial operations for the year ended 30 June 2023 and its financial position on that date.

Scott Hickey, CA
Chief Finance Officer
25 July 2023

Part E:

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Operating Statement

For the year ended 30 June 2023

	Note no.	Actual 2023 \$'000	Original Budget 2023 \$'000	Actual 2022 \$'000
Income				
Controlled Recurrent Payments	#	5,553	6,869	4,570
Contributions		1	-	25
Interest Revenue		25	-	12
Total Income		5,579	6,869	4,607
Expenses				
Employee Expenses	3	3,921	3,407	3,382
Supplies and Services	4	1,618	3,238	1,122
Depreciation and Amortisation		339	545	331
Borrowing Costs		-	14	1
Total Expenses		5,878	7,204	4,836
Operating Result		(299)	(335)	(229)
Total Comprehensive Result		(299)	(335)	(229)

The above Operating Statement should be read in conjunction with the accompanying notes.

Refer to the Statement of Appropriation.

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Financial statements

Balance Sheet

As at 30 June 2023

	Note no.	Actual 2023 \$'000	Original Budget 2023 \$'000	Actual 2022 \$'000
Current Assets				
Cash	5	678	825	610
Receivables		46	16	39
Other Assets	6	195	73	107
Total Current Assets		919	914	756
Non-Current Assets				
Plant and Equipment	7	2,064	3,308	2,166
Intangibles		31	580	64
Capital Works in Progress		77	-	83
Total Non-Current Assets		2,172	3,888	2,313
Total Assets		3,091	4,802	3,069
Current Liabilities				
Payables	8	262	140	72
Lease Liabilities		3	210	17
Employee Benefits	9	624	552	624
Total Current Liabilities		889	902	714
Non-Current Liabilities				
Lease Liabilities		12	728	-
Employee Benefits	9	45	75	57
Total Non-Current Liabilities		57	803	57
Total Liabilities		946	1,705	771
Net Assets		2,145	3,097	2,298
Equity				
Accumulated Funds		2,145	3,097	2,298
Total Equity		2,145	3,097	2,298

The above Balance Sheet should be read in conjunction with the accompanying notes.

Statement of Changes in Equity

As at 30 June 2023

	Accumulated Funds Actual 2023 \$'000	Total Equity Actual 2023 \$'000	Original Budget 2023 \$'000
Balance at 1 July 2022	2,298	2,298	2,311
<i>Comprehensive Income</i>			
Operating Result	(299)	(299)	(335)
Total Comprehensive Result	(299)	(299)	(335)
Transactions Involving Owners Affecting Accumulated Funds			
Capital Injections	146	146	1,121
Total Transactions Involving Owners Affecting Accumulated Funds	146	146	1,121
Balance at 30 June 2023	2,145	2,145	3,097

	Accumulated Funds Actual 2022 \$'000	Total Equity Actual 2022 \$'000
Balance at 1 July 2021	2,527	2,527
<i>Comprehensive Income</i>		
Operating Result	(229)	(229)
Total Comprehensive Result	(229)	(229)
Balance at 30 June 2022	2,298	2,298

The above Statement of Changes in Equity should be read in conjunction with the accompanying notes.

Part E: Financial statements

Statement of Cash Flows

For the year ended 30 June 2023

	Note no.	Actual 2023 \$'000	Original Budget 2023 \$'000	Actual 2022 \$'000
Cash Flows from Operating Activities				
Receipts				
Controlled Recurrent Payments		5,553	6,869	4,570
Goods and Services Tax Collected from Customers, and Input Tax Credits from the Australian Taxation Office		72	311	72
Interest Received		29	-	10
Total Receipts from Operating Activities		5,654	7,180	4,652
Payments				
Employee Expenses		3,934	3,407	3,119
Supplies and Services		1,506	2,202	1,239
Interest Expense		-	29	1
Goods and Services Tax Paid to Suppliers, and Remitted to the Australian Taxation Office		92	311	69
Other		-	850	-
Total Payments from Operating Activities		5,532	6,799	4,427
Net Cash Inflows from Operating Activities	5	122	381	225
Cash Flows from Investment Activities				
Payments				
Purchase of Plant and Equipment		166	1,121	142
Purchase of Intangibles		16	-	46
Total Payments from Investment Activities		182	1,121	188

	Note no.	Actual 2023 \$'000	Original Budget 2023 \$'000	Actual 2022 \$'000
Net Cash (Outflows) from Investing Activities		(182)	(1,121)	(188)
Cash Flows from Financing Activities				
Receipts				
Capital Injections		146	1,121	-
Total Receipts from Financing Activities		146	1,121	-
Payments				
Repayment of Lease Liabilities - Principal		18	192	21
Total Payments from Financing Activities		18	192	21
Net Cash Inflows/(Outflows) from Financing Activities		128	929	(21)
Net Increase in Cash		68	189	16
Cash at the Beginning of the Reporting Period		610	636	594
Cash at the End of the Reporting Period	5	678	825	610

The above Statement of Cash Flows should be read in conjunction with the accompanying notes.

Part E:

Financial statements

Statement of Appropriation

For the year ended 30 June 2023

Description and Material Accounting Policies relating to Controlled Recurrent Payments

Controlled Recurrent Payments (CRP) are revenue received from the ACT Government to fund the costs of delivering outputs.

CRP is recognised when the Commission gains control over the funding which is obtained upon the receipt of cash, given they do not contain enforceable and sufficiently specific performance obligations as defined by AASB 15.

Capital injection appropriations are not recognised as income, but instead are recognised as equity injections and a cash inflow which is used to purchase/build assets or to reduce liabilities.

Column Heading Explanations

The Original Budget column shows the amounts that appear in the Statement of Cash Flows in the Budget Papers. This amount also appears in the Statement of Cash Flows.

The Total Appropriated column is inclusive of all appropriation variations occurring after the Original Budget.

The Appropriation Drawn is the total amount of appropriation received by the Commission during the year. This amount appears in the Statement of Cash Flows.

	Original Budget 2023 \$'000	Total Appropriation Appropriated 2023 \$'000	Appropriation Drawn 2023 \$'000	Appropriation Drawn 2022 \$'000
Controlled Recurrent Payments	6,869	6,924	5,553	4,570
Capital Injections	1,121	1,121	146	-
Total Appropriation	7,990	8,045	5,699	4,570

The above Statement of Appropriation should be read in conjunction with the accompanying notes.



Reconciliation of Appropriation for 2022-23

	CRP 2023 \$'000	Capital Injections 2023 \$'000
Original Appropriation for 2022-23	6,869	1,121
Supplementary Appropriation (Financial Management Act (FMA) s.13)	55	-
Total Appropriated	6,924	1,121
Undrawn Funds	(1,371)	(975)
Total Appropriation Drawn	5,553	146

Controlled Recurrent Payments

Variations between '2022-23 Appropriation Drawn' and '2021-22 Appropriation Drawn'

The increase in CRP of \$983,000 is mainly related to the drawing of funds to support the engagement of legal advisors and additional staff to assist with the Commission's increased workload, including corruption investigations and the assessment and investigation of public interest disclosures.

Variations between 'Total Appropriated' and 'Appropriation Drawn'

The variance in CRP of \$1,371,000 mainly relates to the Commission's funding requirements being lower than estimated due to the Commission's separation from Shared Services ICT being delayed to enable further analysis of potential ICT solutions. The Commission has rolled forward \$0.685 million of this funding into the 2023-24 budget to support the Commission's future operational requirements.

Capital Injections

Variations between '2022-23 Appropriation Drawn' and '2021-22 Appropriation Drawn'

The increase in Capital Injections of \$146,000 is related to security enhancements to the Commission's office fitout, to support the establishment of the Commission's telephone interception capability.

Variations between 'Total Appropriated' and 'Appropriation Drawn'

The variance in Capital Injections of \$975,000 mainly relates to the Commission's funding requirements being lower than estimated due to the Commission's separation from Shared Services ICT being delayed to enable further analysis of potential ICT solutions. The Commission has rolled forward the \$975,000 into the 2023-24 budget to support the planned establishment of its independent ICT environment.

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Financial statements

Notes to and Forming Part of the Financial Statements

For the year ended 30 June 2023

Overview Notes

Note 1. Objectives of the ACT Integrity Commission

Operations and Principal Activities

The ACT Integrity Commission (the Commission) is established by the *Integrity Commission Act* (the Act).

Section 20 of the Act provides that the Commission consists of the Commissioner. The Commissioner is an independent officer of the ACT Legislative Assembly. Subject to the Act and to other Territory laws, the Commissioner has complete discretion in the exercise of the Commission's functions.

The Commissioner is assisted by staff employed under the Public Sector Management Act 1994 and the Integrity Commission Act 2018. The staff of the Commission are not subject to direction from anyone other than the Commissioner or another member of staff of the Commission authorised by the Commissioner to give directions.

Under Section 23 of the Act, the Commission's functions primarily are to:

- investigate conduct that is alleged to be corrupt conduct;
- refer suspected instances of criminality or wrongdoing to the appropriate authority for further investigation and action;
- prevent corruption, including by:
 - researching corrupt practices; and
 - mitigating the risks of corruption.
- publish information about investigations conducted by the Commission, including lessons learned;
- provide education programs about the operation of this Act and the Commission, including providing advice, training and education services to:
 - the Legislative Assembly and the public sector to increase capacity to prevent corrupt conduct;
 - people who are required to report corrupt conduct under this Act; and
 - the community about the detrimental effects of corruption on public administration and ways in which to assist in preventing corrupt conduct; and
- foster public confidence in the Legislative Assembly and public sector.



Note 2. Basis of Preparation of the Financial Statements

Legislative Requirement

The *Financial Management Act 1996* (FMA) requires the preparation of annual financial statements for ACT Government agencies.

The FMA, and the *Financial Management Guidelines* issued under the FMA, requires the Commission's financial statements to include:

- i. an Operating Statement for the year;
- ii. a Balance Sheet at the end of the year;
- iii. a Statement of Changes in Equity for the year;
- iv. a Statement of Cash Flows for the year;
- v. a Statement of Appropriation for the year;
- vi. the material accounting policies adopted for the year; and
- vii. other statements as necessary to fairly reflect the financial operations of the Commission during the year and its financial position at the end of the year.

These general-purpose financial statements have been prepared in accordance with:

- i. Australian Accounting Standards (as required by the FMA); and
- ii. ACT accounting and disclosure policies.

Accrual Accounting

The financial statements have been prepared using the accrual basis of accounting. The financial statements are prepared according to historical cost convention, except for financial instruments which are valued at fair value in accordance with (re)valuation policies applicable to the Commission during the reporting period.

Currency

These financial statements are presented in Australian dollars, which is the Agency's functional currency.

Individual Not-For-Profit Reporting Entity

The Commission is an individual not-for-profit reporting entity.

Reporting Period

These financial statements state the financial performance, changes in equity and cash flows of the Commission for the year ended 30 June 2023, together with the financial position of the Commission as at 30 June 2023.

Comparative Figures

Budget Figures

To facilitate a comparison with the Budget Papers, as required by the FMA, budget information for 2022-23 has been presented in the financial statements. Budget numbers in the financial statements are the original budget numbers that appear in the Budget Papers.

Prior Year Comparatives

Comparative information has been disclosed in respect of the previous period for amounts reported in the financial statements, except where an Australian Accounting Standard does not require comparative information to be disclosed.

Where the presentation or classification of items in the financial statements is amended, the comparative amounts have been reclassified where practical. Where a reclassification has occurred, the nature, amount and reason for the reclassification is provided.

Rounding

All amounts in the financial statements have been rounded to the nearest thousand dollars (\$'000). Use of "-" represents zero amounts or amounts rounded down to zero.

Part E:

Financial statements

Going Concern

The 2022-23 financial statements have been prepared on a going concern basis as the Commission has been funded in the ACT Government 2023-24 Budget and the Budget Papers include forward estimates for the Commission.

Impact of Accounting Standards Issued but Yet to Be Applied

All Australian Accounting Standards and Interpretations issued but yet to be applied are either not relevant to the Commission or have been assessed as having an immaterial financial impact on the Commission.

Expense Notes

Note 3. Employee Expenses

Description and Material Accounting Policies Relating to Employee Expenses

Employee expenses include:

- short-term employee benefits such as wages and salaries, annual leave loading, and applicable on-costs, if expected to be settled wholly before 12 months after the end of the annual reporting period in which the employees render the related services;
- other long-term benefits such as long service leave and annual leave; and
- termination benefits.

On-costs include annual leave, long service leave, superannuation and other costs that are incurred when employees take annual leave and long service leave.

(See Note 9 Employee Benefits for accrued wages and salaries, and annual and long service leave, for benefits expected to be settled after 12 months.)

Employees of the Commission will have different superannuation arrangements due to the type of superannuation schemes available at the time of commencing employment, including both defined benefit and defined contribution superannuation scheme arrangements.

For employees who are members of the defined benefit Commonwealth Superannuation Scheme (CSS) and Public Sector Superannuation Scheme (PSS) the Commission makes employer superannuation contribution payments to the Territory Banking Account at a rate determined by the Chief Minister, Treasury and Economic Development Directorate. The Commission also makes productivity superannuation contribution payments on behalf of these employees to the Commonwealth Superannuation Corporation, which is responsible for administration of the schemes.

For employees who are members of defined contribution superannuation schemes (the Public Sector Superannuation Scheme Accumulation Plan (PSSAP) and schemes of employee choice) the Commission makes employer superannuation contribution payments directly to the employees' relevant superannuation fund.

All defined benefit employer superannuation contributions are recognised as expenses on the same basis as the employer superannuation contributions made to defined contribution schemes. The accruing superannuation liability obligations are expensed as they are incurred and extinguished as they are paid.

	2023 \$'000	2022 \$'000
Wages and Salaries	3,553	2,863
Annual Leave	(39)	97
Long Service Leave	(45)	86
Superannuation Contributions to the Territory Banking Account	10	-
Superannuation to External Providers	374	317
Other Employee Benefits and On-Costs	68	19
Total Employee Expenses	3,921	3,382

Total Employee Expenses – The increase of \$539,000 mainly relates to additional staff employed by the Commission during 2022-23 to assist with the Commission’s increased workload, including corruption investigations and the assessment and investigation of public interest disclosures.

Total Employee Expenses for 2022-23 includes the cost of 19.1 FTE staff (2021-22: 17.4 FTE staff), plus the Commissioner.

Note 4. Supplies and Services

Description and Material Accounting Policies Relating to Supplies and Services

General – Supplies and Services

Purchases of Supplies and Services generally represent the day-to-day running costs incurred in normal operations, recognised in the reporting period in which the expenses are incurred.

Professional Services

Professional services include the fees for contractors and consultants that are engaged by the Commission to provide specific services, for matters where the Commission does not have specific expertise or internal resources available. This includes legal expenses related to legal services received free of charge from the ACT Government Solicitor’s Office (GSO). The GSO advises the Commission of the fair value of the services provided, and the value is included in Professional Services.

Audit Fees

Remuneration is paid to the ACT Audit Office for the audit of the Commission’s financial statements. No other services were provided by the ACT Audit Office.

Part E: Financial statements

	2023 \$'000	2022 \$'000
Professional Services	571	231
Accommodation - Rent and Outgoings	415	390
Software, Subscriptions and Memberships	192	145
Shared Services - Human Resources and ICT Services	119	94
Transcription Services	53	2
Audit Fees	52	48
Travel, Training and Development	48	48
Staff Recruitment	44	60
Other Expenses	124	104
Total Supplies and Services	1,618	1,122

Total Supplies and Expenses - The increase of \$496,000 mainly relates to increased interpreter, translator, consultant and contractor expenses consistent with the Commission's increased workload.

Asset Notes

Assets - Current and Non-Current

Assets are classified as current where they are expected to be realised within 12 months after the reporting date. Assets that do not fall within the current classification are classified as non-current.

Note 5. Cash

Description and Material Accounting Policies Relating to Cash

The Commission holds a number of a bank accounts with the Westpac Bank as part of the whole-of-government banking arrangements. As part of these arrangements, the Commission receives interest on its operating account.

	2023 \$'000	2022 \$'000
(a) Cash		
Cash at Bank	678	610
Total Cash	678	610
Cash - The increase of \$68,000 is mainly related to the Commission's having net cash inflows from operating activities.		
(b) Reconciliation of Cash at the End of the Reporting Period in the Statement of Cash Flows to Equivalent Items in the Balance Sheet		
Total Cash Recorded in the Balance Sheet	678	610
Cash Recorded at the End of the Reporting Period in the Statement of Cash Flows	678	610
(c) Reconciliation of the Operating Result to the Net Cash Inflows from Operating Activities		
Operating Results	(299)	(229)
Add Non-Cash Items		
Depreciation of Property, Plant and Equipment	339	331
Cash Before Changes in Operating Assets and Liabilities	40	102
Changes in Operating Assets and Liabilities		
(Increase)/Decrease in Receivables	(5)	7
(Increase) in Other Assets	(89)	(34)
Increase/(Decrease) in Payables	188	(113)
(Decrease)/Increase in Employee Benefits	(12)	265
Net Changes in Operating Assets and Liabilities	82	124
Net Cash Inflows from Operating Activities	122	225
(d) Reconciliation of Liabilities Arising from Financing Activities		
Lease Liabilities		
Carrying Amount at the Beginning of the Reporting Period	17	37
Cash Flow Changes:		
Cash Paid	(18)	(20)
Non-Cash Changes:		
New Leases	16	-
Carrying Amount at the End of the Reporting Period	15	17

Part E:

Financial statements

Note 6. Other Assets

	2023 \$'000	2022 \$'000
Other Assets		
Prepayments	195	107
Total Other Assets	195	107

Total Other Assets - The increase of \$88,000 is mainly related to the prepayment of software subscriptions.

Note 7. Plant and Equipment

Description and Material Accounting Policies Relating to Plant and Equipment

Plant and Equipment are tangible assets like office and computer equipment, furniture and fittings, and motor vehicles.

Right-Of-Use (ROU) Plant and Equipment has the same definition as Plant and Equipment, with the exception that they are held under a lease. ROU Plant and Equipment held by the Commission includes motor vehicles and equipment.

Acquisition and Recognition of Property, Plant and Equipment

Property, Plant and Equipment are initially recorded at cost. Right-of-use assets are also measured at cost on initial recognition, where cost comprises the initial amount of the lease liability, initial direct costs, prepaid lease payments, and estimated cost of removal and restoration less any lease incentives received.

Where property, plant and equipment are acquired at no cost, or minimal cost, cost is its fair value as at the date of acquisition.

Property, plant and equipment with a minimum value of \$5,000 (ex GST) is capitalised.

Measurement of Property, Plant and Equipment After Initial Recognition

After recognition as an asset, an item of property, plant and equipment is carried at its cost less any accumulated depreciation and any accumulated impairment losses.

After the commencement date, all right-of-use assets are measured at cost less any accumulated depreciation and accumulated impairment losses and adjusted for any re-measurement of the lease liability. Right-of-use assets are presented in property, plant and equipment in their own separate asset class.

Property, plant and equipment has a finite useful life. Property, plant and equipment is depreciated on a straight-line basis over its useful life, over a period not exceeding 10 years.

Impairment of Assets

The Commission assesses, at each reporting date, whether there is any indication that an asset may be impaired. Assets are also reviewed for impairment whenever events or changes in circumstances indicate that the carrying amount may not be recoverable. However, intangible assets that are not yet available for use are tested annually for impairment regardless of whether there is an indication of impairment, or more frequently if events or circumstances indicate they might be impaired.

	2023 \$'000	2022 \$'000
Equipment		
Equipment at Cost	78	36
Less: Accumulated Depreciation	(35)	(16)
Total Equipment	43	20
Leasehold Improvements		
Leasehold Improvements at Cost	2,753	2,607
Less: Accumulated Depreciation	(746)	(478)
Total Leasehold Improvements	2,006	2,129
ROU and Equipment		
ROU Plant and Equipment	16	61
Less: Accumulated Depreciation	(2)	(44)
Total ROU Plant and Equipment	14	17
Total Plant and Equipment	2,064	2,166

Total Plant and Equipment - The decrease of \$102,000 is mainly related to the depreciation of the Commission's assets, off-set by security enhancements to the Commission's office fitout necessary for the activation of telephone interception capabilities.

Reconciliation of Plant and Equipment

The following table shows the movement of Plant and Equipment during 2022-23.

	Equipment \$'000	Leasehold Improvements \$'000	ROU Plant and Equipment \$'000	Total \$'000
Carrying Amount at the Beginning of the Reporting Period	21	2,129	17	2,166
Additions	42	146	16	204
Depreciation	(20)	(268)	(19)	(307)
Carrying Amount at the End of the Reporting Period	43	2,006	14	2,064

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Financial statements

The following table shows the movement of Plant and Equipment during 2021-22.

	Equipment \$'000	Leasehold Improvements \$'000	ROU Plant and Equipment \$'000	Total \$'000
Carrying Amount at the Beginning of the Reporting Period	32	2,294	37	2,363
Additions	-	101	-	101
Depreciation	(11)	(266)	(20)	(296)
Carrying Amount at the End of the Reporting Period	21	2,129	17	2,166

Liability Notes

Liabilities – Current and Non-Current

Liabilities are classified as current when they are due to be settled within 12 months after the reporting date or the Commission does not have an unconditional right to defer settlement of the liability for at least 12 months after the reporting date. Liabilities, which do not fall within the current classification, are classified as non-current.

Payables are initially recognised at fair value based on the transaction cost and, subsequent to initial recognition, at amortised cost, with any adjustments to the carrying amount being recorded in the Operating Statement. All amounts are now normally settled within 28 days.

Payables include Trade Payables and Accrued Expenses.

Note 8. Payables

Description and Material Accounting Policies Relating to Payables

Total current payables are amounts payable for goods and services provided to the Commission prior to the end of the reporting period and are recognised as the amount to be paid for these goods and services when the liabilities are settled.

	2023 \$'000	2022 \$'000
Current Payables		
Trade Payables	227	27
Accrued Expenses	35	45
Total Current Payables	262	72

Total Current Payables – The increase of \$190,000 mainly relates to an invoice for software subscription and support that was unpaid at 30 June 2023.

Note 9. Employee Benefits

Description and Material Accounting Policies Relating to Employee Benefits

Accrued Wages and Salaries

Accrued wages and salaries are measured at the amount that remains unpaid to employees at the end of the reporting period.

Annual and Long Service Leave

Annual and long service leave including applicable on-costs that are not expected to be wholly settled before twelve months after the end of the reporting period when the employees render the related service are measured at the present value of estimated future payments to be made in respect of services provided by employees up to the end of the reporting period. Consideration is given to the future wage and salary levels, experience of employee departures and periods of service. At the end of each reporting period, the present value of future annual leave and long service leave payments is estimated using market yields on Commonwealth Government bonds with terms to maturity that match, as closely as possible, the estimated future cash flows.

Annual leave liabilities have been estimated on the assumption they will be wholly settled within three years. This financial year, the rate used to estimate the present value of future:

- annual leave payments is 98.2% (101.8% in the previous financial year); and
- payments for long service leave is 93.0% (95.3% in the previous financial year).

The long service leave liability is estimated with reference to the minimum period of qualifying service. For employees with less than the required minimum period of seven years of qualifying service, the probability that employees will reach the required minimum period has been taken into account in estimating the provision for long service leave and applicable on-costs.

The provision for annual leave and long service leave includes estimated on-costs. As these on-costs only become payable if the employee takes annual and long service leave while in service, a probability that employees will take annual and long service leave while in service has been taken into account in estimating the liability for on-cost.

Annual leave and long service leave liabilities are classified as current liabilities in the Balance Sheet where there are no unconditional rights to defer the settlement of the liability for at least 12 months. Conditional long service leave liabilities are classified as non-current because the Commission has an unconditional right to defer the settlement of the liability until the employee has completed the requisite years of service.

Significant Judgements and Estimates

Significant judgements have been applied in estimating the liability for employee benefits. The estimated liability for Annual and Long Service Leave requires a consideration of the future wage and salary levels, experience of employee departures, and the probability that leave will be taken in service and periods of service.

The estimate also includes an assessment of the probability that employees will meet the minimum service period required to qualify for Long Service Leave and that on-costs will become payable.

The significant judgements and assumptions included in the estimation of Annual and Long Service Leave liabilities include an assessment by an actuary. This assessment is performed every three years. However, it may be performed more frequently if there is a significant change in the parameters underlying this assessment. The Australian Government Actuary performed the latest assessment in December 2021. The next actuarial review is expected to be undertaken by late 2024.

Part E: Financial statements

	2023 \$'000	2022 \$'000
Current Employee Benefits		
Annual Leave	178	217
Long Service Leave	263	296
Accrued Salaries	182	111
Total Current Employee Benefits	624	624
Non-Current Employee Benefits		
Long Service Leave	45	57
Total Non-Current Employee Benefits	45	57
Total Employee Benefits	669	681
Estimated Amount Payable within 12 Months		
Annual Leave	94	158
Long Service Leave	8	17
Accrued Salaries	182	111
Total Employee Benefits Payable within 12 Months	284	286
Estimated Amount Payable after 12 Months		
Annual Leave	85	59
Long Service Leave	300	337
Total Employee Benefits Payable after 12 Months	385	395
Total Employee Benefits	669	681



Other Notes

Note 10. Financial Instruments

Material Accounting Policies Relating to Financial Instruments

Details of the material accounting policies and methods adopted – including the criteria for recognition, the basis of measurement, and the basis on which income and expenses are recognised, with respect to each class of financial asset and financial liability – are disclosed in the note to which they relate.

Credit Risk

Credit risk is the risk that one party to a financial instrument will fail to discharge an obligation and cause the other party to incur a financial loss.

Credit risk is managed by the Commission for cash at bank by holding bank balances with the ACT Government's bank, Westpac Banking Corporation (Westpac). Westpac holds a AA issuer credit rating with Standard and Poors. A 'AA' credit rating, which is defined as a 'very strong capacity to meet financial commitments'.

There have been no significant changes in credit risk exposure since last reporting period.

Liquidity Risk

Liquidity risk is the risk that the Commission will encounter difficulties in meeting obligations associated with financial liabilities that are settled by delivering cash or another financial asset. To limit its exposure to liquidity risk, the Commission ensures that it does not have a large portion of its financial liabilities maturing in any one reporting period and that, at any particular point in time, it has a sufficient amount of current financial assets to meet its current financial liabilities. Also, the Commission is able to draw down additional CRP in the next reporting period to cover its financial liabilities when they fall due. This ensures the Commission has enough liquidity to meet its emerging financial liabilities.

The Commission's exposure to liquidity risk and the management of this risk has not changed since the previous reporting period.

Carrying Amount of Each Financial Liability

The carrying amount of financial assets and financial liabilities approximate their fair value.

Part E:

Financial statements

Note 11. Other Expenditure Commitments

Other Expenditure Commitments

	2023 \$'000	2022 \$'000
Within One Year	174	122
Later than one year but not later than five years	77	84
Later than 5 years	13	20
Total Other Commitments	264	226

Other commitments contracted at reporting date that have not been recognised as liabilities, are payable as above. Other commitments includes contractual arrangements for goods and services, and short-term or low value leased assets where the Commission has applied the AASB 16 exemption from recognising the related lease liabilities in the balance sheet.

Total Other Commitments - The increase of \$38,000 mainly relates to the Commission's contracted internal audit services, offset by a decrease in short-term leases for ICT equipment.

Note 12. Related Party Disclosures

A related party is a person that controls or has significant influence over the reporting entity, or is a member of the Key Management Personnel (KMP) of the reporting entity or its parent entity, and includes their close family members and entities in which the KMP and/or their close family members individually or jointly have controlling interests.

KMP are those persons having authority and responsibility for planning, directing and controlling the activities of the Commission, directly or indirectly.

KMP of the Commission are the Commissioner and Chief Executive Officer.

This note does not include typical citizen transactions between the KMP and the Commission that occur on terms and conditions no different to those applying to the general public.

(A) Key Management Personnel

A.1 Compensation of Key Management Personnel

All of the KMP of the Commission are employed and compensated by the Commission.

	2023 \$'000	2022 \$'000
Short-Term Employee Benefits	874	909
Post employment benefits	97	93
Other long-term benefits	8	7
Total Compensation by the Commission to KMP	979	1,009

A.2 Transactions with Key Management Personnel

There were no transactions with KMP that were material to the financial statements of the Commission.

Note 13. Budgetary Reporting

Significant Accounting Judgements and Estimates

Significant judgements have been applied in determining what variances are considered 'major variances'. Variances are considered major if both of the following criteria are met:

- The line item is a significant line item: where either the line item actual amount accounts for more than 10% of the relevant associated category (Income, Expenses and Equity totals) or more than 10% of the sub-element (e.g. Current Liabilities and Receipts from Operating Activities totals) of the financial statements; and
- its variances (original budget to actual) are greater than plus (+) or minus (-) 10% and \$500,000 of the budget for the financial statement line item.

Part E:

Financial statements

Operating Statement Line Items

	Actual 2023 \$'000	Original Budget 2023 \$'000	Variance \$'000	Variance %
Controlled Recurrent Payments ^a	5,553	6,869	(1,316)	(19.2)
Employee Expenses ^b	3,921	3,407	514	15.1
Supplies and Services ^c	1,618	3,238	(1,620)	(50.0)

Variance Explanations

- Controlled Recurrent Payments - The variance of \$1,316,000 is mainly due to the Commission having lower funding requirements in 2022-23 than estimated due to the Commission's separation from Shared Services ICT being delayed to enable further analysis of potential solutions. The Commission has rolled forward \$685,000 of this funding into the 2023-24 budget to support the Commission's future operational requirements.
- Employee Expenses - The variance of \$514,000 mainly relates to the Commission engaging additional staff to assist with the Commission's increased workload, including corruption investigations and the assessment and investigation of public interest disclosures.
- Supplies and Services - The variance of \$1,620,000 mainly relates to delays in establishing an independent ICT environment separate from Shared Services ICT, and the implementation of the Commission's telephone interception capabilities.

Balance Sheet Line Items

	Actual 2023 \$'000	Original Budget 2023 \$'000	Variance \$'000	Variance %
Plant and Equipment ^d	2,064	3,308	(1,244)	(37.6)
Intangibles ^e	31	580	(549)	(94.7)
Lease Liabilities (Non-Current) ^f	12	728	(716)	(98.4)

Variance Explanations

- Plant and Equipment - The variance of \$1,244,000 mainly relates to delays in acquiring equipment to establish an independent ICT environment separate from Shared Services ICT.
- Intangibles - The variance of \$549,000 mainly relates to delays in acquiring software to establish an independent ICT environment separate from Shared Services ICT.
- Lease Liabilities (Non-Current) - The variance of \$716,000 mainly relates to delays in leasing equipment to establish an independent ICT environment separate from Shared Services ICT.

Statement of Changes in Equity

Variance explanations for the Statement of Changes in Equity line items are covered in other financial statements.

Statement of Cash Flows Line Items

	Actual 2023 \$'000	Original Budget 2023 \$'000	Variance \$'000	Variance %
Controlled Recurrent Payments ^g	5,553	6,869	(1,316)	(19.2)
Employee Expenses ^h	3,934	3,407	527	15.5
Supplies and Services ⁱ	1,506	2,202	(696)	(31.6)
Other ^j	-	850	(850)	(100.0)
Purchase of Plant and Equipment ^k	166	1,121	(955)	(85.2)
Capital Injection ^l	146	1,121	(975)	(87.0)

Variance Explanations

- g. Controlled Recurrent Payments - The variance of \$1,316,000 is mainly due to the Commission having lower funding requirements in 2022-23 than estimated due to the Commission's separation from Shared Services ICT being delayed to enable further analysis of potential solutions. The Commission has rolled forward \$685,000 of this funding into the 2023-24 budget to support the Commission's future operational requirements.
- h. Employee Expenses - The variance of \$527,000 mainly relates to the Commission engaging additional staff to assist with the Commission's increased workload, including corruption investigations and the assessment and investigation of public interest disclosures.
- i. Supplies and Services - The variance of \$696,000 mainly relates to the budget including \$618,000 that was rolled over from the 2021-22 financial year under the budget protocols agreed between the Treasurer and the Speaker. These funds were ultimately utilised by the Commission to engage additional staff to assist with the Commission's current corruption investigations.
- j. Other - The variance of \$850,000 mainly relates to delays in establishing an independent ICT environment separate from Shared Services ICT, and the implementation of the Commission's telephone interception capabilities.
- k. Purchase of Plant and Equipment - The variance of \$955,000 mainly relates to delays in acquiring equipment to establish an independent ICT environment separate from Shared Services ICT.
- l. Capital Injection - The variance of \$975,000 mainly relates to funds not drawn down due to delays in acquiring equipment to establish an independent ICT environment separate from Shared Services ICT.

Part E:

Financial statements

Government contracts

In 2022–2023, the Commission engaged various suppliers to provide goods and services. Engagements with a value of \$25,000 (including GST) or more, are listed in Table 15.

Table 15. Contracts entered into by the ACT Integrity Commission in 2022–23

Contract Number	Type of Contract	Supplier	Contract Title	Contract/ Invoiced Amount
2022/5135	Contract	Screencraft Media Pty Limited	ACT Integrity Commission	\$36,702
AC2222486	Contract	John Hoytink	Establish Independent ICT Environment, Telephone Interception Capability, Policies and Procedures to Support the Commission's Operational Requirements	\$150,000
AC3222752	Contract	Projex Building Group Pty Ltd	Upgrade to security of Communications Room	\$127,615
AC3233121	Contract	SHAPE Australia Pty Ltd	Office Fitout Modifications	\$63,342
ACN222324	Contract	BellchambersBarrett	Internal Audit Services	\$110,000
ACN222652	Contract	Niche Advantage Pty Ltd	Chief Financial Officer Services	\$135,080
PIIN0000571	Contract	Bay Tree Solutions Pty Ltd	Business Process Mapping	\$70,400
NA	Invoice/s	APT Transcriptions	Transcription Services	\$46,071

Notes:

- Where the above amount relates to a contract reported on the contract register (<https://www.tenders.act.gov.au/contract/search>), the amount represents the value of the contract notified between 1 July 2022 and 30 June 2023, but not the actual payments to the supplier.
- Where the above amount was invoiced, but a contract was not reported on the contract register, the amount represents total payments made to the supplier between 1 July 2022 and 30 June 2023.
- The work of Counsel Assisting in the inquiry/investigative field is highly specialised. Inquiries as to availability of barristers known to practice effectively in this area were made by the Commission's Solicitor, who was also experienced in this area. Seeking quotes from a range of counsel (which would have required disclosure of details of the investigation and its expected scope) would be inappropriate. The fees offered were within the range of fees paid to counsel by the ACT Government Solicitor.



Contract Number	Type of Contract	Supplier	Contract Title	Contract/ Invoiced Amount
NA	Invoice/s	Fraser, Ian	Witness Examinations	\$64,331
NA	Invoice/s	Intravision Pty Ltd	ICT Equipment and Support	\$68,262
NA	Invoice/s	O'Neill, Callan P	Witness Examinations	\$31,807
NA	Invoice/s	Robertson, Scott	Witness Examinations	\$44,191
NA	Invoice/s	Visual Analysis Pty Ltd	Database development and support	\$29,665

/ Part F

Appendices





Appendix A: Proposed legislative amendments

Since the Commission's launch in 2019, it has identified several potential legislative amendments that it believes would help it to exercise its functions more effectively. These proposed amendments have been outlined in the appendices of the Commission's previous annual reports.

This year, the ACT Government began a statutory review of the *Integrity Commission Act 2018*, as required by section 303 of the Act. The Commission made a submission to this review, which reflected its latest thinking on proposed amendments to the Act.

The Commission's submission can be found on the **Commission's website**. Many of the proposed legislative changes outlined in this annual report were covered in the submission.

The full list of proposed legislative amendments, as reflected in last year's Annual Report is included below. However, it should be noted that the Commission's submission to the statutory review should be taken to reflect its current position on any specific proposed amendment.

Amendments to access powers under the *Telecommunications (Interception and Access) Act 1979 (Cth)*

The Commission has previously outlined its desire to be able to apply for warrants authorising it to intercept telecommunications, access stored communications and access telecommunications data in accordance with the *Telecommunications (Interception and Access) Act 1979 (Cth)* (TIA Act).

To apply for warrants and access stored communications and telecommunications data, the Commission must be declared an eligible authority and a criminal law-enforcement agency under the TIA Act. During the reporting period, the ACT's Chief Minister and the Federal Attorney-General provided in-principle approval to grant the Commission criminal law enforcement agency status under the TIA Act. This will enable it to access telecommunications data and stored communications. The process to grant an interim declaration was underway as at 30 June 2023.

The declaration of the Commission as a criminal law enforcement agency under the TIA Act will also enable it to receive information and material acquired by other agencies (such as the Australian Federal Police) in accordance with the TIA Act.

Part F: Appendices

Amendments regarding the definition of ‘corrupt conduct’

Amendment of section 9(1)(a) of the Integrity Commission Act to deal with wrongful conduct by ministers or members of the Legislative Assembly

According to the current definition of ‘corrupt conduct’ and other criteria in the Act, corrupt conduct involves a criminal offence or serious disciplinary offence, or constitutes reasonable grounds for dismissing, dispensing with the services of, or otherwise terminating the services of a public official. It is unlikely that the second or third criteria could apply to a minister or a member of the Legislative Assembly, so these officers might only come within the jurisdiction of the Commission if they were to have committed a criminal offence. However, there is a wide range of serious misconduct that constitutes a significant breach of public trust and would justify an investigation by the Commission even though it does not amount to a criminal offence. Serious breaches of the applicable code of conduct would seem to fall into this category.

Section 9(1)(b) adds conditions that must be satisfied before the jurisdiction of the Commission is engaged, to ensure it only investigates serious and substantial wrongdoing. Accordingly, expanding the scope of section 9(1)(a) to encompass all aspects of ministerial and parliamentary misconduct is necessary.

Amendments regarding compulsory production of documents or things

Amendment to sections 91 and 148(1)(b) of the Integrity Commission Act to include material in a person’s custody

The provisions of these sections of the Integrity Commission Act confine the Commission’s powers to compel people to provide documents in their ‘possession or control’. The usual phrasing in compulsory production consists of three parts: possession, custody or control. While these notions are related, ‘custody’ fastens on the actual physical holding of a document or thing, regardless of connected legal rights that are (or might be) implied.

It is entirely in keeping with the Commission’s function to investigate alleged corrupt conduct in a way that, where appropriate, enables it to obtain relevant material that has, for example, been placed in someone else’s custody (to obstruct the Commission or otherwise). For clarity and completeness, and to minimise the risk of unnecessary litigation, the provisions should be amended.

Introduction of a provision to allow for the possibility of a person other than a notice recipient to comply with the notice

Part 3.3 of the Integrity Commission Act concerning preliminary inquiries permits the Commission to give a notice requiring the production of documents and/or things to a person, and require that person to attend the Commission and produce the documents and/or things. It also requires that the person seal any documents that are the subject of a claim of privilege. An examination summons issued under section 147(1)(b) of the Integrity Commission Act imposes similar obligations.



There may well be occasions where a recipient without a lawyer may wish to send a trusted colleague to attend the Commission on their behalf, especially where production is not contested. The Commission believes the Act should be amended to allow this. Any amendments would need to take careful account of the architecture and restrictions imposed by the confidentiality notice regime. However, this is a drafting technicality.

An example of an appropriate provision is section 22(2) of the *Independent Commission Against Corruption Act 1988* (NSW) (ICAC Act), which states:

The notice may provide that the requirement may be satisfied by some other person acting on behalf of the person on whom it was imposed and may, but need not, specify the person or class of persons who may so act.

Production during an examination

When a person is being examined before the Commission, they may have in their possession a document or thing that is relevant to the investigation – for example, notes relating to what they intend to say, information from another witness, or a mobile telephone. It is usual in court proceedings for the court to have the power to order any person in the court, including a witness, to produce any document or thing in their possession that might be relevant to their evidence or the issues in the case. This is plainly a useful power.

Section 35 of the ICAC Act, which is broadly equivalent to section 147 of the Integrity Commission Act, gives the ICAC the power to summons a witness and take evidence. It also empowers the ICAC to order a witness to produce a document or thing during a hearing or examination as matters arise. The Integrity Commission Act should provide the Commission with the same power. This involves no additional intrusion into privacy – serving a summons could achieve the same result, but with some inconvenience and interruption to proceedings and without any additional advantage. The circumstances of the order and compliance with it would be recorded in the transcript of the Commission's proceedings.

Amendment to sections 90(2)(a) (power to issue preliminary inquiry notice) and 147(2)(a) (power to issue examination summons) of the Integrity Commission Act to enable the exercise of power where reasonably required

Both sections of the Act enable the Commission to issue a preliminary inquiry notice or an examination summons only if it is satisfied the production of a document or other thing is 'necessary' for the preliminary inquiry or investigation (respectively). The word 'necessary' is sometimes thought to mean 'essential', although it is clearly not used in that sense in the Act. In the context of the exercise of a power, it is usually taken to mean what is reasonably required. This is the sense in which it seems to be used in sections 90(2)(a) and 147(2)(a).

To avoid confusion, the Commission recommends that 'necessary' be replaced with 'reasonably required to assist the Commission'. Such an amendment could incorporate language like that used in the ICAC Act (for example in section 20A(2)).

Part F: Appendices

Amendment to sections 93 and 150(1) of the Integrity Commission Act to permit varied service periods

Sections 93 and 150(1) of the Integrity Commission Act respectively govern the default minimum service period for preliminary inquiry notices and summonses for the production of documents or attendance at an examination. The effect of section 151 of the Legislation Act 2001 (ACT) is that both the date of service and the date for compliance are excluded, providing a minimum window of nine days.

However, under section 150(2) of the Integrity Commission Act, an examination summons can require immediate attendance by a person before the Commission if it considers, on reasonable grounds, that a delay is likely to result in:

- evidence being lost or destroyed
- the commission of an offence
- the person who is being summonsed escaping, or
- serious prejudice to the conduct of the investigation.

Therefore, the alternatives are a minimum of seven clear days or no delay between service and attendance.

The Commission believes this is unnecessarily restrictive. It should be possible to require attendance in two or three days, where it is reasonable to do so. For example, if the existence or whereabouts of a relevant document or thing were to become known during an examination, it would be inefficient to wait for nine days to obtain it. It may also be arguable whether the specified exceptions apply. On the other hand, requiring the person being summonsed to produce the document or thing immediately might impose an unreasonable burden on them. Equally, the Commission may wish to summons a new witness whose identity comes to light – for example, as part of a community approach made during a public examination – to give evidence in one or two days' time. However, their immediate attendance is not needed (and the exceptions in section 150(2) are not reached because of the type of witness).

The structure of section 150 imposes an arbitrary and unnecessary limit on the Commission's ability to proceed in the most efficient way. It is, of course, appropriate to give the recipient of a notice or summons reasonable notice of an obligation to produce documents or a thing, or to attend. Seven clear days seems to be appropriate notice (although even that period is somewhat arbitrary). However, the variety of circumstances in which a lesser period would be appropriate – recognising the operational requirements of an investigation and the need to be fair to those affected by the Commission's compulsory powers – strongly suggests that greater flexibility should be permitted.

It is suggested that, while the default period of seven days should remain, a shorter period should be permitted in circumstances where the Commissioner considers it is necessary or desirable for the efficient and effective conduct of a preliminary inquiry or investigation, and where it does not impose an unreasonable burden on the person affected. In deciding whether the burden is unreasonable, the Commissioner could be required to consider the exceptions specified in section 150(2).

Amendments regarding examinations

Amendment to section 217A of the *Corrections Management Act 2007* (ACT)

Currently, section 217A prevents the Director-General from producing a detainee summonsed to give evidence to the Commission unless the detainee consents. No provision for consent exists for any other type of person the Commission might summons. There is possibly an argument that the detainee will commit a contempt of the Commission for refusing consent, but this is most uncertain. This type of uncertainty is undesirable.

The change could also be made by introducing a new section 217B of the *Corrections Management Act 2007* that is specific to the Commission, or a new section 147A of the Integrity Commission Act to deal specifically with the attendance of summonsed prisoners before the Commission. It is noted that section 39 of the ICAC Act provides a model for the change the Commission is seeking.

Amendment to section 156(1)(c) of the Integrity Commission Act to correct a typographical error

This provision requires the Commission to tell a witness in an examination about his or her rights and obligations under section 148(2). However, the provision is meant to refer to section 148(3); the reference to section 148(2) is a typographical error. Section 148(2) says an examination summons must state the nature of the matters about which a person is to be questioned, unless an exception applies. The witness has certain rights outlined in section 148(3). The Commission has contacted the Parliamentary Counsel's Office, which confirmed the reference to section 148(2) is a typographical error and the provision should instead refer to section 148(3).

Confirmation that witnesses appearing remotely from outside the ACT can be compelled in accordance with an examination summons

Occasionally, it may be necessary or convenient for the Commission to take evidence from a witness, pursuant to an examination summons, where that witness appears by audio-visual link from an Australian location outside the ACT. The Commission plainly has the power to compel such people to physically attend the Commission's premises for an examination (by virtue of the *Service and Execution of Process Act 1992* (Cth), following a section 76 order issued by the ACT Supreme Court). However, there is some legislative ambiguity in relation to whether a person lawfully and appropriately summonsed and served can be compelled to comply with their examination summons if appearing remotely from outside the Territory. Relevant hypothetical examples include:

- a) people who live in the NSW border region and who are unable to travel into the Territory due to public health orders
- b) people who live in remote areas of Australia, for whom travel to the ACT would be difficult - and where the importance of their evidence does not require an in-person appearance, or the quality of their evidence would not be affected by it being given remotely.

For the Commission to effectively conduct its work, this ambiguity needs to be resolved.

Part F:

Appendices

Amendments regarding privileges

Legal professional privilege – partial abrogation

Section 175 of the Integrity Commission Act abrogates two privileges that would otherwise be available to a witness who is required to produce a document or other thing or give evidence. These are the privilege against self-incrimination and the privilege against exposure to civil penalty. However, legal professional privilege allows individuals and entities to refuse to produce documents or things or provide answers to questions in an examination that are protected.

To ensure a full and independent investigation of corrupt conduct that could involve the commission of criminal offences or serious misconduct, the Commission must be able to access all relevant facts in the hands of public officials or public entities concerning the issues under examination. There is no public policy consideration that should enable legal communications by those persons or bodies to be kept secret from the integrity agency that has been instituted for the purpose of examining their conduct.

This is especially so when legal communications have been made or obtained at public expense. The exercise of public responsibilities requires accountability, including in relation to assisting the Commission in exercising its functions. Communications with lawyers are simply part of the executive functioning of government, which should not be kept secret from the body charged with the responsibility of ensuring integrity.

Accordingly, the Commission believes section 175 should be amended so that a public official, public sector entity or ACT public service entity cannot rely on legal professional privilege in respect of communications made or obtained – or purporting to be made or obtained – for the purpose of undertaking public duties or functions, or that have been paid for with public funds.

It is noted that, in its *2019–2020 Annual Report*, the Commission suggested a complete abrogation of legal professional privilege, including that of private persons. However, on consideration, the policy underlying the privilege to the effect that it is in the public interest that individuals should be encouraged to obtain legal advice when they need to, without risking exposure of their confidential communications, remains important and should not be abrogated.

It may well be necessary, in the public interest, to maintain the confidentiality of communications otherwise protected by this privilege. Under the Integrity Commission Act, in its present form, such arrangements can readily be made.

Such amendments would bring the Act closer to the equivalent provisions contained in the ICAC Act (sections 24 and 37(2)), the *Royal Commissions Act 1923* (NSW) (section 17), and the *Royal Commissions Act 1902* (Cth) (sections 2(5) and 6AA), which allow a Royal Commission to compel the production of documents that are subject to legal professional privilege.

The privilege against self-incrimination and exposure to civil penalties in section 175 has only been abrogated in relation to section 147 examination summonses (requiring the production of documents or things, or attendance for the purpose of an examination). However, the privileges can currently be claimed in preliminary inquiries where the Commission requests a statement under section 89 or requires the production of a document or thing under section 90.

A preliminary inquiry notice may be issued only if the Commission is satisfied that the production of the document or other thing is necessary to decide whether to dismiss, refer or investigate a corruption report, or investigate a matter on its own initiative, and it is reasonable to do so. The Commission must have regard to whether it is reasonably practicable to obtain the information in the document or other thing another way.



Since the purpose of a preliminary inquiry is to determine whether an investigation is warranted, it isn't reasonable to prevent the Commission from obtaining evidence that might determine this at the preliminary stage, given the evidence would be available to the Commission for the purpose of an investigation, if one was considered appropriate.

Accordingly, the Commission seeks an amendment to abrogate these privileges in relation to statements requested under section 89 and to preliminary inquiry notices issued under section 90 of the Act. Assuming that an amendment is also introduced to allow statements to be obtained during an investigation, the Commission believes the abrogation in section 175 should also be extended to the exercise of that power.

This privilege needs to be maintained in respect of communications made for the purpose of, or connected with, compliance with the processes of the Commission, including for the purpose of representing a person on any attendance or examination.

It may be necessary, if these amendments are made, to consequentially amend the definition of privilege in section 174.

Amendment to allow questions of privilege to be decided by the Commissioner

Division 3.6.2 of the Integrity Commission Act establishes a process for deciding claims of privilege. This requires the Commission to apply to the Supreme Court of the ACT to decide whether the privilege claim is made if the Commissioner presses the disclosure in issue. In courts, including local or magistrates courts, the presiding judicial officer rules on the objection and may examine the material if it is useful to do so.

There does not appear to be any significant legal or policy reason why this should not also be the case for privilege claims made before the Commission. This is especially so as the Act almost exclusively requires the Commissioner to have been a judge of a superior court of record in Australia.

The Commissioner has the advantage of knowing the potential significance of the material objected to in the context of an ongoing investigation, which is even more significant where privilege requires it to be balanced with public interest in accordance with Division 3.10.1C of the *Evidence Act 2011* (ACT) (journalist privilege) or section 130 of that Act (public interest immunity). This amendment would also have the benefit of expediting the resolution of privilege claims and reducing costs.

Communications made for improper reasons will not attract legal professional privilege. Whether reasons are improper will almost always require the examination of the factual context in which the contested communication took place. The Commissioner will likely already have examined those facts during the investigation and any other relevant facts for the purpose of the investigation. To undertake another investigation in the Supreme Court involving the same material is an unnecessary duplication of effort for no useful advantage. It cannot be reasonably maintained that a Supreme Court judge is more suitable to determine privilege issues than the Commissioner.

Since this amendment was initially requested, certain events have made the amendment even more urgent. Where the Commission issues summonses to produce documents or things, they must often be phrased in general terms. This results in a large volume of documents being returned to the Commission, frequently in digital form. Where a privilege claim is made in such circumstances, Division 3.6.2 of the Act currently requires the Commission to seal the material (usually a mixture of both privileged and unprivileged material) and immediately give it to the Supreme Court. The Supreme Court is then obliged to examine potentially thousands of documents, since the option of separating out the non-privileged material is foreclosed by the immediate securing and delivery of the material. Such documents are unrelated to any other proceedings before the Supreme Court. In addition, the Supreme Court is without any forensic or technological means of examining the material. To impose a burden of this kind on the limited resources of the Supreme Court is unreasonable and not in the public interest.

Part F: Appendices

Where an electronic device is required to be produced, the data on it may contain privileged communications that can only be brought into existence when the data is accessed. This creates a nonsensical situation where the Supreme Court (following a literal interpretation of Division 3.6.2 of the Act) is forced to rule on whether a plastic and metal device is privileged. The answer to this can only be 'no', but then what is to happen to the device or, more specifically, to the digital information contained on the device? It cannot be examined by the Court or the Commission. Even if the Supreme Court were required to then determine the privilege status of the communications that could be accessed through its data, it is likely that it would be difficult. The remaining logical possibility – that the Commission cannot even examine the non-privileged material because it is intermixed with privileged material – is obviously not what was intended by the proponents of the Division.

In addition to the burden Division 3.6.2 places on the Supreme Court, it also has the potential to delay and, in turn, undermine the discharge of Commission's investigative functions. There is the very real possibility that in certain time-sensitive circumstances, the Commission's ability to obtain or preserve evidence, or prevent its destruction, will be thwarted by its current inability to review and analyse electronic material in a timely way once a claim for privilege is made (whatever the merits of that claim). In short, it is conceivable that the inability to access this material almost immediately would undermine a relevant investigation. Furthermore, the process causes additional and unnecessary financial costs for the Territory, which are unavoidable once the Commission is required to begin proceedings (per section 162 of the Act). The individual or entity that claims the privilege is also forced to expend funds in responding to the proceedings.

Accordingly, the Commission maintains that it is imperative that Division 3.6.2 be amended. The only practical solution is to give the Commissioner the power to determine whether material before it is privileged (and therefore required to be excluded from the relevant investigation). This power is conferred on the commissioners of the NSW ICAC. The Commission notes that this approach is also an everyday feature in civil proceedings where the presiding judge must rule on privilege as well as decide the outcome of the case. This is also the position in criminal proceedings where a judge is presiding without a jury and so must determine the facts of the case and adjudicate on privilege claims. This procedure has been approved by all Australian Courts, up to the High Court of Australia, and forms part of the procedural law that governs the recognition of legal professional privilege by the law.

Loss of immunity where there is a prior inconsistent statement

Section 175 of the Integrity Commission Act abrogates the privileges against self-incrimination and exposure to civil penalty as a reason to refuse to comply with a requirement of a summons issued under section 147. Section 176 contains a consequential protection for persons subject to section 147 requirements. This is that any information, document or thing obtained directly because of section 175 is not admissible in evidence against the person in civil or criminal proceedings, or in a disciplinary process or action (unless a threshold finding of corrupt conduct is met). Limits on the derivative use of such material are contained in section 176(2).

Currently, the only exception to the inadmissibility of otherwise privileged evidence is in proceedings brought for contempt of the Commission. This includes, for example, where a person has knowingly given false or misleading evidence to the Commission.



It follows that, if a person who has been examined in the Commission gives contradictory evidence in another proceeding where they are a party, their prior evidence to the Commission cannot be used to contradict them. This would be the case even when that prior evidence had been given in public or is otherwise in the public domain – for example, in a public report or disciplinary proceedings. This brings the administration of justice into disrepute – quite apart from the risk of gross injustice to the other party in a civil suit or the victim or the public interest in a criminal proceeding. The proposed amendment does not permit the use of the examination evidence in a substantive way but merely to prevent the commission of the further crime of perjury.

As an example, the legislation relating to Western Australia's Corruption and Crime Commission provides for an exception in the case of inconsistent statements. Sections 94 and 145 of the *Corruption, Crime and Misconduct Act 2003* (WA) – relating to the power to obtain information from a public authority or officer, and the use of statements of witnesses against witnesses, respectively – provide similar protections to those contained in section 176 of the Integrity Commission Act. Both WA provisions contain the exception that a witness may, in any civil or criminal proceedings, be asked about the statement or disclosure under section 21 of the *Evidence Act 1906* (WA) (cross-examination about and proof of prior inconsistent statements).

Amendments regarding statements of information

An amendment to section 89 of the Integrity Commission Act to enable the Commission to request information from public officials

Currently, section 89 only allows the Commission to request information from the head of a public sector entity. This is unnecessarily narrow and prevents the Commission from seeking relevant information from other public officials (including senior public servants and senior executives responsible for business integrity and risk). It also fails to account for the possibilities that the head of a public sector entity is themselves the subject of a Commission preliminary inquiry or that making the request to them could jeopardise a Commission preliminary inquiry. The creation of an equivalent to section 89 for investigations (as requested below) should be wide enough to encompass statements from this broader category of public official.

The scope of the provision is also unclear. In particular, it is not clear whether it requires information to be personally known to the head of the entity or if they are obliged to make enquiries of relevant officials and, if so, to identify them. Clearly, first-hand information is preferable to hearsay.

Accordingly, section 89 should be amended to specifically require the head of the entity to obtain information from a subordinate, where that is necessary to comply with the request, or direct the subordinate to provide the information directly to the Commission. The amendment should also enable the Commission to direct its request to any public official.

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Amendment to enable statements of information to be required for investigations

Section 89 allows the Commission to request information from the head of a public sector entity that the Commission considers relevant to a preliminary inquiry. However, there is no equivalent provision available for investigations.

While it is true that, in an investigation, the Commission can obtain evidence by requiring an individual to attend an examination, obtaining it in this way can be cumbersome, inconvenient and expensive. This is especially the case where the required information is likely to be uncontroversial.

The Commission should be empowered, for the purposes of both preliminary inquiries and investigations, to require specified information to be provided in writing. There is no good reason for limiting this obligation to a head of service (who may be required to obtain the information from another official). The provision of written information also avoids the necessity of requiring relevant officials, such as the head of a service, to personally attend an examination when it is deemed unnecessary to the investigation for them to do so. The protections of privilege would still apply, as would immunity from the use of the information against the person in any prosecution. A confidentiality notice could also, for obvious reasons, be issued (see further below). This is an efficient and relatively inexpensive investigatory tool, especially for obtaining non-contentious information.

Amendment to permit voluntary and compelled statements to be subject to confidentiality requirements during preliminary inquiries

In some cases, it is useful for investigators to obtain information (for example, the location or identity of a person of interest) informally from a witness. In order not to prejudice the investigation it will most often be necessary to ensure confidentiality. As the Act currently stands, confidentiality notices can only be issued during a preliminary inquiry when the Commission gives a person a preliminary inquiry notice (which requires the production of documents or things).

The Commission believes it would safeguard the course of investigations if confidentiality notices could be given to everyone its investigators communicate with during preliminary inquiries, whether formally or informally. This would include, in relation to section 89 of the Integrity Commission Act, requests for statements. As with confidentiality notices issued currently, these would operate without prejudice to the recipient's ability to obtain legal advice or professional medical assistance.

Amendments regarding witness expenses and legal assistance

A regulation pursuant to section 171 of the Integrity Commission Act concerning legal assistance

The Commission would like to see the introduction of a regulation pursuant to section 171 of the Act to provide for Territory-funded legal assistance for witnesses called to give oral evidence in an examination before the Commission.

The Commission understands that the Chief Minister, Treasury and Economic Development Directorate is already considering such a proposal, and it supports that work.



A regulation pursuant to section 172 of the Integrity Commission Act concerning other witness expenses

The Commission would like to see the introduction of a regulation pursuant to section 172 of the Integrity Commission Act to provide for Territory-funded reimbursement of travel and accommodation expenses incurred by witnesses required to give oral evidence in an examination before the Commission.

The Commission understands that the Chief Minister, Treasury and Economic Development Directorate is already considering such a proposal, and it supports that work.

Amendment to section 171 of the Integrity Commission Act concerning legal costs associated with document production

Currently, the regulation-making power in section 171 of the Act is confined to legal costs associated with appearances to give evidence at the Commission. It does not apply to the legal costs associated with the production of documents or doing other things (for example, obtaining advice with respect to the scope of the notice or claims of privilege). The Commission suggests consideration should be given to extending assistance to the latter situations. Any assistance should be restricted to legal costs reasonably incurred by private individuals and entities, or to such other circumstances as the Territory sees fit.

Amendment to section 172 of the Integrity Commission Act concerning witness costs associated with requirements to produce documents

The regulation making power in section 172 of the Integrity Commission Act is currently confined to witness expenses associated with appearances to give evidence at the Commission. It does not apply to the costs associated with producing documents or doing other things. The Commission suggests consideration should be given to extending assistance to the latter situations. Any assistance should be restricted to legal costs reasonably incurred by private individuals and entities, or to such other circumstances as the Territory sees fit.

Amendments regarding arrest and search warrants

Amendment to section 160(6) of the Integrity Commission Act to extend the time within which an arrested person must be released

An amendment to section 160(5)(c) of the Act is sought to enable a person who is named in an arrest warrant to be brought before the Commission 'as soon as practicable', as opposed to 'immediately'. For example, this would allow for a person who is arrested after-hours to be brought to the Commission the next morning and not require the Commission to convene in the middle of the night.

A consequential amendment would also be appropriate to provide that a police officer complies with the requirement of section 160(5)(c) if the warrant has been executed on a business day and the person is brought before the Commission on that day during the normal business hours in which the Commission operates or - if the warrant has been executed on a weekend or public holiday - on the next business day during the normal business hours in which the Commission operates.

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Amendment to section 159 of the Integrity Commission Act (Examination – warrant to arrest witness who fails to appear)

The Act should permit the Commission to issue or apply for a warrant to arrest a person whose evidence is desired, necessary and relevant to an investigation under the Act and where:

- it is probable that the person will not attend the Commission to give evidence unless compelled to do so, or
- the person is about to, or is preparing to, leave the Territory and their evidence will not be obtained by the Commission if the person departs.

An amendment to enable an investigator to apply to a magistrate for a warrant to search premises to authorise a search for items on a person in the premises

Section 122(1) of the Integrity Commission Act allows for an investigator to apply for a warrant to enter and search premises. By extending this power to allow for the issue of a warrant to search a person, investigators could also search for documents or other things (such as mobile telephones and USB flash drives) otherwise satisfying the search criteria that are in the physical possession of a person on the premises. This is a conventional provision in search warrants.

Amendments regarding secrecy provisions

Removal of ability to rely on secrecy requirement in section 95(1)(b)(ii) of the Integrity Commission Act

Section 95 of the Act enables a person who receives a preliminary inquiry notice to rely on a secrecy requirement under a law in force in the Territory to resist producing a document or thing. This provision, which has no reasonable policy basis, is not available to recipients of a summons to produce documents or things issued under section 147, and its inclusion in section 95 creates an unnecessary inconsistency in the Act and the Commission's powers. It hampers, without good reason, the Commission's ability to obtain relevant information for the purposes of deciding whether to dismiss, refer or investigate a corruption report, or investigate a matter of its own initiative. It cannot be justified, at least as far as public officials or public entities are concerned.

Disclosure to registered medical practitioners and psychologists (on disclosure)

Amendments are sought to allow witnesses and staff to make disclosures to registered medical practitioners and registered psychologists where the consultations concern their health and welfare. Amendments to sections 81(b) and 297(3)(a) of the Integrity Commission Act, respectively, may be suitable to deliver these changes. The Commission also recommends consequential amendments to enable the practitioner who has received such a disclosure to comply with professional responsibilities of care arising from that disclosure (that is, on disclosure by them).



Amendment to section 297(4) of the Integrity Commission Act to narrow the circumstances in which the secrecy provisions can be overborne

Section 297 of the Act imposes a secrecy obligation on the Commissioner, the Commission's staff, the Inspector, the Inspector's staff and others exercising functions under the Act.

Unauthorised use or divulgence of protected information is a criminal offence. Section 297(3) specifies some exceptions, including in relation to court proceedings (see section 297(3)(a)(iii)). Section 297(4) provides that a person does not need to disclose the protected information to a court 'unless it is necessary to do so for this Act or another law in force in the Territory'. This requirement creates uncertainty and has the potential to jeopardise Commission investigations. It could also create an unacceptable risk of inappropriately compromising the privacy, security or welfare of a person. The Commission considers that 'except for the purposes of a prosecution or disciplinary proceedings instituted because of an investigation conducted by the Commission in the exercise of its functions' is more appropriate wording. This is language used in section 111(3) of the ICAC Act.

Inclusion of 'restricted information' as defined in section 76 of the Integrity Commission Act and in describing 'protected information' in section 297(5)

Currently, the Commissioner, the Commission's staff, the Inspector and the Inspector's staff are prohibited from using or divulging protected information that does not include the categories of restricted information set out in section 76 of the Act.

There is no prohibition on these individuals revealing restricted information that, if it is not 'information about a person that is disclosed to or obtained by' them under the Act, is not considered protected information for the offence provision in section 297. This appears to be an oversight requiring correction.

The insertion of a general exception to secrecy provisions

The Integrity Commission Act permits the disclosure of confidential or secret information in specific circumstances. However, the highly variable nature of investigations and the information obtained does not always sit clearly within those specified exceptions.

The Commission considers it necessary to have a broad, general exception to its secrecy obligations to permit the disclosure of information in appropriate circumstances as the need arises. It proposes that this general exception be available at the direction of the Commissioner or Inspector, if the Commissioner or Inspector certifies that it is necessary to do so in the public interest, or similar circumstances.

The Commission believe this provision is necessary to enable it to carry out its core functions. For example, it could be used to provide necessary information to other agencies for the purposes of obtaining relevant evidentiary material from them. Commonwealth or non-ACT agencies that are not compellable by the Commission may be willing to provide the Commission with documents or information if the Commission can show an appropriate reason (which it may not be able to do currently due to secrecy provisions). This appears to impose an unnecessary restraint on the Commission's interactions with other responsible bodies.

Part F:

Appendices

Limit the scope of section 202 of the Integrity Commission Act to avoid prejudice to Commission investigations and the safety and welfare of witnesses

Section 202 of the Act controls the release of Commission information in court proceedings. In its current form there is potential for the Commission's 'restricted information' to be revealed in a wide variety of court proceedings, with the result that the Commission does not have primary control over that information.

While the Commission is given the opportunity to make representations about the issue, the ultimate decision about the information's use would be determined by an external court. This decision is made solely with reference to the 'interests of justice' and not other considerations, such as prejudice to a Commission investigation or threats to the safety or welfare of Commission witnesses. Considerations of this kind are widely recognised categories for public interest immunity purposes and the Commission considers that the application of section 202 should require relevant courts to take them into account.

Expand the range of permitted disclosures in section 199 of the Integrity Commission Act

Section 199 of the Act establishes the categories of persons to whom a 'permitted disclosure' may be made following the receipt of a non-disclosure notice (which the Act requires to be issued in relation to draft investigation, special reports and annual reports, among other things). Currently, section 199 may prevent a person provided with a draft report from obtaining the assistance of another person, including an employee, to respond to the report. This should be expressly permitted to facilitate procedural fairness for people responding to Commission draft reports.

Amendments regarding mandatory reporting obligations

Clarify the interaction of the reporting obligations in section 62 of the Integrity Commission Act and section 9(4) of the *Public Sector Management Act 1994*

These sections impose incompatible reporting obligations on Integrity Commission ACT public servants. In particular:

- a) Section 62 of the Act requires the head of a public sector entity and senior executives to notify the Commission of 'serious corrupt conduct' or 'systemic corrupt conduct' they become aware of. These phrases are defined in the Act in terms that carry specific meanings and depart markedly from ordinary English usage.

However, under section 9(4) of the *Public Sector Management Act 1994* (ACT) (PSM Act), a public servant must inform the head of a public sector entity (with an immaterial exception) of 'any maladministration or corrupt or fraudulent conduct by a public servant or a public sector member of which ... [they] become aware'. 'Maladministration' and 'corrupt or fraudulent conduct' are not defined in the PSM Act and so have their common and ordinary meaning, which may differ from 'serious corrupt conduct' or 'systemic corrupt conduct' as defined by the Integrity Commission Act. The scheme seems to be based on the mistaken assumption that the conduct required to be reported under the latter Act will include that required to be reported under the PSM Act. This uncertainty needs to be clarified.

- b) The Integrity Commission Act covers 'public officials', which is defined as including classes of people not included by the term 'public servants'. These persons do not have reporting obligations either under either Act. There do not appear to be any relevant considerations that justify the distinction.

- c) Wrongful conduct within the meaning of section 62 of the Integrity Commission Act is as likely, or even more likely, to come to the notice of public officials of lesser rank than to the heads of public sector entities. There appears to be no good reason to excuse them from reporting that conduct directly to the Commission.

The Commission considers that:

- the broader term 'public official' should be used consistently across both Acts
- all public officials should have a positive duty to report 'corrupt conduct'
- 'corrupt conduct' should be defined consistently in both pieces of legislation by reference to section 9 of the Integrity Commission Act.

Additionally, clarifying amendments should be made to confirm who public officials must report corrupt conduct to. Providing public officials with a choice of reporting directly to the Commission or to the head of their agency could be appropriate.

Clarifying the interaction of Clause H7.1 of the enterprise agreements and reporting obligations under the Integrity Commission Act

Part H7 of the ACT Public Sector Administrative and Related Classifications Enterprise Agreement 2021-2022 (which was being re-negotiated as of 30 June 2023) governs the handling of allegations of public official misconduct. While this agreement came into force after the Commission began operating, these provisions also appeared in the preceding agreement, which pre-dated the Commission. Certain of its provisions conflict with the Integrity Commission Act.

Clause H7.1 states that upon becoming aware of alleged misconduct, the matter (by implication) must be referred to the head of service, who will then determine whether an investigation should be conducted. Under this provision, any such investigation is to be conducted by the Public Sector Standards Commissioner.

'Misconduct' has a wide variety of meanings and includes conduct that could be considered corrupt conduct within the meaning of the Act. Accordingly, Clause H7.1 crosses into territory that falls within the Commission's jurisdiction. This creates competing and potentially incompatible reporting requirements and the potential for outside investigations to prejudice investigations the Commission might otherwise undertake. The Commission considers the obligation to report suspected corrupt conduct to the Commission should be given primacy in this context. There should also be a presumption that the Commission will investigate the matter unless it determines not to investigate or refer the matter elsewhere.

Requiring provision of a section 108 report to the Commission

Section 108(2) of the Integrity Commission Act empowers the Commission to request a written report from a 'referral entity', following referral of a corruption report under section 107. The provision appears to operate without a corresponding obligation on individuals and entities to provide such a report to the Commission, although that may be implicit.

The obligation to provide a report (including one that addresses the matters in section 108(2)(a)-(b)) should be explicit. A provision to enable the Commissioner to comment publicly on such reports should also be included. Section 54 of the ICAC Act, and sections 66 and 67 of the *Law Enforcement Integrity Commissioner Act 2006* (Cth), provide examples of these requirements in related jurisdictions.

Alternatively, the Commission could rely on the power to issue a special report to publicly comment on an entity's failure to report back to the Commission. However, the rigorous protocol within the legislation regarding the issue of draft reports for comment could make this a cumbersome way of addressing the issue - especially if there are many instances of non-compliance with section 108 across the ACT public sector.

Part F: Appendices

Amendments to facilitate and protect whistleblower disclosures

Clarifying non-applicable of penalties for voluntary disclosure

Section 288 of the Integrity Commission Act and section 35 of the *Public Interest Disclosure Act 2013* (PID Act) provide that if a person makes a corruption complaint or a public interest disclosure (PID) to the Commission, the making of the complaint or PID is not a breach of certain rules or codes. In the case of a PID about a member of the Legislative Assembly, it is not a contempt of the assembly. The sections also provide that a person making a report will not incur a civil or criminal liability simply because they have made the report or disclosure.

To give greater comfort to those contemplating making a report to the Commission, these provisions should be amended to make it explicit that a person or entity who voluntarily discloses information to the Commission to make a complaint or during an investigation will not be subject to penalty. This should include disclosures that would otherwise amount to a breach of section 9(2)(d) of the PSM Act and section 153(1) of the *Crimes Act 1900* (Cth).

Amendments regarding annual reports, special reports and investigation reports

Ensuring the integrity of investigations (the content of the annual report)

An amendment is sought to provide that, where any Commission investigation might be prejudiced by disclosure, the Commission does not need to comply with the detailed annual report requirements of section 218 of the Integrity Commission Act. Additionally, a further amendment should be made to permit – where the Commissioner considers strict compliance with section 218(1)(b)(i) or section 218(1)(l)(i)(A) would create an unacceptable risk of inappropriately compromising the privacy, security or welfare of a person – that a description be made in terms that avoid such risks.

Section 221(a) provides that the Commission must not include any information in the annual report that would compromise another investigation. This should cover any investigation that might be compromised by the disclosure. To avoid there being any doubt, the Commission believes the word ‘another’ should be replaced by ‘an’. This would facilitate and support the proposed amendments to section 218 above.



Shortening the timeframe for comments on reports

Section 188 of the Integrity Commission Act provides that a proposed investigation report must be given to certain people for comment before it is presented to the Legislative Assembly. It also governs how the Commission is to deal with any such comments. Section 212 of the Act creates similar obligations in relation to special reports.

Both provisions impose a minimum six-week period for the submission of written comments (sections 188(5) and 212(5), respectively). The Commission considers four weeks to be adequate in almost all cases, enabling the Commissioner to extend that time when appropriate.

Sections 188 and 212 of the Integrity Commission Act – narrowing category of respondents

Sections 188(2) and 212(2) of the Act require all those to whom an investigation or special report, respectively, ‘relates’ to have the opportunity to comment on a draft. The fundamental purpose of the requirement is to ensure procedural fairness for individuals or entities that may be adversely affected by the report. Individuals or entities to whom a report ‘relates’ are a far more numerous group, including people not even mentioned in the report. The burden placed on the Commission is considerable. It should be assumed that, where useful relevant information could be obtained for the purposes of a report, the Commission would have sought it during its investigation. Of course, there is nothing stopping individuals and entities with an interest in the subject matter from making public comments about the report following its publication, if this is thought to be useful.

Amendments regarding Commission’s employment of public service employees and consultants

Proposal that section 50(2) (ineligibility for appointment) of the Integrity Commission Act be repealed

The blanket prohibition on employment of persons who are current employees of the ACT public service, or who were ACT public servants during the previous five years, unnecessarily shrinks the pool of otherwise appropriately qualified applicants for jobs at the Commission. Under the PSM Act, even a casual contractor or volunteer for the ACT government is considered a public servant and is not eligible. In one recent instance, a former public servant who had been retired for five years but had worked casually for a few weeks to assist with COVID-19 arrangements was thereby excluded from consideration. This remains a significant problem for the Commission.

The exclusion is arbitrary and can be inconsistent in its effect, applying even where the potential for conflicts of interest is remote or easily managed. Furthermore, it does not effectively prevent conflicts of interest that arise because of the Territory’s relatively small population.

The legislation governing Australia’s other anti-corruption and integrity bodies does not contain an equivalent restriction. There are no reasonable grounds for thinking that the Commission’s conflict of interest management will not ensure that the issue will not be appropriately addressed.

Consultants’ services are also often sought for specific projects. This significantly narrows the scope for any potential conflict of interest and, where it might occur, enables it to be relatively easily identified and managed. The need to prohibit current and former public servants from these roles is even more arbitrary and unnecessary.

Part F: Appendices

If the current prohibition was removed or narrowed, an additional safeguard could perhaps be introduced that requires the Commissioner to consult the Inspector and/or Speaker about certain proposed employment decisions before making the appointment.

Clarifying the Commissioner and CEO's 'head of service' powers for the purposes of the Public Sector Management Standards 2016

Section 152 of the PSM Act confers certain 'head of service' management powers on the Commissioner and CEO of the Commission relating to the employment of staff. These powers relate to management provisions. However, carve-outs that appear in section 152(6)(f) appear to exclude the *Public Sector Management Standards 2016* (Standards) from being considered a management provision for this purpose. This means the reference to 'head of service' in section 88(2) of the Standards, which allows the head of service to recognise certain prior employment entitlements, does not extend to the Commissioner or CEO. While a delegation has been put in place to enable the Commissioner to exercise section 88(2) powers, the Commission would prefer that there was an amendment to section 152 to confirm this and provide ongoing certainty.

Amendments regarding access to employment records

Enabling the Commission to access employment records

Section 110(2)(c) of the Standards allows the Public Sector Standards Commissioner (PSSC) to 'access records about employment in the service'. The Commission assumes this means the PSSC has access to the Shared Services database for employment records.

Given that records about employment in the ACT public service are central to the work of the Commission – including, for example, identifying whether someone is or has been a public servant for the purpose of determining whether the Commission has jurisdiction in a particular case – it believes an amendment to the Act that confers equivalent access to employment records to that possessed by the PSSC should be made.

Amendments regarding application of the Criminal Code

Consistency between preliminary inquiries and investigations regarding what is a 'proceeding' for the Criminal Code

Section 99 of the Integrity Commission Act provides that a preliminary inquiry is a 'legal proceeding' for the purposes of the *Criminal Code 2002* (ACT) (Criminal Code). However, only one aspect of an investigation – an examination before the Commission (under section 173 of the Act) – is considered a 'legal proceeding' for the Criminal Code. The Commission considers it inconsistent that the whole of a preliminary inquiry – which is a subordinate form of investigation – is recognised for the purposes of the code but a full investigation is not. It believes an equivalent of section 99 should be introduced for investigations. Alternatively, section 173 could be expanded to encompass the whole of an investigation (including summonses to produce documents or things).

Amendments to the *Public Interest Disclosure Act 2012*

Amendment to Section 15 – introduction of timeframe for compliance

Section 27 allows a whistleblower to pass their disclosure or report to a Member of the Legislative Assembly (MLA) and retain the PID Act protections in instances where three months have passed and they have not been notified of the Commission's assessment.

However, there is nothing in the PID Act that imposes a time limit on the disclosure officer or the other people to whom a disclosure can be made (under section 15) to forward the disclosure to the Commission or disclosure officer. It appears that even if there were a significant delay, of three months or more, the whistleblower would still be entitled to rely on section 27 (regardless of whether the report would otherwise meet the criteria for a PID).

The Commission maintains that a time frame should be introduced for a disclosure officer or other person to whom a disclosure can be made to forward the disclosures to the appropriate person. At the very least, this time frame should apply to the individuals captured by section 15 of the PID Act who are not disclosure officers – of which Ministers are one category. This is in circumstances where such individuals must forward reports to a disclosure officer (section 15(2)).

Amendment to section 27A(1)(b) – clarification of conjunctive requirements

This paragraph requires a small amendment, by way of the insertion of the word 'and' after subparagraphs (i) and (ii), to make it clear that section 27A(1)(b) is a tripartite requirement, and not a series of three alternatives.

Amendment to section 33(2)(a) – substitution of 'for' by 'of'

Section 33(2)(a) states that there are 'clear obligations on public sector entities and their public officials to take action to protect disclosers for public interest disclosures'. The word 'for' is clearly mistaken and should be replaced by 'of' so that the provision refers to 'disclosers of public interest disclosures'.

Amendment to section 44 – clarification that provision does not apply to MLAs and journalists

Section 44 is an offence provision that concerns the improper use or divulgence of 'protected information'. Section 44(6) lists the categories of people the offence provision applies to. It does not appear as though the section applies to MLAs or journalists, as they do not fall into any of the specified categories of 'persons to whom this section applies', apart from one exception.

The only potentially relevant category is in (b), being 'anyone ... who has exercised a function under this Act'. Except when a minister receives a report under section 15, neither MLAs nor journalists have any functions to exercise under the Act. Therefore, the exception to the prohibition on information disclosure does not appear to apply to them.

This conclusion seems inconsistent with the legislative intention and policy position of allowing disclosures to MLAs and journalists. The Commission recommends that the application of section 44 with respect to MLAs and journalists is clarified.



Part F: Appendices

Amendments to the *Freedom of Information Act 2016*

Removing inconsistency with the *Freedom of Information Act 2016*

Schedule 1 to the *Freedom of Information Act 2016* (FOI Act) contains the following preamble:

Information mentioned in this schedule is taken to be contrary to the public interest to disclose unless the information identifies corruption or the commission of an offence by a public official or that the scope of a law enforcement investigation has exceeded the limits imposed by law.

The reference to ‘corruption’ (and to some degree the reference to the ‘commission of an offence by a public official’, to the extent it overlaps with corrupt conduct as it is defined in the Act) creates legislative ambiguity. That uncertainty has the potential, with some interpretations, to undermine the secrecy and confidentiality provisions of the Integrity Commission Act. In doing so, this could prejudice the Commission’s work. The Commission seeks a clarifying amendment to have the ambiguity removed.

Similarly, the Commission seeks an amendment to give it the power to prevent public disclosure by a public official or public entity of any matter that it believes might prejudice a Commission investigation that is underway or being considered.

Appendix B: Statistical information

The following tables include information the Commission is required to report under the Integrity Commission Act and the PID Act that has not been reported elsewhere in this report.

Tables 16 to 18 show the mechanism under which each corruption report was made, the decision details, the number of working days taken to assess the report, and how the Commission categorised the report upon receipt.

Table 16. Statistical data for corruption reports received in 2020–21 and assessed in 2022–23¹

Reference number ²	Reporting mechanism ³	Decision details ⁴	Number of working days ⁵	Report categorisation
1/2020-21	Section 57	Sections 71(2), 71(3)(k), 196	499	Abuse of office
2/2020-21	Section 62	Sections 71(2), 71(3)(k), 71(4)	544	Abuse of office
3/2020-21	Section 62	Sections 71(2), 71(3)(j), 196	506	Misuse of official information
4/2020-21	Section 57	Sections 71(2), 71(3)(b), 71(3)(c), 71(3)(i), 196	513	Misuse of official information
5/2020-21	Section 62 and Section 17 disclosure	Section 71(2), not disclosable conduct under the PID Act	458	Maladministration
6/2020-21	Section 62 and Section 17 disclosure	Not disclosable conduct under PID Act	487	Maladministration
7/2020-21	Section 62	Sections 71(3)(k), 71(4)	485	Abuse of office

1 Does not include reports that were not assessed as at 30 June 2023. This content was reported in the 2020–21 Annual Report.

2 Each report is assigned a reference number when received by the Commission. The numbers, which are not published externally, show the year and order in which reports were received.

3 Corruption complaints are made under section 57 of the Integrity Commission Act. Anyone can make a complaint to the Commission about corrupt conduct under this section of the Act. Mandatory corruption notifications are made under sections 62 and 63 of the Act. Section 62 requires the head of a public sector entity or a Senior Executive Service member to notify the Commission about any matter they reasonably suspect involves serious or systemic corrupt conduct. Disclosures of disclosable conduct are made under section 17 of the PID Act and are referred to in the table as 'section 17 disclosures'.

4 The grounds for dismissing a corruption complaint or mandatory corruption notification are listed in section 71 of the Integrity Commission Act. References to section 71 in this column refer to individual dismissal grounds. Instances where the Commission has disclosed information arising from the corruption report under section 196 of the Act are also indicated.

5 Working days are calculated as the number of business days it takes to make a decision after receiving a report, even if the report was received in a previous year.

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Table 17. Statistical data for corruption reports received in 2021–22 and assessed in 2022–23⁶

Reference number ⁷	Reporting mechanism ⁸	Decision details ⁹	Number of working days ¹⁰	Report categorisation
1/2021-22	Section 57	Sections 71(2), 71(3)(k)	466	Abuse of office
2/2021-22	Section 57	Sections 71(2), 71(3)(b), 71(3)(k)	446	Perverting the course of justice
3/2021-22	Section 57	Sections 71(3)(k), 86	446	Abuse of office
4/2021-22	Section 57	Sections 71(2), 71(3)(b)	293	Abuse of office
5/2021-22	Section 57	Section 71(2)	506	Abuse of office
6/2021-22	Section 62	Section 86	438	Abuse of office
7/2021-22	Sections 62 and section 17 disclosure	Determined to be a PID under section 19 of the PID Act	275	Maladministration
8/2021-22	Section 57	Section 107	259	Abuse of office
9/2021-22	Section 57	Section 71(2)	246	Abuse of office
10/2021-22	Section 57	Section 86	280	Abuse of office
11/2021-22	Section 57	Sections 71(2), 71(3)(b)	253	Not in jurisdiction
12/2021-22	Section 57	Section 71(2)	236	Abuse of office
13/2021-22	Section 57	Sections 71(2), 71(3)(k)	342	Abuse of office
14/2021-22	Section 57	Sections 71(2), 71(3)	234	Abuse of office
15/2021-22	Section 57	Sections 71(2), 71(3)(b)	245	Not in jurisdiction
16/2021-22	Section 62 and section 17 disclosure	Determined to be a PID under section 19 of the PID Act	333	Maladministration
17/2021-22	Section 57	Sections 71(2), 71(3)(d), 71(3)(f), 71(3)(k)	224	Perverting the course of justice
18/2021-22	Section 57	Sections 71(2), 71(3)(k)	390	Abuse of office

6 Does not include reports that were not assessed as of 30 June 2023. This content was reported in the 2021–22 Annual Report.

7 Each report is assigned a reference number when received by the Commission. The numbers, which are not published externally, refer to the year and order in which reports were received.

8 Corruption complaints are made under section 57 of the Integrity Commission Act. Anyone can make a complaint to the Commission about potentially corrupt conduct under this section of the Act. Mandatory corruption notifications are made under sections 62 and 63 of the Act. Section 62 requires the head of a public sector entity or a Senior Executive Service member to notify the Commission about any matter they reasonably suspect involves serious or systemic corrupt conduct. Disclosures of disclosable conduct are made under section 17 of the PID Act and are referred to in the table as 'section17 disclosures'.

9 The grounds for dismissing a corruption complaint or mandatory corruption notification are listed in section 71 of the Integrity Commission Act. References to section 71 in this column refer to individual dismissal grounds. Instances where the Commission has disclosed information arising from a corruption report under section 196 of the Act are also indicated. Corruption complaints and mandatory corruption notifications may also require a preliminary inquiry by the Commission to obtain further information about the allegation, under section 86 of the Act, or an investigation, under section 100. Further, the Commission may refer the corruption complaint or mandatory corruption notification to a referral entity under section 107 of the Act.

10 Working days are calculated as the number of business days it takes to make a decision after receiving a report, even if the report was received in a previous year.



Reference number ⁷	Reporting mechanism ⁸	Decision details ⁹	Number of working days ¹⁰	Report categorisation
19/2021-22	Section 57	Section 71(3)(a)	223	Abuse of office
20/2021-22	Section 57	Sections 71(2), 71(3)(b)	230	Not in jurisdiction
21/2021-22	Section 62	Sections 71(2), 71(3)(k)	356	Mismanagement of a conflict of interest
22/2021-22	Section 57	Sections 71(2), 71(3)(b)	220	Not in jurisdiction
23/2021-22	Section 62	Section 107	307	Abuse of office
24/2021-22	Section 57	71(2), 71(3)(f), 71(3)(g)	353	Abuse of office
25/2021-22	Section 57	Sections 71(2), 196	260	Abuse of office
26/2021-22	Section 57	Section 71(3)(d)	189	Abuse of office
27/2021-22	Section 62	Sections 71(2), 196	283	Criminal conduct
28/2021-22	Section 57	Section 71(2)	205	Abuse of office
29/2021-22	Section 17 disclosure	Determined to be a PID under section 19 of the PID Act	190	Danger to public health or safety, or the environment
30/2021-22	Section 57	Section 71(1)	186	Not in jurisdiction
31/2021-22	Section 57	Sections 71(2), 71(4)	315	Abuse of office
32/2021-22	Section 57	Sections 71(2), 71(3)(i), 196	326	Abuse of office
33/2021-22	Section 57	Sections 71(1)(a), 71(2), 71(3)(b), 71(3)(f), 71(3)(k), 71(4)	317	Not in jurisdiction
34/2021-22	Section 62	Section 86	249	Criminal conduct
35/2021-22	Section 57	Section 71(2)	230	Criminal conduct
36/2021-22	Section 17 disclosure	Not disclosable conduct under 229 the PID Act		Maladministration
37/2021-22	Section 57	Sections 71(2), 71(3)(b)	183	Not in jurisdiction
38/2021-22	Section 57	Section 107	183	Abuse of office
39/2021-22	Section 57	Section 100 - merged with Operation Maggie	165	Abuse of office
40/2021-22	Section 57	Sections 71(2), 71(3)(b)	154	Abuse of office
41/2021-22	Section 57	Section 71(2)	152	Abuse of office
42/2021-22	Section 57	Section 71(2)	148	Abuse of office
43/2021-22	Section 57	Section 71(2)	154	Abuse of office
44/2021-22	Section 57	Sections 71(2), 71(f)	209	Abuse of office
45/2021-22	Section 57	Sections 71(2), 71(3)(b)	132	Abuse of office
46/2021-22	Section 57	Sections 71(2), 71(3)(i)	265	Abuse of office
47/2021-22	Section 57	Sections 71(2), 71(3)(k)	285	Abuse of office

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Reference number ⁷	Reporting mechanism ⁸	Decision details ⁹	Number of working days ¹⁰	Report categorisation
48/2021-22	Section 57	Sections 71(2), 71(3)(b)	135	Abuse of office
49/2021-22	Section 57	Section 71(2)	126	Abuse of office
50/2021-22	Section 57	Sections 71(2), 71(3)(b), 71(3)(d), 71(3)(k)	121	Abuse of office
51/2021-22	Section 57	Sections 71(2), 71(3)(b)	203	Not in jurisdiction
52/2021-22	Section 57	Sections 71(2), 71(3)(k)	203	Abuse of office
53/2021-22	Section 57	Sections 71(2), 71(3)(k)	228	Mismanagement of a conflict of interest
54/2021-22	Section 57	Sections 71(2), 71(3)(b)	110	Not in jurisdiction
55/2021-22	Section 57	Section 107	109	Abuse of office
56/2021-22	Section 57	Sections 71(1)(b), 71(2), 71(3)(d), 71(3)(i)	65	Not in jurisdiction
57/2021-22	Section 57	Section 100 - merged with Operation Luna	76	Abuse of office
58/2021-22	Section 57	Section 71(2)	92	Not in jurisdiction
59/2021-22	Section 57	Sections 71(2), 71(3)(i)	199	Misuse of official information
60/2021-22	Section 57	Sections 71(2), 71(3)(b)	291	Not in jurisdiction
61/2021-22	Section 57	Section 107	232	Abuse of office
62/2021-22	Section 57	Section 71(2)	75	Abuse of office
63/2021-22	Section 57	71(2), 71(3)(b)	44	Abuse of office
64/2021-22	Section 57	Section 71(2)	71	Abuse of office
65/2021-22	Section 57	Sections 71(2), 71(3)(k)	230	Maladministration
66/2021-22	Section 57	Sections 71(2), 71(3)(b)	78	Not in jurisdiction
67/2021-22	Section 62	Section 100 - merged with Operation Luna	114	Abuse of office
68/2021-22	Section 57	Section 71(2)	68	Abuse of office
69/2021-22	Section 57	Section 71(2)	68	Abuse of office
70/2021-22	Section 57	Section 71(2)	118	Abuse of office
71/2021-22	Section 57	Section 107	60	Fraudulently obtaining or retaining employment as a public official



Table 18. Statistical data for corruption reports received and assessed in 2022–23¹¹

Reference number ¹²	Reporting mechanism ¹³	Decision details ¹⁴	Number of working days ¹⁵	Report categorisation
1/2022-23	Section 57	Section 100 - merged with Operation Luna	108	Abuse of office
2/2022-23	Section 57	Section 71(2)	71	Abuse of office
3/2022-23	Section 57	N/A	N/A	Perverting the course of justice
4/2022-23	Section 62	Section 107	41	Abuse of office
5/2022-23	Section 57	Section 100 - merged with Operation Luna	65	Abuse of office
6/2022-23	Section 57	Sections 71(2), 71(3)(d), 71(3)(h)	119	Abuse of office
7/2022-23	Section 57	Sections 71(2), 71(3)(k)	143	Abuse of office
8/2022-23	Section 62	Section 100 - merged with Operation Luna	2	Abuse of office
9/2022-23	Section 57	Sections 71(2), 71(3)(b), 71(4)	87	Not in jurisdiction
10/2022-23	Section 57	Sections 71(2), 71(3)(k), 196	151	Criminal conduct
11/2022-23	Section 57	Sections 71(2), 71(3)(b), 196	58	Not in jurisdiction
12/2022-23	Section 62	Sections 71(2), 71(3)(k)	159	Abuse of office
13/2022-23	Section 57	Sections 71(2), 196	48	Abuse of office
14/2022-23	Section 57	Sections 71(2), 71(3)(b)	51	Not in jurisdiction
15/2022-23	Section 17 disclosure	Not disclosable conduct under the PID Act	128	Danger to public health or safety, or the environment
16/2022-23	Section 57	N/A	N/A	Abuse of office

11 Any matters listed with 'N/A' were not finalised as of 30 June 2023.

12 Each report is assigned a reference number when received by the Commission. The numbers, which are not published externally, refer to the year and order in which reports were received.

13 Corruption complaints are made under section 57 of the Integrity Commission Act. Anyone can make a complaint to the Commission about potentially corrupt conduct under that section of the Act. Mandatory corruption notifications are made under sections 62 and 63 of the Act. Section 62 requires the head of a public sector entity or a Senior Executive Service member to notify the Commission about any matter they reasonably suspect involves serious or systemic corrupt conduct. Disclosures of disclosable conduct are made under section 17 of the PID Act and are referred to in the table as 'section 17 disclosures'.

14 The grounds for dismissing a corruption complaint or mandatory corruption notification are listed in section 71 of the Integrity Commission Act. References to section 71 in this column refer to individual dismissal grounds. Instances where the Commission has disclosed information arising from a corruption report under section 196 of the Act are also indicated. Corruption complaints and mandatory corruption notifications may also require a preliminary inquiry by the Commission to obtain further information about the allegation, under section 86 of the Act, or an investigation, under section 100. Further, the Commission may refer the corruption complaint or mandatory corruption notification to a referral entity under section 107 of the Act.

15 Working days are calculated as the number of business days it takes to make a decision after receiving a report. Even if the report was received in a previous year.

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Reference number ¹²	Reporting mechanism ¹³	Decision details ¹⁴	Number of working days ¹⁵	Report categorisation
17/2022-23	Section 57	Sections 71(2), 71(3)(b)	41	Not in jurisdiction
18/2022-23	Section 57	Sections 71(2), 196	93	Abuse of office
19/2022-23	Section 57	Sections 71(2), 196	93	Abuse of office
20/2022-23	Section 57	Section 71(2)	116	Abuse of office
21/2022-23	Section 57	Sections 71(2), 71(3)(k)	121	Misuse of official information
22/2022-23	Section 57	Sections 71(2), 71(3)(k)	120	Misuse of official information
23/2022-23	Section 57	Sections 71(2), 71(3)(k)	126	Abuse of office
24/2022-23	Section 57	N/A	N/A	Criminal conduct
25/2022-23	Section 57	Sections 71(2), 71(3)(k)	177	Abuse of office
26/2022-23	Section 57	Sections 71(2), 71(3)(k)	165	Abuse of office
27/2022-23	Section 57	Sections 71(2), 71(3)(b)	81	Criminal conduct
28/2022-23	Section 57	Section 107	146	Abuse of office
29/2022-23	Section 57	Sections 71(2), 71(3)(k)	192	Abuse of office
30/2022-23	Section 57	Sections 71(2), 71(4), 196	92	Abuse of office
31/2022-23	Section 57	N/A	N/A	Abuse of office
32/2022-23	Section 57	Sections 71(2), 71(3)(b)	61	Abuse of office
33/2022-23	Section 57	Sections 71(2), 71(3)(k)	134	Abuse of office
34/2022-23	Section 57 and section 17 disclosure	Section 71(2), not disclosable conduct under the PID Act	98	Abuse of office
35/2022-23	Section 57	N/A	N/A	Misuse of official information
36/2022-23	Section 57	Sections 71(2), 71(3)(k), 196	130	Abuse of office
37/2022-23	Section 57	Sections 71(1)(c), 71(2), 71(3)(b)	40	Not in jurisdiction
38/2022-23	Section 57	Sections 71(1)(c), 71(2), 71(3)(b)	40	Not in jurisdiction
39/2022-23	Section 57	Sections 71(2), 71(3)(b)	96	Not in jurisdiction
40/2022-23	Section 57	Section 100 - Operation Athena	110	Mismanagement of a conflict of interest



Reference number ¹²	Reporting mechanism ¹³	Decision details ¹⁴	Number of working days ¹⁵	Report categorisation
41/2022-23	Section 57	Sections 71(2), 71(3)(k)	68	Abuse of office
42/2022-23	Section 57	Sections 71(2), 71(3)(b)	48	Abuse of office
43/2022-23	Section 57	Sections 71(2), 71(3)(k), 71(3)(h)	67	Criminal conduct
44/2022-23	Section 57	Sections 71(2), 71(3)(k), 196	87	Abuse of office
45/2022-23	Section 62	N/A	N/A	Abuse of office
46/2022-23	Section 17 disclosure	Not disclosable conduct under the PID Act	65	Maladministration
47/2022-23	Section 62	N/A	N/A	Abuse of office
48/2022-23	Section 57	Sections 71(2), 71(3)(b)	25	Not in jurisdiction
49/2022-23	Section 57	Sections 71(2), 71(3)(k), 196	81	Mismanagement of a conflict of interest
50/2022-23	Section 57	Sections 71(3)(k), 196	105	Abuse of office
51/2022-23	Section 62 and section 17 disclosure	Not disclosable conduct under the PID Act	83	Abuse of office
52/2022-23	Section 57	Sections 71(2), 71(3)(b)	23	Not in jurisdiction
53/2022-23	Section 57	N/A	N/A	Abuse of office
54/2022-23	Section 57	Sections 71(2), 196	37	Abuse of office
55/2022-23	Section 57	Sections 71(2), 71(3)(k), 196	78	Abuse of office
56/2022-23	Section 57	Sections 71(2), 71(3)(b)	31	Abuse of office
57/2022-23	Section 57	N/A	N/A	Abuse of office
58/2022-23	Section 57	Sections 71(2), 71(3)(b)	13	Not in jurisdiction
59/2022-23	Section 57	Sections 71(2), 71(3)(k)	113	Abuse of office
60/2022-23	Section 57	Sections 71(2), 71(3)(k)	116	Abuse of office
61/2022-23	Section 57	Sections 71(2), 71(3)(k)	60	Mismanagement of a conflict of interest
62/2022-23	Section 57	Sections 71(2), 71(3)(g), 71(3)(k)	144	Criminal conduct
63/2022-23	Section 57	Sections 71(3)(k), 71(4)	103	Abuse of office
64/2022-23	Section 57	Sections 71(2), 71(3)(k)	92	Criminal conduct

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Reference number ¹²	Reporting mechanism ¹³	Decision details ¹⁴	Number of working days ¹⁵	Report categorisation
65/2022-23	Section 17 disclosure	Determined to be a PID under section 19 of the PID Act	90	Abuse of office
66/2022-23	Section 62	Sections 71(2), 71(3)(k)	97	Abuse of office
67/2022-23	Section 57	Sections 71(2), 71(3)(b)	67	Not in jurisdiction
68/2022-23	Section 17 disclosure	Not disclosable conduct under the PID Act	97	Maladministration
69/2022-23	Section 57	Sections 71(3)(k), 196	54	Misuse of official information
70/2022-23	Section 57	Sections 71(2), 71(3)(k)	40	Abuse of office
71/2022-23	Section 57	Section 107	64	Misuse of official information
72/2022-23	Section 17 disclosure	Not disclosable conduct under the PID Act	120	Maladministration
73/2022-23	Section 57	Sections 71(2), 71(3)(d)	50	Abuse of office
74/2022-23	Section 57	N/A	N/A	Abuse of office
75/2022-23	Section 57	Sections 71(2), 71(4)	49	Abuse of office
76/2022-23	Section 57	N/A	N/A	Abuse of office
77/2022-23	Section 57	Sections 71(2), 71(3)(b), 71(4)	67	Not in jurisdiction
78/2022-23	Section 57	Sections 71(3)(k), 71(4)	97	Abuse of office
79/2022-23	Section 57	Sections 71(2), 71(3)(b)	38	Not in jurisdiction
80/2022-23	Section 57	Sections 71(2), 71(3)(b), 71(3)(k)	75	Abuse of office
81/2022-23	Section 57	N/A	N/A	Abuse of office
82/2022-23	Section 57	N/A	N/A	Abuse of office
83/2022-23	Section 62	Section 100 - merged with Operation Luna	26	Misuse of official information
84/2022-23	Section 62	N/A	N/A	Misuse of official information
85/2022-23	Section 57	Sections 71(2), 71(3)(b)	30	Not in jurisdiction
86/2022-23	Section 57	N/A	N/A	Abuse of office
87/2022-23	Section 57	Sections 71(2), 71(3)(k)	46	Abuse of office
88/2022-23	Section 57	N/A	N/A	Abuse of office
89/2022-23	Section 57	N/A	N/A	Abuse of office



Reference number ¹²	Reporting mechanism ¹³	Decision details ¹⁴	Number of working days ¹⁵	Report categorisation
90/2022-23	Section 57	71(2), 71(3)(b)	16	Abuse of office
91/2022-23	Section 62	Section 100 - Operation Mercury	2	Misuse of official information
92/2022-23	Section 62	Section 100 - merged with Operation Athena	66	Mismanagement of a conflict of interest
93/2022-23	Section 57	N/A	N/A	Abuse of office
94/2022-23	Section 57	N/A	N/A	Abuse of office
95/2022-23	Section 57	N/A	N/A	Abuse of office
96/2022-23	Section 57	Section 100 - merged with Operation Athena	63	Perverting the course of justice
97/2022-23	Section 57	N/A	N/A	Abuse of office
98/2022-23	Section 57	Sections 71(2), 71(3)(b)	10	Not in jurisdiction
99/2022-23	Section 62	Section 100 - merged with Operation Luna	15	Misuse of official information
100/2022-23	Section 62	Section 100 - merged with Operation Luna	15	Misuse of official information
101/2022-23	Section 57	Sections 71(2), 71(3)(b)	5	Not in jurisdiction
102/2022-23	Section 57	Sections 71(2), 71(3)(b)	4	Not in jurisdiction
103/2022-23	Section 62	Section 100 - merged with Operation Mercury	69	Misuse of official information
104/2022-23	Section 57	N/A	N/A	Criminal conduct
105/2022-23	Section 57	N/A	N/A	Abuse of office
106/2022-23	Section 57	N/A	N/A	Abuse of office
107/2022-23	Section 57	Sections 71(3)(b), 71(4)	31	Not in jurisdiction
108/2022-23	Section 57	N/A	N/A	Abuse of office
109/2022-23	Section 57	Sections 71(2), 71(3)(b)	29	Not in jurisdiction
110/2022-23	Section 57	N/A	N/A	Abuse of office
111/2022-23	Section 57	N/A	N/A	Abuse of office
112/2022-23	Section 62	N/A	N/A	Abuse of office
113/2022-23	Section 57	Sections 71(2), 71(3)(k)	49	Abuse of office
114/2022-23	Section 57	N/A	N/A	Abuse of office
115/2022-23	Section 57	N/A	N/A	Abuse of office
116/2022-23	Section 57	N/A	N/A	Abuse of office

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Reference number ¹²	Reporting mechanism ¹³	Decision details ¹⁴	Number of working days ¹⁵	Report categorisation
117/2022-23	Section 57	N/A	N/A	Abuse of office
118/2022-23	Section 57	Sections 71(2), 71(3)(b)	8	Not in jurisdiction
119/2022-23	Section 57	N/A	N/A	Abuse of office
120/2022-23	Section 57	N/A	N/A	Abuse of office
121/2022-23	Section 57	N/A	N/A	Abuse of office
122/2022-23	Section 17 disclosure	N/A	N/A	Maladministration
123/2022-23	Section 62	N/A	N/A	Abuse of office
124/2022-23	Section 57	N/A	N/A	Criminal conduct
125/2022-23	Section 57	N/A	N/A	Mismanagement of a conflict of interest
126/2022-23	Section 57	N/A	N/A	Mismanagement of a conflict of interest
127/2022-23	Section 57	Sections 71(2), 71(3)(b)	34	Mismanagement of a conflict of interest
128/2022-23	Section 57	N/A	N/A	Mismanagement of a conflict of interest
129/2022-23	Section 57	N/A	N/A	Abuse of office
130/2022-23	Section 57	N/A	N/A	Abuse of office
131/2022-23	Section 57	N/A	N/A	Not in jurisdiction
132/2022-23	Section 57	N/A	N/A	Not in jurisdiction
133/2022-23	Section 57	N/A	N/A	Abuse of office
134/2022-23	Section 57	N/A	N/A	Abuse of office
135/2022-23	Section 57	Sections 71(2), 71(3)(b)	5	Not in jurisdiction
136/2022-23	Section 57	Sections 71(2), 71(3)(b)	10	Not in jurisdiction
137/2022-23	Section 57	N/A	N/A	Criminal conduct
138/2022-23	Section 62	N/A	N/A	Abuse of office
139/2022-23	Section 62	N/A	N/A	Abuse of office
140/2022-23	Section 62	N/A	N/A	Abuse of office



Reference number¹²	Reporting mechanism¹³	Decision details¹⁴	Number of working days¹⁵	Report categorisation
141/2022-23	Section 62	N/A	N/A	Abuse of office
142/2022-23	Section 62	N/A	N/A	Abuse of office
143/2022-23	Section 62	N/A	N/A	Abuse of office
144/2022-23	Section 57	N/A	N/A	Abuse of office
145/2022-23	Section 57	N/A	N/A	Abuse of office
146/2022-23	Section 57	N/A	N/A	Not in jurisdiction
147/2022-23	Section 57	N/A	N/A	Abuse of office
148/2022-23	Section 57	N/A	N/A	Abuse of office

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Table 19. Description of reporting requirements under the Freedom of Information Act

Reporting requirement	Number
Decisions to publish open access information under section 24(1) (section 96(3)(a)(i))	0
Decisions not to publish open access information under section 24(1) - (section 96(3)(a)(ii))	0
Decisions under section 24(2)(a) not to publish a description of open access information not made available (section 96(3)(a)(iii))	0
Access applications received (section 96(3)(a)(iv))	1
Access applications decided within the time to decide under section 40 (section 96(3)(a)(v))	1
Access applications not decided within the time to decide under section 40 (section 96(3)(a)(vi))	0
Access applications where access to all information requested was given (section 96(3)(a)(vii))	0
Access applications where access to only some of the information requested was given (section 96(3)(a)(viii))	0
Access applications where access to the information requested was refused (section 96(3)(a)(ix))	1
Requests made to amend personal information under section 59 (section 96(3)(a)(x))	0
Number of applications made to the ombudsman under section 74 and particulars of the results of the applications (section 96(3)(b))	0
Number of applications made to the ACT Civil & Administrative Tribunal under section 84 and particulars of the results of the applications (section 96(3)(c))	0
For each access application mentioned in subsection (3)(a)(vi) - the number of days taken to decide the application over the time needed to decide under section 40 (section 96(3)(d))	N/A
For each request to amend personal information mentioned in subsection (3)(a)(x) - the decision made under section 61 (section 96(3)(e))	N/A
Total charges and application fees collected from access applications (section 96(3)(f))	\$0



Table 20. Assessments reporting requirements under the Integrity Commission Act and PID Act

		2022-23
Number of corruption complaints referred to the Commission under section 59 of the Integrity Commission Act		0
A description of each corruption complaint made under section 59 of the Integrity Commission Act		N/A
Number of corruption complaints withdrawn under section 60 of the Integrity Commission Act	The Commission received 1 request to withdraw a corruption complaint during the reporting period. However, the Commission decided to continue with its assessment of the complaint.	
Referrals to referral entities withdrawn under section 109 of the Integrity Commission Act		0
Referrals to the judicial council or a judicial commission under section 110 of the Integrity Commission Act		0
Referrals to prosecutorial bodies under section 111 of the Integrity Commission Act		0
Number of disclosures under the PID Act taken to be a corruption complaint under section 59A of the Integrity Commission Act		0
A description of each disclosure under the PID Act taken to be a corruption complaint under section 59A of the Integrity Commission Act		N/A
Number of investigations ended under section 20 of the PID Act		0
Grounds mentioned in section 20(2) for ending an investigation under the PID Act		N/A
Number of referrals under section 21 of the PID Act		0
Information about any action taken in accordance with section 24 of the PID Act		N/A
Number of reviews under section 29 of the PID Act		0
Number of reports under section 30 of the PID Act		0
Number of prosecutions under section 40 of the PID Act		0
Information about education and training programs about disclosable conduct and public interest disclosures undertaken or coordinated by the integrity commissioner	<p>Refer to the 'Corruption prevention and engagement' section on page 47 of Part C.</p> <p>The Commission did not deliver any specific training programs about PIDs during the reporting period, instead discussing PIDs in standard training sessions on the Commission's work.</p>	

Part F: Appendices

Table 21. Investigations reporting requirements under the Integrity Commission Act

	2022-23
Own initiative preliminary inquiries conducted under section 87 of the Integrity Commission Act	0
Own initiative investigations conducted under section 101 of the Integrity Commission Act	0
Description of each matter investigated under section 101 of the Integrity Commission Act	N/A
Joint investigations conducted under section 104 of the Integrity Commission Act	0
Investigations discontinued under section 112 (1) of the Integrity Commission Act	1 ¹⁶ Operation Raven
Number of reports given to another entity under section 112 (2) of the Integrity Commission Act	0
Private recommendations made under section 179 of the Integrity Commission Act	0
Number of investigation reports presented to the Legislative Assembly under section 189 of the Integrity Commission Act	0
For each investigation completed during the year, the number of days between the day the investigation was completed and the day the investigation report was presented to the Legislative Assembly	N/A
Number of confidential investigation reports given to the relevant Legislative Assembly committee under section 192 of the Integrity Commission Act	0
For each confidential investigation completed during the year, the number of days between the day the investigation was completed and the day the confidential investigation report was presented to the relevant Legislative Assembly committee	N/A
Prosecutions and termination actions arising out of Commission investigations	0
Outcomes published under section 203 of the Integrity Commission Act	0
Number of reputational damage matters dealt with under section 204 of the Integrity Commission Act	0
Special reports presented to the Legislative Assembly under section 213 of the Integrity Commission Act	2
Number of confidential special reports given to the relevant Legislative Assembly committee under section 216 of the Integrity Commission Act	0
Legal advice directions made under section 193 of the Integrity Commission Act	0

¹⁶ In addition to a special report on Operation Raven, the Commission published a special report on land sales by the Suburban Land Agency. However, this special report did not arise from a discontinued investigation and was instead a matter dismissed by the Commission that demonstrated potential corruption risks the Commission wanted to draw attention to in line with its educative function under section 206 of the Integrity Commission Act.



Table 22. Information and evidence-gathering reporting requirements under the Integrity Commission Act

	2022-23
Search warrants issued under section 122 of the Integrity Commission Act	0
Examinations held under section 140 of the Integrity Commission Act	55 (a 450% increase compared to the previous financial year)
Public examinations held under section 143 of the Integrity Commission Act	0
Total days during the year spent conducting examinations	40
Suppression orders issued under section 154 of the Integrity Commission Act	0
Arrest warrants issued under section 159 of the Integrity Commission Act	0
Applications for contempt of the Commission made under section 167 of the Integrity Commission Act	0

Part F: Appendices

The Integrity Commission Act also enables the Commission to disclose information it has obtained to an information-sharing entity if it considers the information relevant to the functions of the information-sharing entity, and disclosure of the information is appropriate.¹⁷

This financial year, the Commission made 30 information disclosures under this provision, to 14 different entities.¹⁸ A list of entities with whom information was shared, the number of disclosures made and the general nature and extent of information disclosed is shown in Table 23.

Table 23. Information disclosures by the Commission under section 196 of the Integrity Commission Act

Entity	Number of disclosures made	General nature and extent of disclosures
Public Sector Standards Commissioner	4	<ul style="list-style-type: none"> one disclosure of information related to conduct within the entity three disclosures of information related to conduct within another entity
ACT Corrective Services	11	<ul style="list-style-type: none"> ten disclosures of information related to conduct within the entity one disclosure of information related to the entity
Chief Minister, Treasury and Economic Development Directorate	1	Information related to conduct within another entity
Community Services Directorate	2	Information related to conduct within the entity
Justice and Community Safety Directorate	2	<ul style="list-style-type: none"> one disclosure of information related to conduct within the entity one disclosure of information related to conduct within another entity
Head of Service	1	Information related to conduct within another entity
ACT Revenue Office	1	Information related to conduct within the entity
ACT Health	1	Information related to conduct within the entity

¹⁷ Section 196 of the Integrity Commission Act.

¹⁸ The Commission may disclose information if it considers that the information is relevant to the exercise of the functions of the information sharing entity, and that the disclosure of information to the information sharing entity is appropriate.



Entity	Number of disclosures made	General nature and extent of disclosures
ACT Ombudsman	1	Information related to conduct within another entity
ACT Human Rights Commission	1	Information related to a human rights matter
Alexander Maconochie Centre Official Visitor	1	Information related to conduct within the entity
ACT Policing	2	Information related to a police matter
NSW Policing	1	Information related to the entity
Western Australia Corruption and Crime Commission	1	Information related to conduct within the entity

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19	Components of income 2022-23	65
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Acronyms and abbreviations used in this report

Acronym	Meaning
CFO	Chief Financial Officer (of the Commission)
CRP	Controlled Recurrent Payments
FTE	Full-time equivalent
FOI	Freedom of information
Integrity Commission Act	<i>Integrity Commission Act 2018 (ACT)</i>
ICAC Act	<i>Independent Commission Against Corruption ACT 1988 (NSW)</i>
JACS	Justice and community safety
MLA	Member of the ACT Legislative Assembly
PID Act	<i>Public Interest Disclosure Act 2012 (ACT)</i>
PSM Act	<i>Public Sector Management Act 1994 (ACT)</i>
PSM Standards	<i>Public Sector Management Standards 2016 (ACT)</i>
PSSC	Public Sector Standards Commissioner
SMG	Senior Management Group
TIA Act	<i>Telecommunications (Interception and Access) Act 1979 (Cth)</i>

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Glossary

Some of the terms in this annual report have a particular meaning in the Integrity Commission Act. The list below provides a short description of each term and references its section number in the Integrity Commission Act.

Term	Meaning
Corruption complaint	<p>A report to the Commission about possible corrupt conduct made by any person or entity that is not subject to the mandatory corruption notification provisions of the Integrity Commission Act.</p> <p>See section 57 of the Integrity Commission Act.</p>
Confidentiality notice	<p>A notice by the Commission directing a person to not disclose restricted information. Confidentiality notices may be given where the disclosure of restricted information is likely to prejudice a Commission's preliminary inquiry or investigation, affect the safety or reputation of a person, or impede the fair trial of a person who has or may be charged with an offence.</p> <p>See Part 3.2 of the Integrity Commission Act.</p>
Mandatory corruption notification	<p>A report to the Commission about conduct that a person, subject to the mandatory corruption notification requirements, suspects on reasonable grounds is serious or systemic corrupt conduct.</p> <p>See Division 3.1.2 of the Integrity Commission Act.</p>
Preliminary inquiry	<p>An inquiry carried out by the Commission to decide whether to dismiss, refer or investigate a corruption report. The Commission must not use certain coercive or covert information-gathering powers when carrying out a preliminary inquiry.</p> <p>See Part 3.3 of the Integrity Commission Act.</p>
Referral (of corrupt conduct to the Commission)	<p>A report to the Commission from a relevant entity that received a complaint from a person about possible corrupt conduct.</p> <p>See section 59 of the Integrity Commission Act.</p>
Restricted information	<p>Includes any information given to, or obtained by, the Commission while performing its functions or exercising its powers.</p> <p>See section 76 of the Integrity Commission Act.</p>
Serious corrupt conduct	<p>Corrupt conduct that is likely to threaten public confidence in the integrity of government or public administration.</p> <p>See section 10 of the Integrity Commission Act.</p>
Systemic corrupt conduct	<p>A pattern of corrupt conduct instances in one or more public sector entities.</p> <p>See section 11 of the Integrity Commission Act.</p>

Annual reporting requirements

The following tables outline the Commission's reporting requirements under both the Integrity Commission Act and the PID Act, and reference where this information can be found in this report.

Table 24. Integrity Commission Act 2018 annual reporting requirements

Section(s)	Description	Page(s)
218(1)(a)	Number of Integrity Commissioner conflicts of interest reported to the Speaker and Inspector	56
218(1)(b)	Number of corruption complaints made to the Commission under section 57	23
218(1)(b)(i) and 218(1)(b)(ii)	A description of each corruption complaint made to the Commission under section 57 and the time taken to deal with each complaint	23, 119-129
218(1)(b)(iii)	The average time taken to deal with corruption complaints (in days) made to the Commission under section 57	29
218(1)(c)	Number of corruption complaints referred to the Commission under section 59	131
218(1)(c)	A description of each corruption complaint made to the Commission under section 59	131
218(1)(d)	Number of disclosures under the PID Act taken to be a corruption complaint under section 59A	131
218(1)(d)	A description of each disclosure under the PID Act taken to be a corruption complaint under section 59A and the time taken to deal with each report (in days)	131
218(1)(e)	Number of corruption complaints withdrawn under section 60	131
218(1)(f)	Number of mandatory corruption notifications made by heads of public sector entities under section 61 Note: Includes notifications required under sections 62 and 63	23
218(1)(f)	A description of each mandatory corruption notification made by the head of a public sector entity under section 61 Note: Includes notifications required under sections 62 and 63	23, 119-129
218(1)(g)	Number of corruption reports dismissed under section 71	26-27
218(1)(g)(i)	For each corruption report dismissed under section 71, the grounds for the decision to dismiss	119-129
218(1)(g)(ii)	Number of corruption reports given to another entity under section 71(4)	28
218(1)(h)	Number of confidentiality notices issued under section 78	39, 41-42
218(1)(h)	Number of confidentiality notices under section 79	39, 41-42
218(1)(i)(i)	Number of preliminary inquiries carried out under section 86	33-34

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Section(s)	Description	Page(s)
218(l)(i)(ii)	Number of preliminary inquiries carried out under section 87	33, 132
218(1)(j)	Number of days during the year spent conducting preliminary inquiries	35
218(1)(k)	Number of preliminary inquiry notices issued under section 90	41
218(1)(l)	Number of investigations conducted under section 100	36–37
218(1)(1)(i)(A)	For each corruption report investigated, a description of the matter investigated	38
218(1)(1)(i)(B)	For each corruption report investigated, the number of days between the day the Commission received the corruption report and the day the Commission decided to conduct the investigation	38
218(l)(l)(ii)	Number of investigations commenced but not completed during the year	37
218(l)(m)	Number of investigations conducted under section 101	36, 132
218(l)(m)	A description of each matter investigated under section 101	36, 132
218(l)(n)	Number of joint investigations conducted under section 104	36, 132
218(1)(o)(i)	Number of corruption reports referred to the inspector under section 105	56
218(1)(o)(ii)	Number of corruption reports referred to referral entities under section 107	27
218(1)(o)(ii)	Number of corruption reports withdrawn under section 109	131
218(1)(o)(iii)	Number of corruption reports referred to the judicial council or a judicial commission under section 110	131
218(1)(o)(iv)	Number of corruption reports referred to a prosecutorial entity under section 111	131
218(1)(p)	Number of investigations discontinued under section 112(1)	43, 132
218(1)(p)(i)	For each investigation discontinued under section 112(1), the grounds for the decision	43
218(1)(p)(ii)	Number of reports given to another entity under section 112(2)	132
218(1)(q)	Number of search warrants issued under section 122	133
218(1)(r)	Number of examinations held under section 140	13, 39, 133
218(1)(r)(i)	Number of public examinations held under section 143	133
218(1)(r)(ii)	Number of (total) days during the year spent conducting examinations	133
218(1)(s)	Number of examination summonses issued under section 147	39–42
218(1)(t)	Number of suppression orders issued under section 154	133
218(1)(u)	Number of arrest warrants issued under section 159	133
218(1)(v)	Number of applications for contempt of the Commission made under section 167	167
218(1)(w)	Number of private recommendations made under section 179	132



Section(s)	Description	Page(s)
218(1)(x)	Number of investigation reports presented to the Legislative Assembly under section 189	132
218(1)(x)	For each investigation completed during the year, the number of days between the day the investigation was completed and the day the investigation report was presented to the Legislative Assembly	132
218(1)(y)	Number of confidential investigation reports given to the relevant Assembly committee under section 192	132
218(1)(y)	For each confidential investigation completed during the year, the number of days between the day the investigation was completed and the day the confidential investigation report was presented to the relevant Assembly committee	132
218(1)(z)	Number of legal advice directions made under section 193	193
218(1)(za)	Number of information-sharing entities to whom the Commission has disclosed information under section 196	134-135
218(1)(za)	A description of the general nature and extent of information disclosed to information-sharing entities under section 196	134-135
218(1)(zb)	Number of prosecutions and termination actions arising out of (Commission) investigations	132
218(1)(zb)(i)	Number of outcomes published under section 203	132
218(1)(zb)(i)	Number of reputational damage matters dealt with under section 204	132
218(1)(zc)	Number of special reports presented to the Legislative Assembly under section 213	43-44, 132
218(1)(zd)	Number of confidential special reports given to the relevant Assembly committee under section 216	132
218(1)(ze)(i)	Number of times the Commission exercised functions under the <i>Crimes (Assumed Identities) Act 2009 (ACT)</i>	43
218(1)(ze)(ii)	Number of times the Commission exercised functions under the <i>Crimes (Controlled Operations) Act 2008 (ACT)</i>	43
218(1)(ze)(iii)	Number of times the Commission exercised functions under the <i>Crimes (Protection of Witness Identity) Act 2011 (ACT)</i>	43
218(1)(ze)(iv)	Number of times the Commission exercised functions under the <i>Crimes (Surveillance Devices) Act 2011 (ACT)</i>	43
218(2)(a)	A summary of each recommendation of change to territory laws, or for administrative action, that the Commission considers should be made because of the exercise of its functions	46, 99-118
218(2)(a)	A description of the Commission's activities during the year in relation to its educating and advising functions	47-50

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Table 25. Public Interest Disclosure Act 2012 annual reporting requirements

Section(s)	Description	Page(s)
45(1)(a)	Number of disclosures of disclosable conduct given to the Integrity Commissioner under section 17	23, 30-31
45(1)(b)	Number of disclosures of disclosable conduct taken to be public interest disclosures under section 17A(3)	30-31
45(1)(c)	Number of disclosures of disclosable conduct not taken to be public interest disclosures under section 17A(3)	30-31
45(1)(d)	For each disclosure of disclosable conduct not taken to be a public interest disclosure under section 17A(3), the grounds on which the Integrity Commissioner was not satisfied with the disclosure	119-129
45(1)(e)	Number of referrals under section 19	30-32
45(1)(f)	Number of investigations under section 20	30-32
45(1)(f)(i)	For each investigating entity for a public interest disclosure, the number of investigations of public interest disclosures by the entity	30-32
45(1)(f)(ii)	For each public interest disclosure undertaken by an investigating entity, whether or not the public interest disclosure investigation was about disclosable conduct	30-32
45(1)(f)(iii)	Number of public interest disclosure investigations ended under section 20	30-32, 131
45(1)(f)(iv)	For each public interest disclosure investigation ended under section 20, the grounds mentioned in section 20(2) for ending the investigation	131
45(1)(g)	Number of referrals under section 21	131
45(1)(h)	For each instance requiring action, information about any action taken by a public sector entity in accordance with section 24	131
45(1)(i)	Number of reviews under section 29	131
45(1)(j)	Number of reports under section 30	131
45(1)(k)	Number of prosecutions under section 40	131
45(1)(l)	Information about education and training programs about disclosable conduct and public interest disclosures undertaken or coordinated by the Integrity Commissioner	47-50, 131

