

ACT INTEGRITY
COMMISSION

2020-21

Annual Report



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Acknowledgement of Country

The ACT Integrity Commission acknowledges the Ngunnawal people as the traditional owners and custodians of the Canberra region. We pay our respects to Elders past, present, and emerging and extend our respects to all Aboriginal and Torres Strait Islander people.



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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* (Annual Reports Act), 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* (the IC Act) and the *Public Interest Disclosure Act 2012* (PID Act).

I certify that information in the attached annual report, and the information provided for whole of government reporting, is an honest and accurate account and that all material information on the operations of the Commission has been included for the period 1 July 2020 to 30 June 2021.

On 6 September 2021, you approved my request made under subsection 15(4) of the Annual Reports Act to submit this annual report after the time required under subsections 15(2) and 15(3). Subsection 15(5) requires that you present this annual report to the Legislative Assembly as soon as practicable.

Yours sincerely

The Hon Michael F Adams QC
Integrity Commissioner

17 November 2021



Commissioner's Foreword

This annual report represents the first full year of operational activity for the Commission. The previous report covered a period of seven months from 1 December 2019 to 30 June 2020. The 2020-21 year has seen a move to new purpose designed premises in August, increased staffing and significantly increased operational activity, together with my appointment as Acting Commissioner in January and Commissioner in May 2021.

Professor John McMillan AO was appointed Assistant Commissioner in January 2021 to take over the Commissioner's responsibilities while on leave or should the Commissioner need to recuse himself.

The Commission and, for that matter, the ACT Community owe a debt of gratitude for the work undertaken by the former Commissioner, the Hon Denis Cowdroy AO QC, in setting up the Commission and starting its work.

The Commission commenced the reporting period with a total of eight (8) staff, excluding the Commissioner. As the pace of operational activity increased there came the burgeoning need to recruit and second additional staff to meet the demand and ensure the objectives of the IC Act could be met.

At the end of the reporting period the Commission had 18 staff. The actual full-time equivalent (FTE) was 13.4, however operational necessity, including amendments to the PID Act required the additional staff. Some of the 18 staff were on temporary contracts and others seconded from Federal and Territory government agencies. The Commission wishes to acknowledge the ongoing assistance and support from those agencies, in particular the ACT Government Solicitor and the Commonwealth Department of Agriculture.

The Commission's new office was officially opened by the Speaker of the Assembly, Ms Joy Burch MLA on 8 September 2020. They came about as a result of the ACT government building works stimulus programme (Screwdriver Ready Program). This programme was initiated as a result of the COVID-19 lockdown and subsequent downturn in building activity in the Territory and the offices were constructed while COVID-19 restrictions were in effect.

The new premises has its own hearing room, secure evidence and property storage, computer forensics facilities, interview, meeting and conference rooms, executive offices and staff facilities. The office has state of the art security and



monitoring as well as technically efficient remote capabilities for all staff. The office allows for future staff growth for up to 30 personnel.

During the next few months additional staff were recruited, additional operational policies developed, and ongoing assessment of corruption reports was undertaken. Investigations activity and the use of coercive powers increased, and the first examinations occurred in December 2020. Corruption Prevention and Education greatly increased their engagement with ACT directorates and held the first Corruption Prevention Community of Practice meeting in September 2020 in the Commission's conference room.

The Assembly advised of impending changes to the PID Act in late 2020. These changes, which came in effect in April 2021, placed the responsibility for the administration of the PID Act on the Commission, moving it away from the Public Sector Standards Commissioner. The Commission completed the necessary policy amendments and advice to public sector directorates about the new responsibilities and requirements for the PID Act.

The Commission is still in the process of development and is yet to achieve full capacity. To further this aim discussions are ongoing to introduce new legislation into the Assembly to seek the approval of the Commonwealth to have the Commission designated a criminal law enforcement agency, and thus allow it to utilise the interception and surveillance powers conferred by the *Telephone (Interception and Access) Act 1979* (Cth) (TIA Act).

All other Australian oversight and enforcement agencies have these powers, which are essential investigative tools for conducting investigations into serious offences.

It is worth highlighting some statistics which underline the increasing workload of the Commission:

- assessments, which involves triaging corruption reports, have increased by 48%,
- investigations activity has increased by 200%, and
- Corruption Prevention and Education undertook one presentation during the previous reporting period and, in this reporting period, has seen more than 20 presentations, or a 1900% increase.



The aim of the Commission is to ensure it meets its obligations to the community and government directorates by providing an independent and effective agency capable of meeting the expectations of the Territory community. The increasing workload has presented a number of challenges to staff and they have, to a person, risen to the challenges to deliver the ongoing professionalism and capacity required for the Commission to fulfil its task.

Although not all of its work can take place in the public eye, the community will see, as the Commission moves forward with increased resources, the positive effect its activities will have in combatting corruption, increasing the capacity of the public service to deal with wrongdoing and providing increased assurance of the integrity of its public servants.



Introduction

The IC Act establishes the Commission and the role of Integrity Commissioner. The functions of the Commission are, essentially, to assess reports of alleged corrupt conduct and investigate and report on those which warrant inquiry, as well as informing the public sector and the community about the risks of corruption and ways in which it can be combatted.

Since the public sector has its own responsibilities for dealing with wrongdoing, and the Commission must prioritise the investigation and exposure of serious or systemic corrupt, it also refers corruption reports to public sector entities to be dealt with, particularly where the use of the Commission's coercive powers would not be justified.

The Commission issues reports about its findings, publicly where appropriate.

Corrupt conduct, in substance, comprises criminal offences or actions that could have serious disciplinary or employment consequences for a public official and also constitutes, in substance, a significant breach of public trust or the abuse or misuse of an official position.

The Commission has power to compel the production of evidence and require persons to give evidence, even if it incriminates them, at either private or public hearings, though it cannot be used against them in other proceedings. Legal professional confidentiality is still available.

These coercive powers must be exercised with caution, having regard both to the public interest and to the human rights of the persons involved. Investigations can only be undertaken where there are reasonable grounds to suspect the commission of corrupt conduct, not just because it seems that a matter should be examined.

The PID Act, which is designed to encourage disclosure of wrongdoing in the public sector and protect those who bring these issues to attention, also confers on the Commission the function, essentially, of supervising the management of the statutory regime.



The Commission determines whether a report of misconduct falls within the scheme and oversees the process of investigation and action by the public sector. In some cases, the Commission will itself undertake an investigation (usually where a senior official is involved and the allegation is particularly serious).

Detailed information about the PID Act and the role of the Commission may be found in the Guidelines published on the Commission's website.

The PID Act also prescribes a range of annual reporting requirements for the Commission.



Purpose, values, and functions

Purpose

To strengthen public confidence in the integrity of the ACT government by preventing, investigating, and exposing corruption.

Values

Independence

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

Professionalism

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

Accountability

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

Fairness

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



Commission functions

The Commission's functions¹ 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 the IC 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 the IC Act
 - the community about the detrimental effects of corruption on public administration and ways in which to assist in preventing corrupt conduct
- Receive, assess, refer, and investigate reports of disclosable conduct
- Oversee ACT public sector agency management of public interest disclosures, and
- Foster public confidence in the Legislative Assembly and public sector.

In exercising its functions, the commission must prioritise the investigation and exposure of corrupt conduct which the commission considers may constitute serious corrupt conduct or systemic corrupt conduct.

¹ See s 23 of the IC Act.





PART B

ORGANISATIONAL OVERVIEW



Organisational structure

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

Section 41 of the IC Act requires the Commissioner to appoint a person as Chief Executive Officer (CEO) of the Commission. Section 41 of the IC Act also specifies the conditions associated with appointment of the CEO. Section 44 of the IC Act outlines the CEO's functions which are to:

- manage the day-to-day operations of the Commission, and
- advise the Commission about the Commission's operations and financial performance.

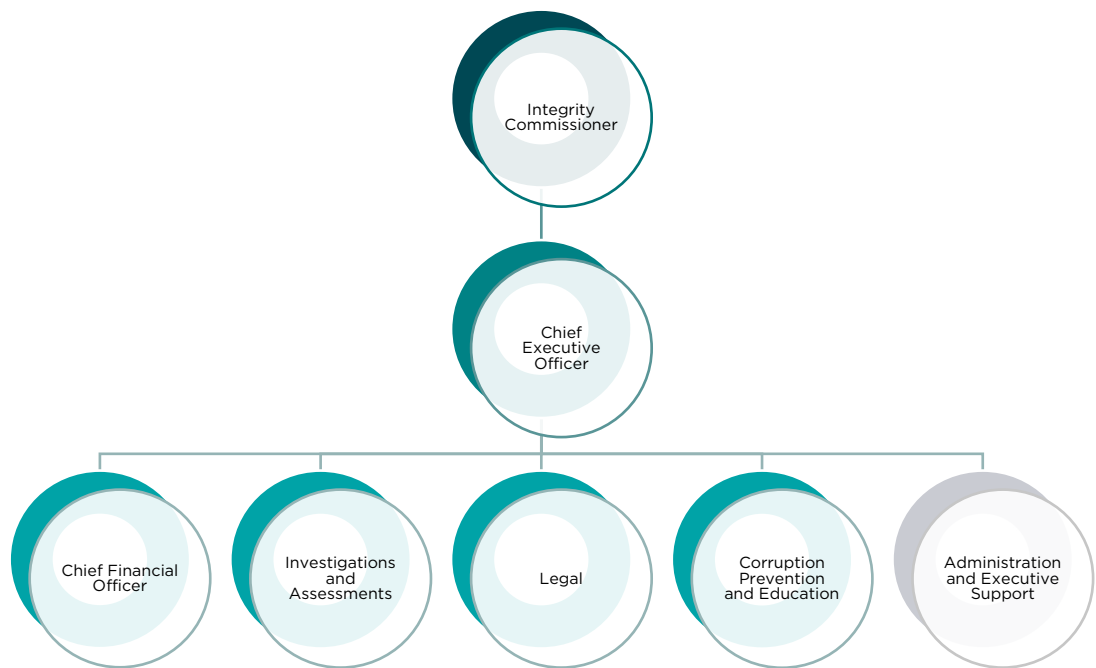
As at 30 June 2021, the Commission was comprised of the Commissioner, the CEO, the Chief Financial Officer (CFO), an administrative unit and three branches, each of which was headed by a Senior Director:

- The Senior Director Investigations and Assessments manages the Commission's investigative function including investigating conduct that is alleged to be corrupt conduct. The Senior Director also manages the Commission's Assessments Team, which is responsible for receiving and assessing all reports to the Commission of alleged corrupt conduct and disclosable conduct.
- The Senior Director Legal supports the Commission to perform its principal functions and exercise its statutory powers in a lawful, effective, ethical, and accountable manner by providing high-quality, accurate and timely legal services. The legal team also provides advice to the Commission on policy and other legal matters relevant to the establishment and operation of the Commission.
- The Senior Director Corruption Prevention and Education manages the Commission's prevention and education functions, including researching and analysing corruption risks and trends, providing best-fit anti-corruption advice, products and education to the ACT public sector and ACT community, and promoting the work of the Commission to the ACT, nationally, and internationally.



The Commission's office is in Canberra, ACT.

Figure 1. ACT Integrity Commission organisation structure as at 30 June 2021





Commission investigations



Investigation overview

In 2020-21, the Commission commenced seven (7) corruption investigations and two (2) corruption investigations were carried over from 2019-20. At 30 June 2021, none of the nine (9) Commission corruption investigations commenced had been completed. No corruption investigations were discontinued in the reporting period.²

The Commission commenced one (1) PID investigation during the reporting period.³ At 30 June 2021, the PID investigation was not concluded.

² Section 112(1) of the IC Act.

³ Sections 19 and 20 of the PID Act provide for the investigation of reports of disclosable conduct which are taken to be public interest disclosures.



Of the corruption investigations commenced during the reporting period, one (1) investigation was an own-initiative investigation⁴ and one (1) investigation was conducted as a joint investigation with a law enforcement agency.⁵

Types of corrupt conduct investigated during 2020-21

Table 1 provides a description for each of the corruption matters investigated during the reporting period.

Table 1. Description of each corruption matter investigated during 2020-21

Investigation	Description of matter investigated
Investigation 1	Corrupt decision making
Investigation 2	Corrupt decision making/corrupt influence
Investigation 3	Unlawful activity/corrupt influence
Investigation 4	Corrupt decision making
Investigation 5	Collusion/maladministration
Investigation 6	Corrupt decision making/corrupt influence
Investigation 7	Unlawful activity/collusion
Investigation 8	Corrupt decision making
Investigation 9	Maladministration/bullying

⁴ Section 101 of the IC Act allows the Commission, on its own initiative, to conduct an investigation about a matter if the Commission suspects on reasonable grounds that the matter involves corrupt conduct.

⁵ Section 104 of the IC Act allows the Commission to conduct an investigation as a joint investigation with an integrity body or a law enforcement agency.



Preliminary inquiries carried out in 2020-21

The Commission carried out 12 preliminary inquiries in relation to corruption reports it received during the reporting period. Preliminary inquiries may be carried out by the Commission to decide whether to dismiss, refer or investigate a corruption report.⁶

Table 2. Days spent conducting preliminary inquiries during 2020-21

Preliminary Inquiry	Days spent conducting ⁷
Preliminary Inquiry 1	435
Preliminary Inquiry 2	186
Preliminary Inquiry 3	Not completed ⁸
Preliminary Inquiry 4	Not completed
Preliminary Inquiry 5	107
Preliminary Inquiry 6	228
Preliminary Inquiry 7	Not completed
Preliminary Inquiry 8	Not completed
Preliminary Inquiry 9	171
Preliminary Inquiry 10	Not completed
Preliminary Inquiry 11	Not completed
Preliminary Inquiry 12	Not completed

⁶ See sections 86 and 87 of the IC Act.

⁷ Days spent conducting preliminary inquiries is calculated as the number of work days between the date the Commission decided to carry out a preliminary inquiry (which may be prior to 1 July 2020) and the date the Commission decided to dismiss, refer or investigate the matter subject to preliminary inquiry.

⁸ A preliminary inquiry is listed as 'not completed' if the preliminary inquiry was still being carried out at 30 June 2021.



Preliminary inquiry vs investigation. What's the difference?

The Commission may decide to carry out a preliminary inquiry to decide whether a corruption report should be dismissed, referred, or investigated. The Commission may also carry out a preliminary inquiry to decide whether to investigate a matter on its own initiative. Preliminary inquiries are a useful information-gathering tool for the Commission, even when they do not ultimately lead to a decision to investigate a matter.

When carrying out a preliminary inquiry, the Commission has the power to request information from the head of a public sector entity, and the power to issue a notice to a person to produce information, documents, or other things to the Commission.

When it conducts an investigation, its powers include examining witnesses, either publicly or privately, requiring the production of documents or things, entry, search and seizure pursuant to a warrant, and undertaking covert investigations, including the use of surveillance devices.

Table 3. Commission investigation statistics 2020-21

	2019-20	2020-21
Preliminary inquiries carried out under section 86 (Preliminary inquiries about corruption reports)	10	11
Preliminary inquiries carried out under section 87 (Preliminary inquiries about own initiative matters)	0	1
Investigations conducted under section 100 (Commission may investigate corruption report)	2	8
Investigations commenced but not completed during the year	2	6



	2019-20	2020-21
Investigations conducted under section 101 (Commission may investigate on own initiative)	0	1
Joint investigations conducted under section 104 (Investigation may be conducted as a joint investigation)	1	1
Investigations discontinued under section 112 (Discontinuing an investigation)	0	0
Prosecutions and termination actions arising out of (Commission) investigations	0	0
Outcomes published under section 203 (Outcome of prosecutions and termination action to be published)	0	0
Investigations conducted under section 20 of the PID Act ⁹	N/A	1
Public interest disclosure investigations brought to an end under section 20 of the PID Act ¹⁰	N/A	0

Corruption reports subject to investigation

The percentage of corruption reports assessed as requiring further investigation (either as a preliminary inquiry or an investigation) during the reporting period was 17.6 per cent – up from 13 per cent for the 2019-20 reporting period.

It is possible that prospective reporters may be more cognisant of the types of matters over which the Commission has jurisdiction to investigate. It may also

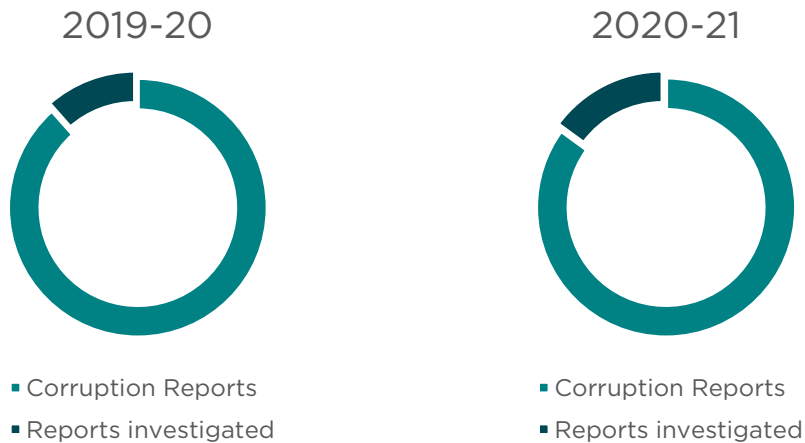
⁹ Amendments to the PID Act that established the Commission's functions under that Act came into effect on 4 March 2021. This meant the Commission's powers to conduct a PID investigation were only in effect for part of the reporting period.

¹⁰ Ibid.



be reflective of the Commission’s ongoing education and awareness-raising activities in this regard.

Figure 2. Percentage of reports subject to investigation for 2019-20 and 2020-21



Commission legal proceedings

Directions and Notifiable instruments

During the reporting period, the Commission notified the following instruments on the ACT Legislation Register:¹¹

- Public Interest Disclosure (Integrity Commission – Managing Disclosures and Conducting Investigations) Guidelines 2021 – NI2021-381
- Integrity Commission (Examination) Guidelines 2021 – NI2021-133
- Integrity Commission (Examination Conduct) Guidelines 2021 – NI2021-120
- Integrity Commission Reputational Repair Protocols 2020 – NI2020-594
- Integrity Commission (Personal Interest) Guidelines 2020 – NI2020-482

¹¹ The IC 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*.



The Commission also issued the *Integrity Commission Standard Directions for Public Examinations 2021*, available on the Commission website, which is to be read in conjunction with the *Integrity Commission (Examination) Guidelines 2021*.

At the end of the reporting period, the Commission had commenced drafting public interest disclosure guidelines for Members of the ACT Legislative Assembly (MLAs) and journalists, in accordance with s 32(1)(c) of the PID Act. It is anticipated the MLA guidelines will be notified on the ACT Legislation Register before the end of 2021.

Preparing for changes to the PID Act

Amendments to the PID Act, which came into effect on 4 March 2021, established the Commission as the entity responsible for determining whether a whistle-blower's disclosure qualified as a public interest disclosure, and ensuring it is appropriately dealt with. The Commission is also responsible for ensuring the whistle-blower is protected from retribution for coming forward.

In preparation for these changes, the Commission undertook a significant amount work consulting with relevant ACT public officials, in addition to developing a range of guidelines, supporting documentation and communications materials to support transition to the new arrangements.

Recommended legislative amendments

In the reporting period, the Commission identified several legislative amendments to ACT laws it considers ought to be made as a result of the exercise of the Commission's functions.

The legislative amendments identified by the Commission in its 2019-20 annual report have not been enacted (although work has begun on the necessary legislative reform by policy officers appointed to the Chief Minister, Treasury and Economic Development Directorate, in consultation with the Commission). Those amendments (some with refinements) which are still pressed by the Commission are repeated in this report, and appear along with the additional suggested amendments as part of a consolidated list.



The *Administrative Arrangements 2020 (No 3)* place the IC Act and the PID Act under the Chief Minister's purview.

The full list of proposed amendments is included at Appendix A in Part F of this report.





PART C

PERFORMANCE



Commission reporting framework

Performance reporting framework 2020-21

The Commission's performance reporting framework is comprised of several elements.

The Integrity Commission Act 2018 and the Public Interest Disclosure Act 2012

The IC Act establishes the Commission, the role of Integrity Commissioner, and states the functions of the Commission. It also defines the Commission's jurisdiction including what, who and how it is to investigate matters. It defines corrupt conduct and states that the Commission is to prioritise serious and systemic corrupt conduct, and sets out a range of reporting requirements which must be met via the annual report process.

The PID Act ascribes several functions to the Integrity Commissioner with respect to assessing, investigating and overseeing reports of disclosable conduct and public interest disclosures within the ACT. The PID Act also sets out a range of annual reporting requirements for the Commission.

2020-21 Budget Statements

The 2020-21 Budget Statements describe the Commission's purpose, and the Commission's major priorities, for the reporting period.

ACT Integrity Commission Strategic Goals

The Commission's strategic goals provide additional structure and guidance to the performance of the Commission's functions, and ensure the Commission is focused on the right things while undertaking its work.

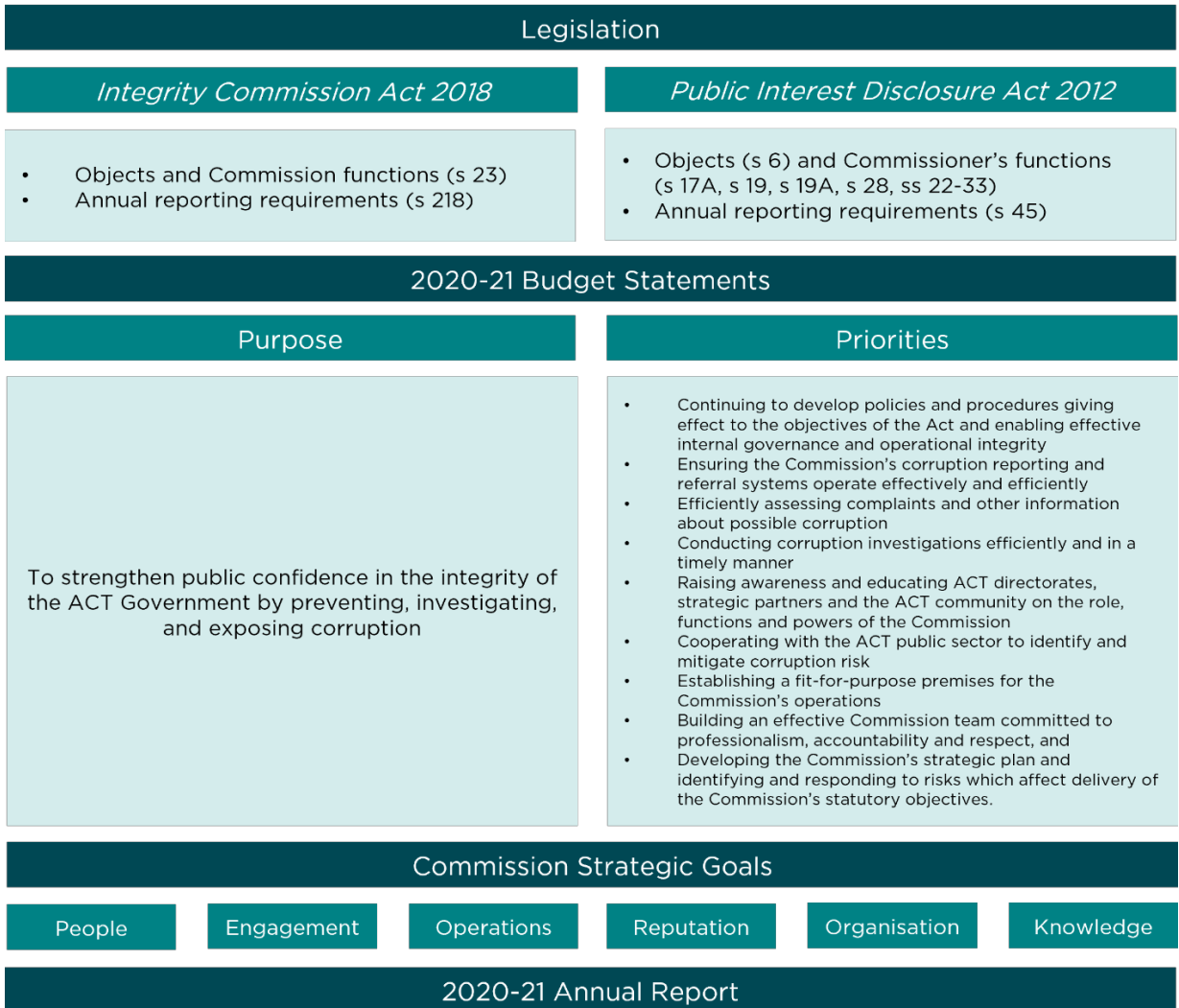


Relationship between performance reporting framework elements

Together, these elements establish the Commission's performance framework and performance criteria. The 2020-21 Annual Report (this document) outlines the Commission's activities for the reporting period. The data used to inform the Commission's performance is drawn from a variety of internal sources, including its case management and record keeping systems.



Figure 3. ACT Integrity Commission functional priorities





Commission performance for 2020-21

The measures used by the Commission to assess its performance for the reporting period are included against each of the Budget priorities in the table below

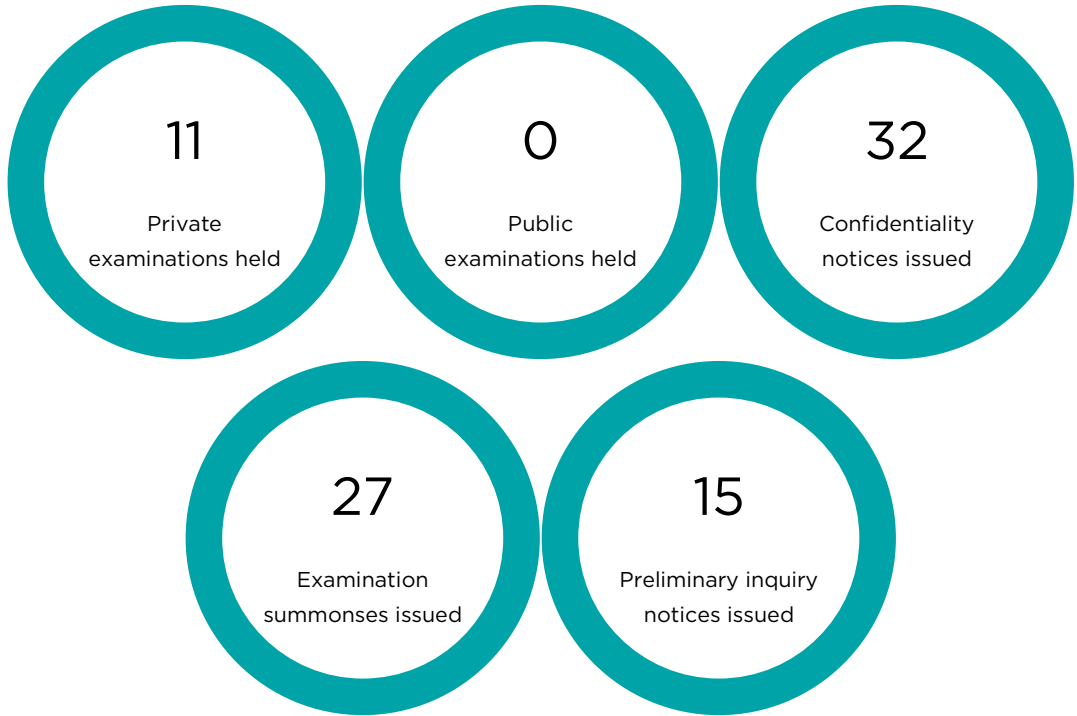
Table 4. Commission performance analysis measures for 2020-21

Budget Priority	Measures
Priority 1: Continue to develop policies and procedures which give effect to the objectives of the IC Act and the PID Act, and enable effective internal governance and operational integrity	1.1 Conflicts of interest and other matters involving Commission staff are reported and managed effectively
	1.2 Commission powers are discharged effectively and 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 and referral systems operate effectively and efficiently	2.1 Public officials, members of the public and other entities are able to 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: Efficiently assess complaints and other information about possible corruption	3.1 The corruption report assessment process is effective.
	3.2 Corruption reports are assessed and categorised to identify information about possible corruption
Priority 4: Conduct corruption investigations efficiently and in a timely manner	4.1 The Commission has systems in place to ensure investigations are expedited as efficiently as possible.



Budget Priority	Measures
Priority 5: Raise awareness and educate ACT directorates, strategic partners and the ACT community of the role, functions and powers of the Commission	5.1 The Commission's corruption prevention and education activities are effective at increasing awareness of the role, functions and powers of the Commission within the ACT public sector and the ACT Community
Priority 6: Cooperate with the ACT public sector to identify and mitigate corruption risk	6.1 The Commission has systems in place which enable cooperation and collaboration with the ACT public sector to identify and mitigate corruption risk.
Priority 7: Establish a fit-for-purpose premises for the Commission's operations	7.1 The Commission establishes and maintains a fit-for-purpose premises.
Priority 8: Build an effective Commission team committed to professionalism, accountability and respect	8.1 The Commission's recruitment and selection processes are effective at attracting and retaining suitably experienced officers
	8.2 The Commission has systems in place which promote and ensure staff professionalism, accountability and respect.
Priority 9: Develop the Commission's strategic plan, and identify and respond to risks which affect delivery of the Commission's statutory objectives	9.1 The Commission develops and implements a strategic plan which aligns to the Commission's statutory objectives.
	9.2 The Commission has systems in place to identify, assess and treat risks which may affect the delivery of the Commission's statutory objectives.

Further information discussing the Commission's performance against these measures is outlined below.



Commission staff matters reported to the Inspector and Speaker 2020-21

Section 31 of the IC Act requires the Commissioner to avoid any actual, potential or perceived conflicts of interest, and disclose in writing to the Speaker of the Legislative Assembly and the Inspector any financial or other personal interest that does, could, or may conflict with the Commissioner's functions.

During the reporting period, the Commissioner disclosed one (1) interest.

The management of conflicts of interest for Commission staff is governed by the Commission's Conflict of Interest Policy and Procedure.

During the reporting period, the Commission did not refer any corruption reports about Commission staff to the Inspector.

Notices, summonses and warrants issued during 2020-21

During the reporting period, the Commissioner issued notices and summonses in relation to Commission preliminary inquiries and investigations.



Table 5. Notices, summonses, and warrants issued, and directions given by the Commission 2020-21¹²

	2019-20	2020-21
Confidentiality notices issued under section 78 (confidentiality notices for preliminary inquiries)	1	15
Confidentiality notices issued under section 79 (confidentiality notices for investigations)	1	27 ¹³
Preliminary inquiry notices issued under section 90 (power to issue preliminary inquiry notice)	1	15
Examination summonses issued under section 147 (power to issue examination summons)	1	27 ¹⁴
Search warrants issued under section 122 (warrants – generally)	0	0
Arrest warrants issued under section 159 (examination – warrant to arrest witness who fails to appear)	0	0
Legal advice directions made under section 193 (legal advice directions)	0	0

The substantial increase in notices and summonses issued reflects the increased number of preliminary inquiries and investigations undertaken by the Commission during the reporting period, and the resulting examinations arising during these investigations

¹² A notice or summons is issued on the date on which the Commissioner or an appropriate delegate approves the notice or summons. A notice or summons is served on the date on which it is given to the addressee of the notice or summons.

¹³ As at 30 June 2020, 24 notices had been issued and served, and three (3) notices had been issued but not served.

¹⁴ As at 30 June 2020, 24 summonses had been issued and served and three (3) summonses had been issued but not served.



Commission examinations held during 2020-21

The Commission held its first examinations during the reporting period, with 11 examinations held across ten (10) days in 2020-21.

Table 6. Examinations held by the Commission during 2020-21

	2019-20	2020-21
Examinations held under section 140 (power to hold examination)	0	11
Public examinations held under section 143 (examinations may be public or private)	0	0
Days (total) during the year spent conducting examinations	0	10
Suppression orders issued under section 154 (examination - Commission may issue a suppression order)	0	0
Applications for contempt of the Commission made under section 167 (Commission may apply to the Supreme Court to deal with contempt)	0	0

Reports by the Commission during 2020-21

The Commission did not present or give any investigative or special reports (confidential or otherwise) to the ACT Legislative Assembly or the Legislative Assembly Standing Committee on Justice and Community Safety (JACS Committee) during the reporting period.



Table 7. Reports, recommendations and reviews 2020-21

	2019-20	2020-21
Investigation reports presented to the Legislative Assembly under section 189 (investigation report – presentation to Legislative Assembly)	0	0
Confidential investigation reports given to the relevant Assembly committee under section 192 (confidential investigation report)	0	0
Special reports presented to the Legislative Assembly under section 213 (special report – presentation to Legislative Assembly)	0	0
Confidential special reports given to the relevant Assembly committee under section 216 (confidential special report)	0	0
Reports made under section 30 of the PID Act (Report by the Integrity Commissioner)	N/A	0
Private recommendations made under section 179 (Commission may make private recommendations at any time)	0	0
Reputational damage matters dealt with under section 204 (reputational repair protocols)	0	0
Reviews under section 29 of the PID Act (Integrity Commissioner may review decisions)	N/A	0
Prosecutions under section 40 of the PID Act (Offence – taking detrimental action)	N/A	0

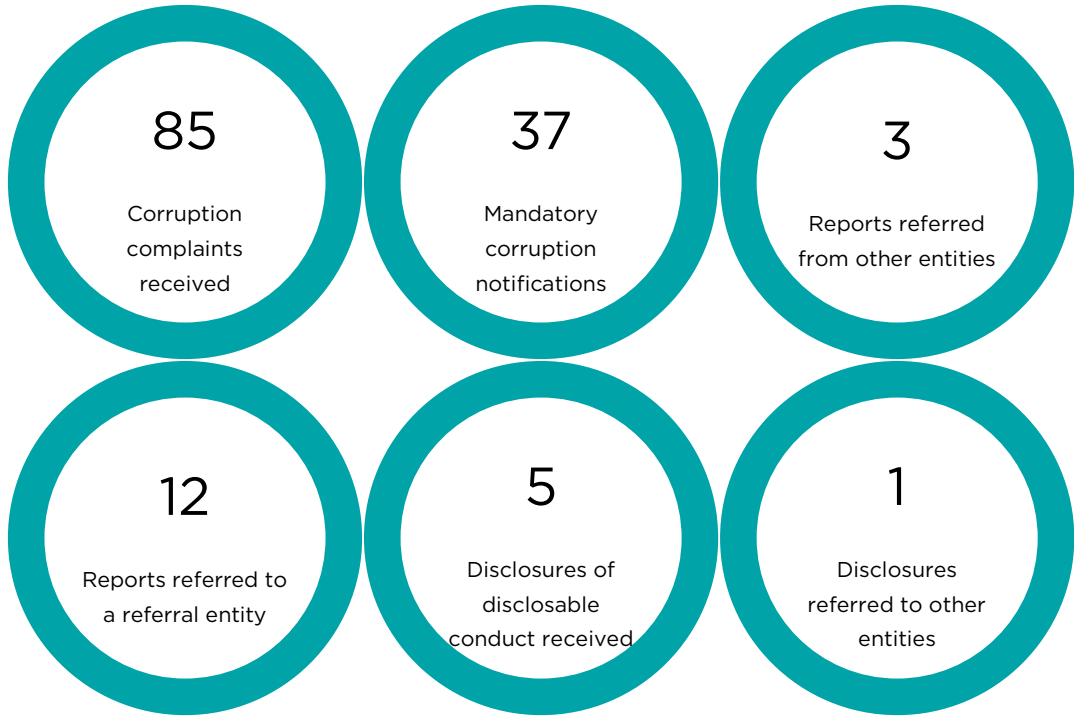


Use of other powers during 2020-21

The Commission did not exercise powers afforded to it under the other various pieces of legislation governing covert information gathering.

Table 8. Commission use of covert information gathering powers during 2020-21

	2019-20	2020-21
Number of times the Commission exercised functions under the <i>Crimes (Assumed Identities) Act 2009</i>	0	0
Number of times the Commission exercised functions under the <i>Crimes (Controlled Operations) Act 2008</i>	0	0
Number of times the Commission exercised functions under the <i>Crimes (Protection of a Witness Identity) Act 2011</i>	0	0
Number of times the Commission exercised functions under the <i>Crimes (Surveillance Devices) Act 2010</i>	0	0



During 2020-21, the Commission received a total of 125 corruption reports, comprised of 85 corruption complaints,¹⁵ 37 mandatory corruption notifications,¹⁶ and three (3) referrals from other entities.¹⁷ No corruption complaints were withdrawn during the reporting period.¹⁸

Volume of corruption reports 2020-21

Except for reports referred from other entities, which did not change, the number of corruption reports received by the Commission was substantially higher than 2019-20 (36 per cent increase). This increase can be largely attributed to an increase in mandatory corruption notifications by public officials.

¹⁵ See s 57 of the IC Act (anyone may make a corruption complaint).

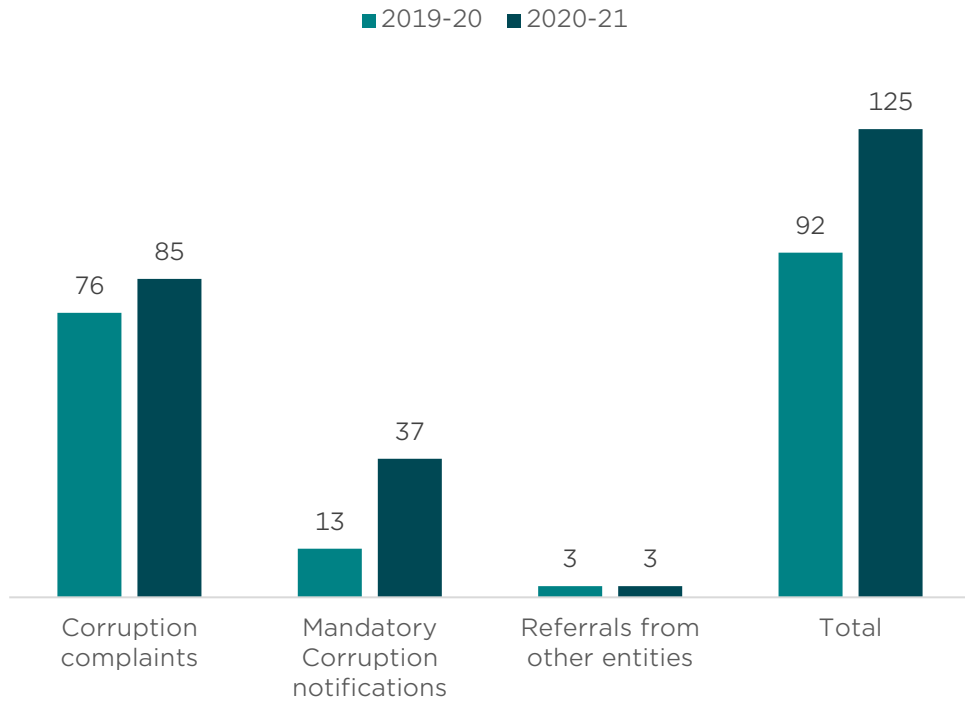
¹⁶ See Div. 3.1.2 of the IC Act (mandatory corruption notifications by public sector entities).

¹⁷ See s 59 of the IC Act (other entities may refer corruption complaints).

¹⁸ See s 60 of the IC Act (withdrawal of corruption complaints).



Figure 4. Corruption reports received by the Commission



Disclosures of disclosable conduct

During the reporting period, the Commission also received five (5) disclosures of disclosable conduct,¹⁹ one of which was taken to be a corruption report.²⁰ The disclosure taken to be a corruption report concerned an allegation of corrupt decision making.

¹⁹ Section 17 of the PID Act.

²⁰ Section 59A of the PID Act.



Table 9. Disclosures of disclosable conduct 2020-21

	2019-20	2020-21
Disclosures of disclosable conduct given to the Integrity Commissioner under section 17 of the PID Act	N/A	5
Disclosures under the PID Act taken to be corruption complaints under section 59A (certain disclosures under the PID Act may be corruption complaints)	N/A	1

The Commission may refer a corruption report to a referral entity at any time, subject to the requirements of s 107 of the IC Act. Referral entities are defined in s 106 of the IC Act.

Meaning of referral entity under the IC Act

Section 106 of the IC Act defines a referral entity as any of the following:

- the Speaker
- the Auditor-General
- the Ombudsman
- the Chief Police Officer
- the Head of Service
- a director-general
- a statutory office-holder, or
- the Legislative Assembly Commissioner for Standards.

The Commission referred 12 corruption reports to referral entities during 2020-21. No disclosures of disclosable conduct, which the Commission had taken to be a public interest disclosure, were referred to an investigating entity in accordance with s 19 of the PID Act.



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 disclosed information to seven (7) information sharing entities during the reporting period.²¹

Table 10. Commission referrals 2020-21

	2019-20	2020-21
Corruption reports referred to a referral entity under section 107 (Commission may refer corruption reports to a referral entity)	7	12
Corruption reports withdrawn under section 109 (Referral to referral entity - withdrawal of referral)	0	0
Corruption reports referred to the Judicial Council or a Judicial Commission under section 110 (Commission may refer reports to Judicial Council or Judicial Commission)	0	0
Corruption reports referred to a prosecutorial entity under section 111 (Commission may refer matters to prosecutorial body)	0	0
Reports given to another entity under section 112(2)	0	0
Referrals under section 19 of the PID Act (Integrity Commissioner - investigate or refer public interest disclosure)	N/A	0
Information sharing entities to whom the Commission has disclosed information under section 196 (disclosure of information by the Commission)	6	7

²¹ Section 196 of the IC Act.



Table 11. Information disclosed to information sharing entities during 2020-21

Information sharing entity	Description of information shared
Entity 1	Information relating to conduct within other entity
	Information relating to misconduct
Entity 2	Information relating to human rights matter
	Information relating to conduct within other entity
	Information relating to conduct within other entity
	Information relating to human rights matter
	Information relating to human rights matter
Entity 3	Information relating to misconduct
Entity 4	Information relating to conduct within other entity
	Information relating to conduct within other entity
Entity 5	Information relating to entity
Entity 6	Information relating to police matter
Entity 7	Information relating to entity



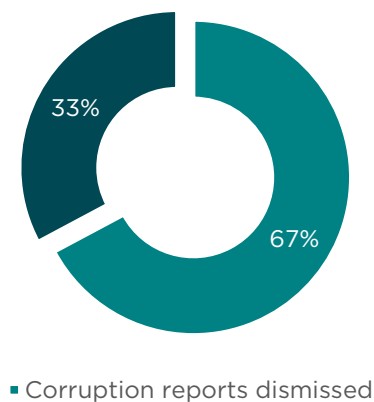
The Commission assesses all corruption reports to determine whether to dismiss, investigate or refer matters.

Dismissal of matters during 2020-21

Of the 125 corruption reports received during the reporting period, the Commission dismissed 84 matters in accordance with section 71 of the IC Act.

The Commission did not give any dismissed corruption reports to another entity.²²

Figure 5. Percentage of corruption reports dismissed in 2020-21



²² See s 71(4) of the IC Act.



The reasons for dismissing each matter during the reporting period are included at Appendix B.

Assessment timeframes during 2020-21

During the reporting period, the average time taken to assess each corruption report²³ made to the Commission was 47 days.²⁴ The average time taken to assess corruption complaints²⁵ was 39 days which is an increase from 27.5 days per assessment in 2019-20.

Assessment of disclosures during 2020-21

Of the five (5) disclosures of disclosable conduct received by the Commission during the reporting period, one (1) was taken to be a public interest disclosure. Of the remaining four (4) disclosures, the Commission was satisfied that the disclosures were not about disclosable conduct.²⁶

Table 12. Assessment and referral of disclosures of disclosable conduct 2020-21

	2019-20	2020-21
Disclosures of disclosable conduct given to the Integrity Commissioner under section 17 of the PID Act	N/A	5
Disclosures of disclosable conduct taken to be public interest disclosures under section 17A(3) of the PID Act	N/A	1
Disclosures of disclosable conduct not taken to be public interest disclosures under section 17A(3) of the PID Act	N/A	4
Referrals under section 19 of the PID Act (Integrity Commissioner – investigate or refer public interest disclosure)	N/A	0

²³ Refers to the number of days between the date a report is received by the Commission and the date on which the Commission makes a decision to dismiss, refer or investigate the report.

²⁴ Includes corruption reports made to the Commission under ss 57, 59 and 62 of the IC Act.

²⁵ Refers to corruption complaints made to the Commission under s 57 of the IC Act.

²⁶ In accordance with section 17A(3) of the PID Act.



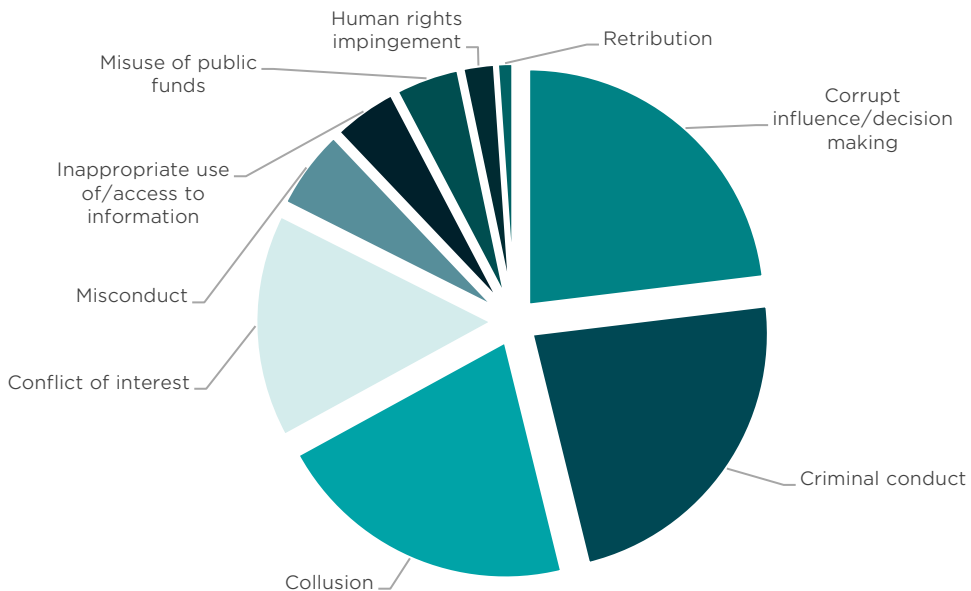
	2019-20	2020-21
Referrals under section 21 of the PID Act (Referral to the Chief Police Officer of the ACT)	N/A	0

All corruption reports received by the Commission are categorised according to the type of corrupt conduct which is alleged to have occurred.

During the reporting period, alleged corrupt influence and decision making, and criminal conduct, were reported more frequently than any other categories.

Allegations of collusion and the improper management of conflicts of interest also featured prominently in corruption reports made to the Commission.

Figure 6. Corruption reports by allegation type 2020-21



A description of each corruption report made to the Commission during the reporting period, and the time taken to deal with each report, is included at Appendix B.

Increasing the Commission’s understanding of corruption in the ACT public sector

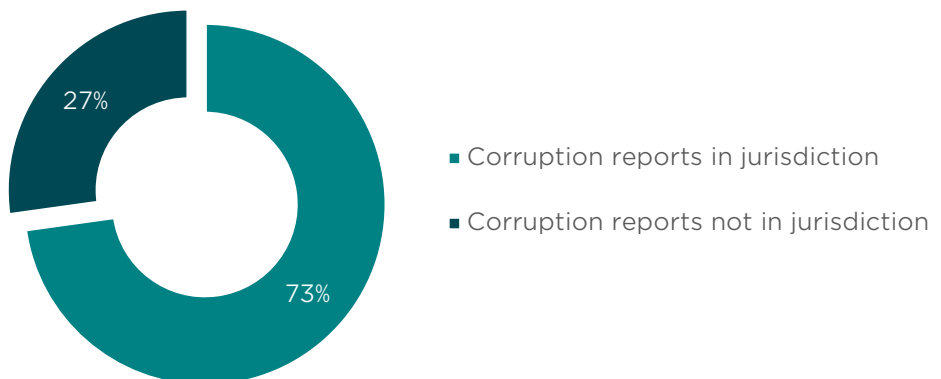
During the reporting period, the Commission finalised development of an analytics framework, which has been incorporated into the Commission’s new case management system. The framework allows corruption reports to be classified across several dimensions, including corruption type; demographic information of the person/s of interest; and the public sector work function(s) associated with the report.

This data will help to facilitate the production of a range of evidence-based and intelligence led products, particularly in the prevention and education domains.

Of the corruption reports assessed during the reporting period, more than one-quarter (27 per cent) were determined to not be within the Commission’s jurisdiction.

Most reports falling outside the Commission’s jurisdiction were received from members of the public, highlighting a potential area of focus for the Commission’s corruption prevention and education functions in 2021-22.

Figure 7. Percentage of reports assessed as being in/not in jurisdiction 2020-21





Decision to investigate timeframes 2020-21

For those matters which the Commission decided to investigate during the reporting period, the number of days between the day the Commission received the report and the day the Commission decided to investigate are outlined in Table 13.

Table 13. Days between receipt of corruption report and decision to investigate 2020-21

Investigation	Days to decision
Investigation 1	57
Investigation 2	171
Investigation 3	167
Investigation 4	89
Investigation 5	112
Investigation 6	171

Investigation tracking and reporting

The Commission is required to keep complainants informed of the status of investigations at least every three months,²⁷ unless doing so would compromise the integrity of the investigation.²⁸

²⁷ See s 72 (1) (c) of the IC Act

²⁸ See s 75 of the IC Act



Corruption Prevention and Education during 2020-21

The Commission has continued to successfully deliver its corruption prevention and education functions. The Commission's capacity to deliver a broader range of products, services and advice to the ACT Government and ACT community has been constrained by ongoing resourcing challenges.

The Commission's prevention and education work can be broadly categorised into three categories, as per the Commission's Corruption Prevention and Education Strategy, which is available on the Commission's website, including:

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

During the reporting period the Commission conducted 22 information sessions, highlighted by:

- a presentation to new MLAs following the October 2020 ACT election on the role and functions of the Commission and mandatory reporting obligations,
- the Commission's first public education webinars, which were undertaken as part of a series of Commission-organised events for International Anti-Corruption Day (9 December 2020),
- a presentation to the ACT's Official Visitor cohort, as part of their annual training program, on the role of the Commission and reporting matters to the Commission,



- a presentation to the ACT Bar Association’s annual conference in March 2021 focused on interaction with the Commission as a legal representative
- presentations to two ACT Corrective Services recruit cohorts – as part of their new-recruit training program – on corruption risks in the custodial environment,
 - This has now been established as an ongoing arrangement whereby the Commission will present to all new recruit cohorts moving forward, and
- presentations to several Directorate Audit and Risk Management Committees.

A new public interest disclosure regime in the ACT

From March 2021, following amendments to the PID Act coming into effect, the Commission’s information sessions have included information relevant to the Commission’s role in receiving, assessing, referring, and investigating reports of disclosable conduct, and overseeing ACT public sector agency management of public interest disclosures.

The Commission also commenced targeted engagement with peak bodies representing the ACT’s community services and business sectors to increase public awareness of the role and work of the Commission. This included meeting with senior officials from Unions ACT to discuss education opportunities for union members on the role and functions of the Commission.



Public awareness and education to continue in 2021-22

At the end of the reporting period, the Commission was preparing to:

- meet with the board of the ACT Master Builders Association in July 2021,
- hold an information session for member groups of the ACT Council of Social Services in July 2021, and
- present to the newly elected members of the Aboriginal and Torres Strait Islander (ATSI) Elected Body in July 2021, in order to foster greater engagement between the Commission and the ACT's ATSI community.

Engagement during the reporting period was further supported by the establishment of the Commission's social media presence via the creation of a Twitter page.

As a part of International Anti-Corruption Day 2020 (which occurs on 9 December each year), the Commission coordinated a series of whole-of-government communications and advice, including:

- a joint communique supported by all Directors-General and agency heads outlining their commitment to integrity in government, and
- coordinating with the Speaker to table a statement of commitment to integrity, on behalf of MLAs, in the Legislative Assembly

Engagement with the ACT public sector remained strong, with the continued distribution of corruption information briefs to heads of entities and other relevant senior public officials in the ACT public sector, including in relation to:

- records management and record keeping practices, and
- managing corruption risks associated with the receipt of gifts and benefits (in advance of Christmas 2020).

The Commission also distributed an information brief summarising the corruption vulnerabilities identified in the reports received, and work undertaken, by the Commission during the 2019-20 period. This brief also provided recommendations for public sector entities aimed at strengthening corruption controls and prevention measures.



These briefs were complemented by the regular provision of advice and support to senior public sector officials seeking information on the role of the Commission and countering corruption risks in their respective operating environments.

The Commission also held two (2) meetings of the Integrity Commission Community of Practice for Corruption Prevention.

Collaborating with the ACT public sector to prevent corruption

The Community of Practice brings together Senior Executives Responsible for Business Integrity Risks (SERBIRs), and other senior public sector officials with responsibility for integrity matters, to:

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

This forum provides key insights for the Commission with respect to informing the corruption prevention and education forward work agenda and ensuring the Commission's continued focus on targeting resources where they will have the greatest impact.

The Commission's broader engagement in the national integrity and anti-corruption discourse was highlighted by the Commission's hosting and chairing of a meeting of the Corruption Prevention Practitioner's Forum, which brings together all senior corruption prevention practitioners from each of Australia's integrity and anti-corruption agencies to discuss areas of common interest and emerging corruption risks and trends.

The Commission also made a submission, in August 2020, to the Victorian Parliament Integrity and Oversight Committee *Inquiry into the Education and Prevention Functions of Victoria's Integrity Agencies*.



Aboriginal and Torres Strait Islander Engagement

The Commission has been proactive in establishing closer relationships with several of the ACT's peak bodies representing the interests of Aboriginal and Torres Strait Islander (ATSI) people in the ACT.

In December 2020, the Commission presented to the ACT's Official Visitor cohort, as part of their annual training day, on the role, functions and powers of the Commission, and how to report corrupt conduct, noting that vulnerable members of the ACT's ATSI community may report alleged corrupt conduct to Official Visitors in relation to a broad range of government services.

In early 2021, the Commission wrote to the Chief Executive Officer of Winnunga Nimmityjah Aboriginal Health and Community Services to provide a brief introduction to the Commission's work, and to outline the corruption prevention education and awareness programs available for Winnunga Nimmityjah and the ATSI communities they represent.

At the end of the reporting period, the Commission's Corruption Prevention and Education Team was preparing to present to elected members of the Aboriginal and Torres Strait Islander Elected Body (ATSIEB) on the role and functions of the Commission, following elections for ATSIEB positions in early July 2021.

The Commission is committed to ongoing positive engagement with ATSIEB and the broader (ATSI) community in the ACT over the coming year, and it is anticipated that additional opportunities for closer engagement will be forthcoming during 2021-22.

Establishment of new Commission premises

Further to the information contained in the Commission's 2019-20 Annual Report regarding design and fit-out of purpose-built Commission accommodation, the Commission took occupancy of its new premises in Kingston ACT in late August 2020.

The Commission's offices have been designed to suit the requirements of the Commission with respect to performing its functions. This includes a hearing room which can be used for private and public examinations, secure evidence and storage facilities, interview and meeting rooms, a digital forensics capability, in addition to staff accommodation and facilities.



The Commission's premises are subject to rigorous protective security measures which ensure Commission staff, and information in the custody of the Commission are properly secured.





PART D

MANAGEMENT, GOVERNANCE AND ACCOUNTABILITY



Senior Management Group

The Senior Management Group (SMG) comprises the Commissioner, the CEO, and the Commission's three Senior Directors. The CFO also attends SMG meetings to deliver financial reports.

The SMG meets monthly and is the peak strategic body of the Commission responsible for advising the Commissioner in relation to:

- defining, and overseeing delivery of, the Commission's strategic and operational objectives,
- managing Commission resources effectively and efficiently,
- ensuring the Commission meets its statutory responsibilities and accountability requirements,
- managing the Commission's strategic risks, and
- considering and making all major resourcing and funding decisions for the Commission.

The SMG's functions include supporting the Commissioner to:

- approve the Commission's strategic and corporate plans,
- approve the Commission's operational and strategic intelligence priorities,
- approve new or amended internal policies, procedures and/or processes,
- consider and approve new proposals which:
 - are not directly linked to the Commission's strategic or operational priorities, or
 - are likely to significantly alter the Commission's operating environment, or
 - are likely to significantly impact the Commission's financial position or strategic risk profile
- approve changes to the Commission's organisational structure, including the establishment of new positions and variation of existing positions,



- agree, and oversee the management of, the Commission's strategic risks register,
- consider and approve strategies which protect the financial sustainability of the Commission and reviewing the Commission's financial position, and
- consider any other matter which a member of the SMG decides should be brought before SMG for discussion and/or decision.

External scrutiny

External oversight of the Commission

Internal accountability is reinforced via the Commission's external oversight mechanisms, including the Inspector of the Integrity Commission (Inspector) and the 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 functions of the Inspector are:

- to assess and report on the Commission's compliance with the IC Act and any memoranda of understanding or agreements entered into under that Act,
- to receive, investigate and assess complaints about the Commission and members of staff of the Commission,
- to make recommendations to the Commission or public bodies about practices or procedures in relation to the performance of functions under the IC Act, and
- any other functions given to the Inspector under the IC Act or another Territory law.



Engagement with the Inspector in 2020-21

As per s 205 of the IC Act, the Commission provided written monthly reports to the Inspector regarding the exercise of Commission powers over the preceding month. The Commission and Inspector have agreed these monthly reports are to be provided within ten (10) working days of the end of the relevant reporting period.

Standing Committee on Justice and Community Safety

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

- examine matters related to corruption and integrity in public administration,
- inquire into and report on matters referred to it by the Assembly or matters that are considered by the Committee to be of concern to the community,
- perform all functions required of it pursuant to the IC Act, and
- monitor, review and report on the performance of the Commission and the Inspector of the Integrity Commission or the exercise of the powers and functions of the Commission and the Inspector of the Integrity Commission, including examining the annual reports of the Commission and the Inspector of the Integrity Commission, and any other reports made by the Commission.

The Committee does not investigate a matter relating to particular conduct, or reconsider a decision to investigate, not to investigate or to discontinue an investigation of a particular complaint made to the Commission, or to reconsider the findings, recommendations, determinations or other decisions of the Commission or the Inspector in relation to a particular investigation or complaint.

Engagement with Committee in 2020-21

The Commission appeared once before the Committee during the reporting period, in relation to the Committee's *Inquiries into Annual and Financial Reports 2019-2020 and ACT Budget 2020-2021*.



Risk management

During the reporting period, the Commission worked closely with officials from the ACT Insurance Authority (ACTIA) to develop the Commission's inaugural strategic risk register.

The SMG Terms of Reference require the strategic risk register to be reviewed periodically, or more regularly as required. Risks are assigned to members of the SMG who are responsible for actioning any mitigations agreed by the SMG, and for identifying, and bringing to the attention of SMG, matters which are likely to change the respective risk rating.

Noting the Commission's strategic risk register is still in its infancy, it is anticipated that further work will be undertaken in the coming year, including with ACTIA, to refine its content and ensure it continues to reflect the Commission's contemporary risk profile.

Internal audit

The Commission did not undertake any formal internal audits during the reporting period, and has not established an Audit and Risk Committee, however consideration is being given to the constitution of such a committee during 2021-22.

The SMG maintains ongoing responsibility for identifying, assessing and deciding on how to manage issues which arise in the course of the Commission's work.

Freedom of information

The Commission did not receive any Freedom of Information (FOI) requests in the reporting period.

As per Section 1.1B of Schedule 1 of the *Freedom of Information Act 2016* (ACT), disclosure of information in the possession of the Commission is taken to be contrary to the public interest, unless the information is administrative in nature.



Work health and safety

During 2020-21, the Commission adhered to and was compliant with relevant whole of government work health and safety (WHS) policies. The Commission was not issued with any notices or enforceable undertakings in the reporting period.

The health and safety of Commission staff, and those who engage with Commission in the course of its work, is of utmost importance. Any specific WHS risks associated with the Commission's operations and performance of the Commission's functions are identified, assessed and treated at the strategic level and are included on the Commission's strategic risk register which is reviewed at regular intervals by the SMG. WHS risks associated with specific operational activity and the exercise of the Commission's powers are considered and treated on a case-by-case basis.

Commission response to protecting staff from COVID-19

In response to the ongoing COVID-19 situation affecting the ACT, the Commission updated its COVID-19 policy to reflect contemporary health directions and advice, to ensure staff were aware of their responsibilities, in addition to the support measures available to them while business as usual operations were affected. During the reporting period, the Commission maintained flexible working arrangements for staff to ensure the needs of the Commission and of staff could be catered for.

At the end of the reporting period, the Commission was finalising a comprehensive WHS Management policy which considers WHS risks and related mitigation measures specific to the Commission's WHS risk profile.



Human resource management

We strive to be an employer of choice. With a focus on diversity, we will build workforce capability with appropriate skills, qualifications, and experience to deliver our mission. We will empower our people, developing their skills and knowledge to help them realise their full potential.

- **ACT Integrity Commission 'People' Strategic Goal**

Commission staff are employed under the *Public Sector Management Act 1994* (PSM Act) and the IC Act. 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.

The IC Act prevents the Commission from hiring staff who have been employed in the ACT public service in the last five (5) years, resulting in most applicants for Commission positions coming from either the Australian Public Service or other state and territory public sectors.

Staff of the Commission are usually engaged on a permanent full-time basis, however the Commission may also engage temporary staff. The Commission's workforce may be supplemented from time to time by secondees from external agencies.

At 30 June 2021, the Commission was comprised of permanent and temporary staff, in addition to secondees from the ACT Police and ACT Government Solicitor's Office.

The Commission's overall workforce size increased during 2020-21. In particular, the Investigations and Assessments Team saw the largest growth (an increase of 6 FTE across the reporting period). This was due in part to the Commission assuming responsibility for the Territory's public interest disclosure scheme in March 2021, in addition to addressing significant increases in the number of reports and matters under investigation by the Commission.

The following tables provide Commission workforce data for the reporting period.



Table 14. Commission staff FTE and headcount by team at 30 June 2021

Team	FTE	Headcount
Executive and Administration	3.0	3
Investigations and Assessments	9.0	9
Legal	2.0	2
Corruption Prevention and Education	2.0	2
Sub Total ²⁹	16.0	16
<i>Secondees</i> ³⁰	2.0	2
TOTAL	18.0	18

Table 15. Commission staff FTE and headcount by gender

	Female	Male
FTE	7.0	9.0
Headcount	7	9
TOTAL	7	9

²⁹ Total permanent and temporary Commission staff as at 30 June 2021

³⁰ The Commission had two (2) secondees working with the Commission as at 30 June 2021.



Table 16. Commission staff headcount by classification and gender

Classification group	Female	Male	Total
Executive officers	0	1	1
Senior officers	1	5	6
Legal officers	1	0	1
Administrative officers	5	3	8
TOTAL	7	9	16

Table 17. Commission staff by employment category and gender

Employment category	Female	Male	Total
Permanent full-time	7	7	14
Permanent part-time	0	0	0
Temporary full-time	0	2	2
Temporary part-time	0	0	0
Casual	0	0	0
TOTAL	7	9	16

Table 18. Recruitment and separation rates for the Commission

	Recruitment rate ³¹	Separation rate
Total	112.2%	0.0%



Learning and Development

Commission staff have access to a broad range of learning and development opportunities. Staff discuss their learning and development requirements with their manager as part of the performance management process.

³¹ The recruitment rate is reflective of the Commission's relatively recent establishment and need to engage multiple additional staff during the reporting period, resulting in the Commission headcount at the end of the reporting period being more than twice that at 30 June 2020.



Ecologically Sustainable Development

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

Staff are encouraged to assist in reducing the Commission's ecological footprint by:

- working via electronic means where possible
- minimising the number of printed documents
- recycling used paper and cardboard products, and
- undertaking meetings virtually when appropriate, to avoid using the Commission's two (2) fleet vehicles for travel.

The Commission also uses:

- motion sensor lighting in the Commission's office, ensuring lights are only used when the office is occupied
- carbon neutral paper
- recyclable printer toner cartridges, and
- a waste disposal system which allows recyclable material to be separated from non-recyclable material.





PART E

FINANCIAL STATEMENTS



Financial management analysis

Objectives

The Commission is established by the IC Act and is an independent statutory authority. 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.

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 Commission has complete discretion in the exercise of the Commission's functions.



Financial performance

The following financial information is based on audited Financial Statements for 2020-21, and the forward estimates contained in the 2021-22 Budget Statements.

Total expenses

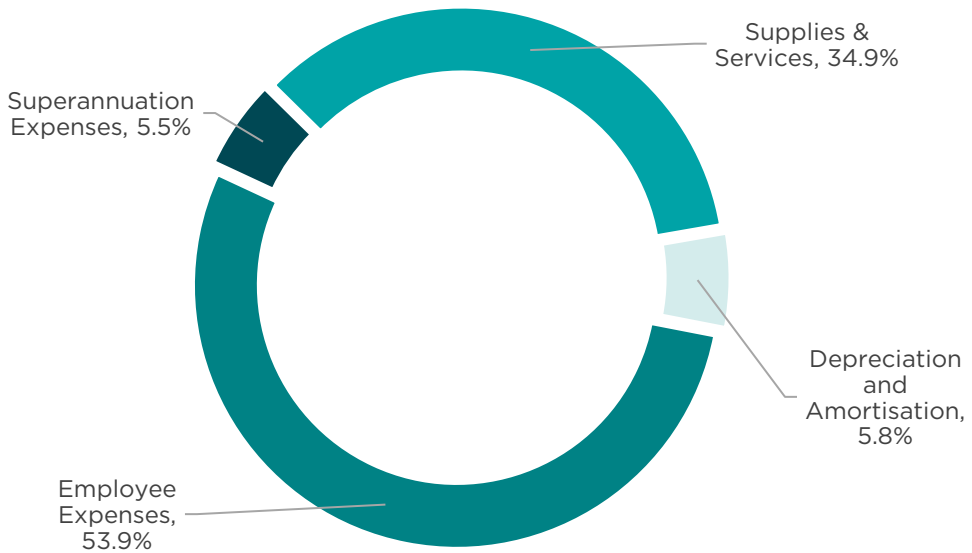
Components of expenses

Figure 8 shows the components of the Commission's expenses for 2020-21. The expenses consisted of:

- supplies and services of \$1.445 million (34.9 percent)
- employee expenses of \$2.232 million (53.9 percent)
- superannuation expenses \$0.226 million (5.5 percent), and
- depreciation and amortisation of \$0.240 million (5.8 percent).



Figure 8. Components of expenses 2020-21



Comparison to budget

Total expenses were \$4.143 million and were \$0.144 million (3.4 percent) lower than the budget amount of \$4.287 million.

Comparison to 2019-20 actuals

Total expenses were \$4.143 million and were \$2.525 million (156.1 percent) higher than the 2019-20 result of \$1.618 million. The increase in expenses is consistent with budget and relates to additional staff, supplies and services required to meet 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 \$2.259 million (54.5 percent) in 2021-22 to \$6.404 million. This increase mainly relates to additional funding provided by the ACT Government to support:



- Recruitment of staff for the assessment and management of (PIDs), and
- Fund additional staff and resources that are critical for the Commission to discharge its legislative responsibilities.

Total income

Components of income

Figure 9 shows the components of the Commission's income for 2020-21. The Commission's main source of income is Controlled Recurrent Payments (CRP), which accounts for \$3.827 million (83.7 percent) of the Commission's total income.

Figure 9. Components of income 2020-21



Comparison to budget

Total income for the year was \$4.570 million and was \$0.483 million (11.8 percent) higher than budget. This variance mainly relates to increased Other



Revenue, with the building owner of the Commission's new office in Kingston making a cash contribution towards the cost of the office fit-out. This contribution was in lieu of a rent-free period.

Comparison to 2019-20 actuals

Total income was \$4.570 million and was \$2.767 million (153.5 percent) higher than the 2019-20 result of \$1.803 million. The increased income is consistent with budget and mainly relates to additional CRP provided to the Commission for additional staff, supplies and services so the Commission can manage its legislative responsibilities and increasing workload.

Future trends

Total income is expected to increase by \$1.619 million (35.4 percent) in 2021-22 to \$6.188 million. This increase mainly relates to additional funding provided by the ACT Government to support:

- Recruitment of staff for the assessment and management of PIDs, and
- Fund additional staff and resources that are critical for the Commission to discharge its legislative responsibilities.

Financial position

Total assets

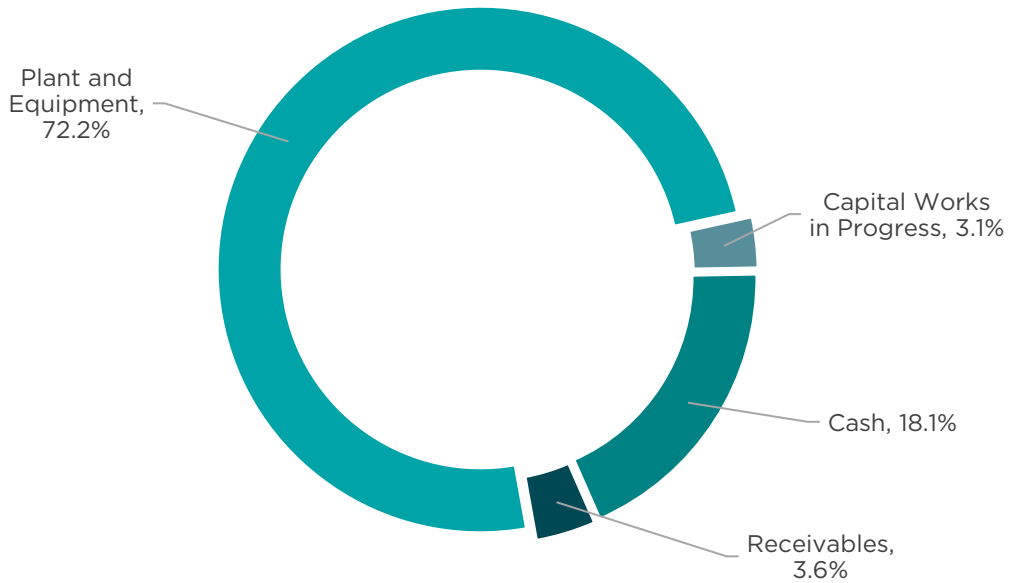
Components of total assets

Figure 10 shows the components of the Commission's total assets at 30 June 2021. The main components were:

- cash \$0.594 million (18.1 percent), and
- plant and equipment \$2.363 million (72.2 percent).



Figure 10. Total assets at 30 June 2021



Comparison to budget

The Commission's total assets at 30 June 2021 were \$3.274 million and this was \$0.320 million (8.9 percent) lower than the budget.

Comparison to 30 June 2020 actuals

Total assets at 30 June 2021 were \$3.274 million and were \$1.223 million (59.6 percent) higher than the 30 June 2020 actual of \$2.051 million. The increase in assets mainly relates to the capitalisation of fit-out costs associated with the Commission's new office in Kingston.

Future trends

Total assets held by the Commission are expected to increase by \$1.008 million (30.8 percent) in 2021-22 to \$4.282 million. This increase mainly relates to the



Commission investing in additional resources that are critical for the Commission to discharge its legislative responsibilities.

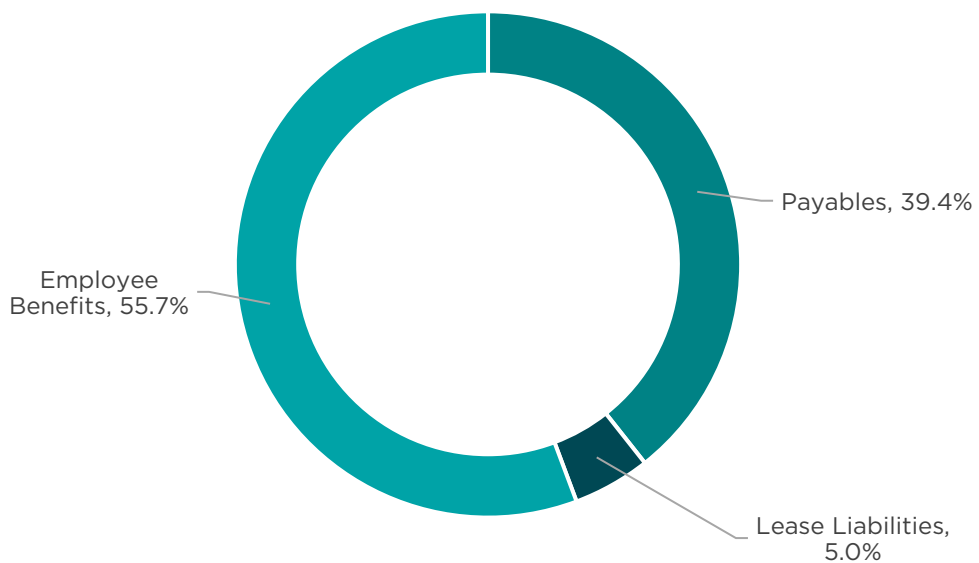
Total liabilities

Components of total liabilities

Figure 11 shows the components of the Commission's total liabilities at 30 June 2021. The main components were:

- employee benefits of \$0.416 million (55.7 percent), and
- payables of \$0.294 million (39.4 percent).

Figure 11. Total liabilities at 30 June 2021





Comparison to budget

At 30 June 2021 the Commission's total liabilities were \$0.747 million and this was \$0.948 million (55.9 percent) lower than budget. The variance to budget mainly relates to a provision being included in the budget for the building owner's contribution towards the cost of the Kingston office fit-out, with the actual funds recorded in Other Revenue.

Comparison to 30 June 2020 actuals

Total liabilities at 30 June 2021 were \$0.747 million and were \$0.345 million (31.6 percent) lower than the 30 June 2020 actual of \$1.092 million. The decrease in liabilities mainly relates to the payment of fit-out costs associated with the Commission's new office in Kingston that were accrued in 2019-20.

Future trends

Total liabilities owed by the Commission are expected to increase by \$0.834 million (111.5 percent) in 2021-22 to \$1.582 million. This increase mainly relates to the Commission leasing additional equipment that is critical for the Commission to discharge its legislative responsibilities.



Financial statements



AUDITOR-GENERAL AN OFFICER
OF THE ACT LEGISLATIVE ASSEMBLY 

INDEPENDENT AUDITOR'S REPORT ACT INTEGRITY COMMISSION

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 2021 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 2021, 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.



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.

Michael Harris
Auditor-General
6 September 2021



**ACT Integrity Commission
Financial Statements
For the Year Ended 30 June 2021**

Statement of Responsibility

In my opinion, the Financial Statements are in agreement with the ACT Integrity Commission's (the Commission's) accounts and records and fairly reflect the financial operations of the Commission for the year ended 30 June 2021 and the financial position of the Commission on that date.

Hon. Michael Adams QC
ACT Integrity Commissioner
28 July 2021



**ACT Integrity Commission
Financial Statements
For the Year Ended 30 June 2021**

Statement by the Chief Finance Officer

In my opinion, the Financial Statements have been prepared in accordance with the Australian Accounting Standards, and are in agreement with the Commission's accounts and records and fairly reflect the financial operations of the Commission for the year ended 30 June 2021 and the financial position of the Commission on that date.

Scott Hickey
Chief Finance Officer
28 July 2021



ACT Integrity Commission
Operating Statement
For the Year Ended 30 June 2021

	Note	Actual	Original	Actual
	No.	2021	Budget	2020
		\$'000	\$'000	\$'000
Income				
Controlled Recurrent Payments	3	3,827	4,087	1,768
Grants and Contributions		62	-	35
Other Revenue	4	681	-	-
Total Income		4,570	4,087	1,803
Expenses				
Employee Expenses	5	2,232	1,943	1,022
Superannuation Expenses	6	226	197	105
Supplies and Services	7	1,445	1,880	489
Depreciation and Amortisation		240	267	3
Total Expenses		4,143	4,287	1,619
Operating Surplus/(Deficit)		427	(200)	184
Total Comprehensive Income/(Deficit)		427	(200)	184

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



ACT Integrity Commission
Balance Sheet
As at 30 June 2021

	Note	Actual	Original	Actual
	No.	2021	Budget	2020
		\$'000	\$'000	\$'000
Current Assets				
Cash	8	594	1,118	1,118
Receivables and Other Assets	9	119	13	12
Total Current Assets		713	1,131	1,130
Non-Current Assets				
Plant and Equipment	10	2,363	2,463	58
Intangibles		97	-	-
Capital Works in Progress	11	101	-	863
Total Non-Current Assets		2,561	2,463	921
Total Assets		3,274	3,594	2,051
Current Liabilities				
Payables	12	294	895	894
Lease Liabilities	13	20	20	20
Employee Benefits	14	373	134	134
Total Current Liabilities		687	1,049	1,048
Non-Current Liabilities				
Lease Liabilities	13	17	38	38
Employee Benefits	14	43	6	6
Other Provisions		-	602	-
Total Non-Current Liabilities		60	646	44
Total Liabilities		747	1,695	1,092
Net Assets		2,527	1,899	959
Equity				
Accumulated Funds		2,527	1,899	959
Total Equity		2,527	1,899	959

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



ACT Integrity Commission
Statement of Changes in Equity
For the Year Ended 30 June 2021

	Accumulated Funds Actual 2021 \$'000	Total Equity Actual 2021 \$'000	Original Budget 2021 \$'000
Balance at 1 July 2020	959	959	959
<i>Comprehensive Income</i>			
Operating Surplus/(Deficit)	427	427	(200)
Total Comprehensive Income/(Deficit)	427	427	(200)
Transactions Involving Owners Affecting Accumulated Funds			
Capital Injections	1,140	1,140	1,140
Total Transactions Involving Owners Affecting Accumulated Funds	1,140	1,140	1,140
Balance at 30 June 2021	2,527	2,527	1,899
	Accumulated Funds Actual 2020 \$'000	Total Equity Actual 2020 \$'000	
Balance at 1 July 2019	-	-	
<i>Comprehensive Income</i>			
Operating Surplus	184	184	
Total Comprehensive Income	184	184	
Transactions Involving Owners Affecting Accumulated Funds			
Capital Injections	775	775	
Total Transactions Involving Owners Affecting Accumulated Funds	775	775	
Balance at 30 June 2020	959	959	

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



**ACT Integrity Commission
Statement of Cash Flows
For the Year Ended 30 June 2021**

	Note No.	Actual 2021 \$'000	Original Budget 2021 \$'000	Actual 2020 \$'000
Cash Flows from Operating Activities				
Receipts				
Controlled Recurrent Payments		3,827	4,087	1,768
Goods and Services Tax Input Tax Credits from the Australian Taxation Office (ATO)		272	-	9
Goods and Services Tax Collected from Customers		68	-	-
Other		734	669	-
Total Receipts from Operating Activities		4,901	4,756	1,777
Payments				
Employee		2,032	1,943	884
Superannuation		226	197	103
Supplies and Services		1,423	1,947	321
Goods and Services Tax Paid to Suppliers and Remitted to the Australian Taxation Office		370	-	21
Total Payments from Operating Activities		4,051	4,087	1,329
Net Cash Inflows from Operating Activities	17	850	669	448
Cash Flows from Investment Activities				
Payments				
Purchase of Property, Plant and Equipment		2,392	1,809	105
Purchase of intangibles		100	-	-
Total Payments from Investment Activities		2,492	1,809	105
Net Cash (Outflows) from Investing Activities		(2,492)	(1,809)	(105)
Cash Flows from Financing Activities				
Receipts				
Capital Injections		1,140	1,140	775
Total Receipts from Financing Activities		1,140	1,140	775
Payments				
Repayment of Lease Liabilities - Principal		21	-	-
Total Payments from Financing Activities		21	-	-
Net Cash Inflows from Financing Activities		1,119	1,140	775
Net (Decrease)/Increase in Cash		(524)	-	1,118
Cash at the Beginning of the Reporting Period		1,118	1,118	-
Cash at the End of the Reporting Period	17	594	1,118	1,118

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



ACT Integrity Commission
Statement of Appropriation
For the Year Ended 30 June 2021

	Original Budget 2021 \$'000	Total Appropriated 2021 \$'000	Appropriation Drawn 2021 \$'000	Appropriation Drawn 2020 \$'000
Controlled Recurrent Payments (CRP)	4,087	4,087	3,827	1,768
Capital Injections	1,140	1,140	1,140	775
Total Appropriation	5,227	5,227	4,967	2,543

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

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.

Reconciliation of Appropriation for 2020-21

	CRP 2021 \$'000	Capital Injections 2021 \$'000
Original Appropriation for 2020-21	4,087	1,140
Total Appropriated	4,087	1,140
Undrawn Funds	(260)	-
Total Appropriation Drawn	3,827	1,140

Controlled Recurrent Payments (CRP)

Variance between 'Total Appropriated' and 'Appropriation Drawn'

The difference of \$0.260 million between the Total Appropriated and Appropriation Drawn is due to the delayed establishment of the Commission and recruitment of several positions.



ACT Integrity Commission
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For the Year Ended 30 June 2021

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ACT Integrity Commission Notes to and Forming Part of the Financial Statements For the Year Ended 30 June 2021

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 2018* (the Act) and is an independent statutory authority. 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.
- foster public confidence in the Legislative Assembly and public sector.

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.

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 significant accounting policies adopted for the year; and



ACT Integrity Commission Notes to and Forming Part of the Financial Statements For the Year Ended 30 June 2021

NOTE 2. Basis of Preparation of the Financial Statements – Continued

- 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 to comply with Australian Accounting Standards as required by the FMA. The financial statements have been prepared in accordance with:

- i. Australian Accounting Standards; 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.

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 2021 together with the financial position of the Commission as at 30 June 2021.

BUDGET FIGURES

To facilitate a comparison with the Budget Papers, as required by the FMA, budget information for 2020-21 has been presented in the financial statements. Budget numbers in the financial statements are the original budget numbers that appear in the Budget Papers.

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.

GOING CONCERN

The Commission's 2020-21 financial statements have been prepared on a going concern basis as the ongoing functions, activities and funding of the Commission have been funded in 2021-22 under section 7 of the *Financial Management Act 1996*, there have been no legislative amendments proposed or passed to disestablish or modify the status of the Commission, and the Government has engaged with the Commission in development of the 2021-22 Budget.



ACT Integrity Commission
Notes to and Forming Part of the Financial Statements
For the Year Ended 30 June 2021

INCOME NOTES

Note 3 Controlled Recurrent Payments

	2021	2020
	\$'000	\$'000
Revenue from the ACT Government		
Controlled Recurrent Payments	3,827	1,768
Total Controlled Recurrent Payments	<u>3,827</u>	<u>1,768</u>

Total Controlled Recurrent Payments – The increase of \$2,059,000 relates to additional funding that was received to cover the cost of additional staff and supplies and services, including funding to cover the Commission's new office accommodation in Kingston.

Controlled Recurrent Payments is revenue received from the ACT Government to fund the costs of delivering outputs.

Appropriations are recognised when the Commission gains control over the funding which is normally obtained upon the receipt of cash, given they do not contain enforceable and sufficiently specific performance obligations as defined by Australian Accounting Standards Board (AASB) Accounting Standard 15.

Capital injection appropriations are not recognised as income, but instead are recognised as a cash inflow which is used to purchase/build an asset(s) or to reduce a liability(s).

Note 4 Other Revenue

	2021	2020
	\$'000	\$'000
Revenue from Non-ACT Government Entities		
Other Revenue	676	-
Interest Received	5	-
Total Other Revenue	<u>681</u>	<u>-</u>

Total Other Revenue – The \$681,000 mainly relates to a cash payment received from the building owner of the Commission's new office in Kingston. This payment was received as a contribution towards the cost of the office fit-out and was in lieu of a rent-free period.



ACT Integrity Commission
Notes to and Forming Part of the Financial Statements
For the Year Ended 30 June 2021

EXPENSE NOTES

Note 5 Employee Expenses

	2021	2020
	\$'000	\$'000
Wages and Salaries	1,945	917
Annual Leave	84	36
Long Service Leave	190	51
Other Employee Benefits and On-Costs	13	18
Total Employee Expenses	2,232	1,022

Total Employee Expenses – The increase of \$1,210,000 relates to additional staff employed by the Commission during 2020-21 to assist with the Commission's increasing workload and legislative responsibilities, including the assessment and investigation of public interest disclosures.

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 twelve months (see - Note 14 Employee Benefits if longer than 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.

Total Employee Expenses for 2020-21 includes the cost of 12.8 staff (2019-20: 7 Staff), plus the Commissioner.

Note 6 Superannuation Expenses

	2021	2020
	\$'000	\$'000
Superannuation Payment to ComSuper (for the PSSAP)	51	4
Superannuation to External Providers	175	101
Total Superannuation Expenses	226	105

All Commission employees 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.



ACT Integrity Commission
Notes to and Forming Part of the Financial Statements
For the Year Ended 30 June 2021

Note 7 Supplies and Services

	2021	2020
	\$'000	\$'000
Accommodation, Rent, Hire and Utilities	339	59
Audit Fees ^a	42	33
Contractors and Consultants	421	112
Inspector Fees (Commonwealth Ombudsman)	96	96
Legal Services	64	35
Shared Services Finance, Human Resources and ICT Services	102	60
Training and Recruitment	188	34
Other Expenses	192	60
Total Supplies and Services	1,445	489

Total Supplies and Expenses - The increase of \$956,000 mainly relates to contractors engaged on short-term contracts to assist with administration and investigations, and increased accommodation costs associated with the relocation to the new office located in Kingston. The increase in Training and Recruitment and Other Expenses mainly relates to increased recruitment of employees and procurement of additional resources to facilitate an expansion of the Commission's activities in its second year of operation.

a) Audit Fees consists of financial audit services provided to the Commission by the ACT Audit Office. No other services were provided by the ACT Audit Office.

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 which do not fall within the current classification are classified as non-current.

Note 8 Cash

	2021	2020
	\$'000	\$'000
Cash at Bank	594	1,118
Total Cash	594	1,118

Total Cash – The decrease of \$524,000 is mainly due to the payment of costs associated with the fit-out of the Commission's new office, that were accrued in 2019-20.

Note 9 Receivables and Other Assets

	2021	2020
	\$'000	\$'000
Receivables		
GST Receivable	43	12
Trade Debtors	3	-
Total Receivables	46	12
Other Assets		
Prepayments	73	-
Total Other Assets	73	-
Total Receivables and Other Assets	119	12

Total Receivables and Other Assets – The increase of \$107,000 is mainly due to the prepayment of software subscriptions.



ACT Integrity Commission
Notes to and Forming Part of the Financial Statements
For the Year Ended 30 June 2021

Note 10 Plant and Equipment

	2021 \$'000	2020 \$'000
Equipment		
Equipment at Cost	36	-
Less: Accumulated Depreciation	(4)	-
Total Equipment	32	-
Leasehold Improvements		
Leasehold Improvements at Cost	2,506	-
Less: Accumulated Depreciation	(212)	-
Total Leasehold Improvements	2,294	-
Right of Use (ROU) Motor Vehicles		
ROU Motor Vehicles	61	61
Less: Accumulated Depreciation	(24)	(3)
Total Right of Use Motor Vehicles	37	58
Total Plant and Equipment	2,363	58

Total Plant and Equipment – The increase of \$2,305,000 is mainly related to costs associated with the fit-out of the Commission's new office in Kingston.

Reconciliation of Plant and Equipment

The following table shows the movement of Plant and Equipment during 2020-21.

	Equipment \$'000	Leasehold Improvements \$'000	ROU Motor Vehicles \$'000	Total \$'000
Carrying Amount at the Beginning of the Reporting Period	-	-	58	58
Additions	36	2,506	-	2,543
Depreciation	(4)	(212)	(20)	(237)
Carrying Amount at the End of the Reporting Period	32	2,294	37	2,363



ACT Integrity Commission
Notes to and Forming Part of the Financial Statements
For the Year Ended 30 June 2021

Note 10 Plant and Equipment - Continued

The following table shows the movement of Plant and Equipment during 2019-20.

	Equipment \$'000	Leasehold Improvements \$'000	ROU Motor Vehicles \$'000	Total \$'000
Carrying Amount at the Beginning of the Reporting Period	-	-	-	-
Additions	-	-	61	61
Depreciation	-	-	(3)	(3)
Carrying Amount at the End of the Reporting Period	-	-	58	58

Plant and equipment includes equipment, leasehold improvements and right of use motor vehicles.

ACQUISITION AND RECOGNITION OF PROPERTY, PLANT AND EQUIPMENT

Property, plant and equipment is initially recorded at cost.

Where property, plant and equipment is 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.

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.



ACT Integrity Commission
Notes to and Forming Part of the Financial Statements
For the Year Ended 30 June 2021

Note 11 Capital Works in Progress

	2021	2020
	\$'000	\$'000
Leasehold Improvements	101	863
Total Capital Works in Progress	101	863

Reconciliation of Capital Works in Progress

The following table shows the movement of Capital Works in Progress during 2020-21.

	Leasehold Improvement Works in Progress \$'000	Total \$'000
Carrying Amount at the Beginning of the Reporting Period	863	863
Additions	1,744	1,744
Capital Works in Progress Completed and Transferred to Leasehold Improvements	(2,506)	(2,506)
Carrying Amount at the End of the Reporting Period	101	101

The following table shows the movement of Capital Works in Progress during 2019-20.

	Leasehold Improvement Works in Progress \$'000	Total \$'000
Carrying Amount at the Beginning of the Reporting Period	-	-
Additions	863	863
Carrying Amount at the End of the Reporting Period	863	863

Capital Works in Progress are assets being constructed over periods of time in excess of the present reporting period. These assets often require extensive installation work or integration with other assets, and contrast with simpler assets that are ready for use when acquired, such as motor vehicles and equipment. Capital Works in Progress are not depreciated as the Commission is not currently deriving any economic benefit from them.

The Commission's Capital Works in Progress all relates to the fit-out of its ACT Government leased premises in Kingston.



ACT Integrity Commission
Notes to and Forming Part of the Financial Statements
For the Year Ended 30 June 2021

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.

Note 12 Payables

	2021 \$'000	2020 \$'000
Current Payables		
Trade Payables	175	43
Accrued Expenses	119	851
Total Current Payables	<u>294</u>	<u>894</u>

Total Current Payables - The decrease of \$600,000 mainly relates to the payment of costs accrued in 2019-20 relating to the fit-out of the Commission's new office in Kingston.

All Payables are not overdue.

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 normally settled within 30 days of the invoice date, within 30 days of the receipt of goods and services, or within agreed payment terms. Payables include Trade Payables and Accrued Expenses.

Classification of ACT Government/Non-ACT Government Payables

Payables with ACT Government Entities

Trade Payables	40	9
Accrued Expenses	61	179
Total Payables with ACT Government Entities	<u>101</u>	<u>188</u>

Total Payables with ACT Government Entities

Payables with Non-ACT Government Entities

Trade Payables	134	34
Accrued Expenses	59	672
Total Payables with Non-ACT Government Entities	<u>193</u>	<u>706</u>
Total Payables	<u>294</u>	<u>894</u>

All Payables are not overdue.



ACT Integrity Commission
Notes to and Forming Part of the Financial Statements
For the Year Ended 30 June 2021

Note 13 Lease Liabilities

The Commission holds 2 motor vehicle leases and the terms are 3 years. These leases allow for extensions, but have no terms of renewal or purchase options, nor escalation clauses.

	2021 \$'000	2020 \$'000
Current Lease Liabilities		
Lease Liabilities	20	20
Total Current Lease Liabilities	<u>20</u>	<u>20</u>
Non-Current Lease Liabilities		
Lease Liabilities	17	38
Total Non-Current Lease Liabilities	<u>17</u>	<u>38</u>
Total Lease Liabilities	<u><u>37</u></u>	<u><u>58</u></u>
Right-of-Use Assets		
	Motor vehicles	Total
	\$'000	\$'000
Balance at 1 July 2020	58	58
Depreciation charge	(20)	(20)
Balance at 30 June 2021	<u><u>37</u></u>	<u><u>37</u></u>


The maturity analysis of lease liabilities at 30 June 2021 based on contractual undiscounted cash flows is shown below.

	2021 \$'000	2020 \$'000
Lease Liabilities		
Payable:		
within one year	21	21
later than one year but not later than five years	18	39
Total undiscounted lease liabilities	<u>39</u>	<u>61</u>
Lease liabilities included in the Balance Sheet	<u><u>37</u></u>	<u><u>58</u></u>

Operating Statement

The amounts recognised in the operating statement relating to leases where the Commission is a lessee are show below.

	2021 \$'000	2020 \$'000
Depreciation of right-of-use assets	20	3



ACT Integrity Commission
Notes to and Forming Part of the Financial Statements
For the Year Ended 30 June 2021

Note 14 Employee Benefits

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 100.2% (100.9% in the previous financial year); and
- payments for long service leave is 108.7% (113.6% 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, 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 3 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 this assessment in April 2019. The next actuarial review is expected to be undertaken by early 2022.



ACT Integrity Commission
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Note 14 Employee Benefits - Continued

	2021 \$'000	2020 \$'000
Current Employee Benefits		
Annual Leave	120	36
Long Service Leave	198	45
Accrued Salaries	55	51
Other Benefits	-	2
Total Current Employee Benefits	<u>373</u>	<u>134</u>
Non-Current Employee Benefits		
Long Service Leave	43	6
Total Non-Current Employee Benefits	<u>43</u>	<u>6</u>
Total Employee Benefits	<u><u>416</u></u>	<u><u>140</u></u>
Estimated Amount Payable within 12 Months		
Annual Leave	109	-
Long Service Leave	31	-
Accrued Salaries	55	51
Other Benefits	-	2
Total Employee Benefits Payable within 12 Months	<u>195</u>	<u>53</u>
Estimated Amount Payable after 12 Months		
Annual Leave	11	36
Long Service Leave	210	51
Total Employee Benefits Payable after 12 Months	<u>221</u>	<u>87</u>
Total Employee Benefits	<u><u>416</u></u>	<u><u>140</u></u>

Total Employee Benefits - The increase of \$276,000 mainly relates to the Commission's increase in employees during 2020-21, including the recognition of prior service and entitlements for employees recruited from Commonwealth and State Government public sector entities.



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OTHER NOTES

Note 15 Financial Instruments

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. The Commission's credit risk is limited to the amount of the financial assets it holds net of any allowance for impairment. The Commission's credit risk is managed by investing surplus funds with a high credit quality financial institution (Westpac Bank).

Credit risk is therefore considered to be low.

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. The main source of cash to pay these obligations is appropriation from the ACT Government which is paid on a fortnightly basis during the year. The Commission manages its liquidity risk by forecasting appropriation drawdown requirements to enable payment of anticipated obligations.

Carrying Amount of Each Category of Financial Asset and Financial Liability

	Note No.	2021 \$'000	2020 \$'000
Financial Assets			
Cash	8	594	1,118
Receivables	9	46	12
Total Financial Assets		640	1,131
Financial Liabilities			
Payables	12	175	43
Lease Liabilities	13	37	58
Total Financial Liabilities		212	101

The weighted average interest rate for Cash in 2020-21 was 0.09% (2019-20: 1.51%).



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Note 16 Commitments

Capital Commitments	2021	2020
	\$'000	\$'000
Within one year	-	1,760
Total Capital Commitments	<u>-</u>	<u>1,760</u>

Capital commitments contracted at reporting date that have not been recognised as liabilities, are payable as above.

Total Capital Commitments - The decrease of \$1,760,000 relates to work being completed on the fit-out of the Commission's new office in Kingston.

Other Commitments	2021	2020
	\$'000	\$'000
Within one year	75	6
Later than one year but not later than five years	32	11
Later than 5 years	8	-
Total Other Commitments	<u>115</u>	<u>17</u>

Other commitments contracted at reporting date that have not been recognised as liabilities, are payable as above.

Total Other Commitments - The increase of \$112,000 mainly relates to an increase in leases for ICT Equipment from Shared Services and service contracts.

Where the value of a leased asset is low value, the Commission has used the exemption for leases of low value assets and accounts for the expense through the Operating Statement as incurred.



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Note 17 Cash Flow Reconciliation

	2021 \$'000	2020 \$'000
a) Reconciliation of Cash at the End of the Reporting Period in the Statement of Cash Flows to the Equivalent Items in the Balance Sheet		
Total Cash Recorded in the Balance Sheet	594	1,118
Cash at the End of the Reporting Period as Recorded in the Statement of Cash Flows	594	1,118
b) Reconciliation of the Operating Surplus to the Net Cash Inflows from Operating Activities		
Operating Surplus	427	184
Add Non-Cash Items		
Depreciation of Property, Plant and Equipment	240	3
Cash Inflows Before Changes in Operating Assets and Liabilities	667	187
Changes in Operating Assets and Liabilities		
(Increase) in Receivables	(107)	(12)
Increase in Payables	36	133
(Decrease) in Contract Liabilities	(21)	-
Increase in Employee Benefits	276	140
Net Changes in Operating Assets and Liabilities	184	261
Net Cash Inflows from Operating Activities	850	448

c) Reconciliation of Liabilities Arising from Financing Activities

	2020 \$'000	Cash Flows	Non-cash changes		2021 \$'000
			New Leases	Other	
Lease Liabilities	58	(21)			37
Debt	58	(21)	-	-	37



ACT Integrity Commission
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Note 18 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.

	2021	2020
	\$'000	\$'000
Short-term employee benefits	740	644
Post employment benefits	74	65
Other long-term benefits	9	7
Total Compensation by the Commission to KMP	<u>823</u>	<u>716</u>

A.2 Transactions with Key Management Personnel

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



ACT Integrity Commission
Notes to and Forming Part of the Financial Statements
For the Year Ended 30 June 2021

Note 19 Budgetary Reporting

SIGNIFICANT ACCOUNTING JUDGEMENTS

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
- The variances (original budget to actual) are greater than plus (+) or minus (-) 2.5% and \$500,000 of the budget for the financial statement line item.

Operating Statement Line Items	Actual	Original	Variance	Variance
	2020-2021	Budget		
	\$'000	2020-21	\$'000	%
		\$'000		
Other Revenue ^a	681	-	681	-
Employee Expenses ^b	2,232	1,943	289	14.9
Supplies and Services ^c	1,445	1,880	(435)	(23.1)

Variance Explanations

- a. Other Revenue – The variance of \$681,000 mainly relates to a cash payment received from the building owner of the Commission's new office in Kingston. This payment was received as a contribution towards the cost of the office fit-out and was in lieu of a rent-free period. This variance is related to the Other Provisions ^f Balance Sheet budget variance.
- b. Employee Expenses – The variance of \$289,000 relates to additional staff employed by the Commission during 2020-21 to assist with the Commission's increasing workload and legislative responsibilities, including the assessment and investigation of public interest disclosures.
- c. Supplies & Services – The variance of \$435,000 relates to the Commission only being in its second year of operation and not operating at full capacity, reducing the Commission's requirement for supplies and services in 2020-21.

Balance Sheet Line Items	Actual	Original	Variance	Variance
	2020-2021	Budget		
	\$'000	2020-21	\$'000	%
		\$'000		
Cash ^d	594	1,118	(524)	(46.9)
Payables ^e	294	895	(601)	(67.2)
Other Provisions ^f	-	602	(602)	(100.0)

Variance Explanations

- d. Cash – The variance of \$524,000 mainly relates to the payment of office fit-out costs in 2020-21 which was anticipated to be payable at 30 June in the budget.
- e. Payables – The variance of \$601,000 mainly relates to the payment of office fit-out costs in 2020-21 and is offset by the Cash budget variance.



ACT Integrity Commission
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Note 19 Budgetary Reporting - Continued

- f. Other Provision – The variance of \$602,000 relates to a cash payment received from the building owner of the Commission's new office in Kingston for the office fit-out and was in lieu of a rent-free period. This variance relates to the Other Revenue^a Operating Statement budget variance.

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	Original	Variance	Variance
	2020-2021	Budget		
	\$'000	2020-21	\$'000	
		\$'000		
Supplies and Services ^k	1,423	1,947	(524)	(26.9)
Purchase of Property, Plant and Equipment ^h	2,392	1,809	583	32.2

Variance Explanations

- g. Supplies and Services – The variance of \$524,000 mainly relates to office fit-out costs that were included in the Supplies & Services budget and should have been included in the Purchase of Property, Plant and Equipment budget.
- h. Purchase of Property, Plant and Equipment – The variance of \$583,000 mainly relates to office fit-out costs that were included in the Supplies & Services budget and should have been included in the Purchase of Property, Plant and Equipment budget.





PART **F**

APPENDICES



Appendix A – Proposed legislative amendments

Amendments proposed regarding definition of corrupt conduct

Amendment of s 9(1)(a) to deal with wrongful conduct by Ministers or Members of the Legislative Assembly

As the definition of *corrupt conduct* presently stands, in addition to certain other criteria, it must involve a criminal offence, a serious disciplinary offence or constitute reasonable grounds for dismissing, dispensing with the services of or otherwise terminating the services of a public official. It is doubtful that the second and third of these criteria could apply to a Minister or Member of the Assembly, so that these officers can only come within the jurisdiction of the Commission where they may have committed a criminal offence. However, there is a wide range of serious misconduct constituting a breach of public trust that may require examination by the Commission which does not amount to a criminal offence. Serious breaches of the applicable code of conduct would appear to fall into this category. The Commission recommends that the definition be expanded accordingly.

Section 9(1)(b) adds conditions that must be satisfied before the jurisdiction of the Commission is engaged, in effect to ensure its investigations are directed only to serious and substantial wrongdoing.

Amendments required regarding compulsory production of documents or things

Amendment to s 91 and s 148(1)(b) to include material in a person's custody

These provisions currently confine the Commission's document compulsion powers to material in a 'person's possession or control'. The usual phrasing in compulsory production is tripartite: possession, custody, or control. Whilst these notions are related, custody is distinct from the other two concepts by fastening on the mere actual physical or corporal holding of a document or thing, regardless of connected legal rights.

The Commission ought to be able to obtain material, for example, that has been placed in someone else's custody (to thwart the Commission or otherwise),



	<p>and suggests that, for clarity and completeness, the provisions should be amended.</p>
<p>Introduction of a provision to allow for the possibility of a person other than the notice recipient to comply with the notice</p>	<p>Part 3.3 of the IC Act, concerning Preliminary Inquiries, permits the giving of a notice to a person requiring the production of documents and/or things and imposes obligations on that person to attend the Commission, produce the documents/things, and seal any documents that are the subject of a claim of privilege. Section 147(1)(b) summonses to produce documents/things for the purposes of an investigation impose similar responsibilities.</p> <p>There may well be occasions where, absent a lawyer, a recipient may wish to send a trusted colleague to attend the Commission on their behalf, especially where there is no issue about production. The Commission considers the IC Act ought to be amended to allow for this. Any amendments would need to take careful account of the architecture and restrictions imposed by the confidentiality notice regime but this is a mere drafting technicality. An example of an appropriate provision is s 22(2) of the <i>Independent Commission Against Corruption Act 1988</i> (NSW) (ICAC Act), which states:</p> <p><i>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.</i> (Emphasis added)</p>
<p>Production in the course of an examination</p>	<p>When a person is before the Commission being examined, they may well have in their possession a document or thing that is relevant to the investigation, which might, for example, be notes of what they intend to say, information from another witness or a mobile telephone. It is conventional 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.</p>



	<p>Section 35 of the ICAC Act, which is broadly equivalent to s 147 of the IC Act, gives the ICAC the power to summons a witness and take evidence and also empowers the Commission to order the production of a document or thing in the course of a hearing/examination, as matters arise.</p> <p>The IC Act should provide the Commission with the same power.</p>
<p>Amendment to s 90(2)(a) (power to issue a preliminary inquiry notice) and s 147(2)(a) (power to issue examination summons) to enable exercise of power where reasonably required</p>	<p>Both of these paragraphs enable the Commission to issue a preliminary inquiry notice or an examination summons only if satisfied the production of a document or other thing is 'necessary' for the preliminary inquiry or investigation (respectively).</p> <p>In ordinary parlance the term 'necessary' is sometimes thought to mean 'essential', although it is clearly not used in that sense in the IC Act. In the context of the exercise of a power, it is usually taken to mean what is reasonably required, which is the sense it seems in which it is used in s 90(2)(a) and s 147(2)(a).</p> <p>To avoid confusion, the Commission recommends that 'necessary' be replaced with 'reasonably required to assist the Commission'. Such an amendment would incorporate language similar to that in the ICAC Act (for example, s 20A(2)), and would prevent the Commission from being embroiled in unnecessary litigation.</p>
<p>Amendment to amend service period in ss 93 and 150(1) to permit varied service periods</p>	<p>Sections 93 and 150(1) respectively govern the default minimum service period for preliminary inquiry notices and summonses for production of documents or attendance at an examination. The effect of s 151 of the <i>Legislation Act 2001</i> is that both the date of service and the date for compliance are excluded, providing a minimum nine days' window.</p> <p>However, under s 150(2) of the IC Act, an examination summons can require immediate attendance (for production or examination) by a person before the Commission if it considers on reasonable grounds that a delay in compliance is</p>



likely to result in evidence being lost or destroyed, the commission of an offence, the escape of the person who is summonsed, or serious prejudice to the conduct of the investigation. Thus the alternatives are either seven clear days (or more) or no delay between service and attendance.

This is unnecessarily restrictive. It should be possible, where it is reasonable to do so, to require attendance say in two or three days. This might occur, for example, where the existence or whereabouts of a relevant document or thing becomes known during an examination and it would be inefficient or inconvenient to wait for nine days to obtain it and it may be arguable whether the specified exceptions apply. Immediate production might, at all events, impose an unreasonable burden on the recipient. Equally, the Commission may wish to summons a new witness whose identity comes to light (say, as part of a community approach made in the course of a public examination) to give evidence in one or two days' time, but their immediate attendance is not needed (and the exceptions in s 150(2) are not satisfied because of the nature of the witness).

Other examples can be given. The structures of s 150 imposes an arbitrary and unnecessary limit on the Commission's ability to proceed in the most efficient manner. It is, of course, appropriate to give reasonable notice to the recipient of a notice or summons of an obligation to produce or attend. Seven clear days is, prima facie, such notice (although, of course, it has no intrinsic quality). However, the variety of circumstances in which a lesser period would be appropriate, recognising both the operational requirements of an investigation and need to be fair to those affected by the Commission's compulsory powers, strongly suggest that greater flexibility should be permitted.

It is suggested that, whilst the default period of seven days should remain, a shorter period should be permitted where the Commissioner considers it is necessary or desirable in the interests of the efficient and effective conduct of a preliminary inquiry or an



	<p>investigation and does not impose an unreasonable burden on the person affected.</p> <p>In deciding whether the burden is unreasonable, the Commissioner could be required to consider the exceptions specified in s 151(2).</p>
Amendments required regarding examinations	
<p>An amendment to s 217A of the <i>Corrections Management Act 2007</i></p>	<p>In its current form, this provision has the effect of preventing the Director-General from producing a detainee to the Commission where they are summonsed to give evidence unless the detainee consents. No provision for consent exists for any other category of person the Commission might summons. There is an argument possibly available that the detainee will commit a contempt of the Commission for refusing consent, but this is most uncertain, and such uncertainty is undesirable.</p> <p>The amendment could also be effected by way of the introduction of a new s 217B of the <i>Corrections Management Act 2007</i> that is specific to the Commission, or a new s 147A of the IC Act to deal specifically with the attendance of summonsed prisoners before the Commission.</p> <p>It is noted that s 39 of the ICAC Act provides a model of the kind sought by the Commission.</p>
<p>Amendment to s 156(1)(c) to correct a typographical error</p>	<p>This provision requires the Commission to tell a witness in an examination about their rights and obligations under s 148(2). However, the provision is meant to refer to s 148(3), and the reference to s 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 s 148(3).</p> <p>The Commission has contacted the Parliamentary Counsel's Office, which confirmed the reference to s 148(2) is a typographical error in the legislation, and the provision should instead refer to s 148(3).</p>



Amendments required regarding privileges

Legal professional privilege – partial abrogation

Section 175 abrogates two privileges that would otherwise be available to a witness/party 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/entities to refuse to produce documents or things or provide answers to questions in an examination that are protected. The object of the IC Act is to ensure a full and independent investigation in the public interest of corrupt conduct that could involve the commission of criminal offences or serious misconduct.

For this reason, the Commission must be able to have access to all relevant facts in the hands of the public officials or public entities concerning the issues under examination. There is no public policy consideration that should operate to enable legal communications by those persons or bodies to be kept secret from the integrity agency that has been specifically instituted for the purpose of examining their conduct. This is especially so when the legal communications have been made or obtained at public expense, one way or another. The exercise of public responsibilities requires accountability, including in relation to assisting the Commission in the exercise of its functions. Communications with lawyers are simply part of the executive functioning of government which necessarily cannot be kept secret from the body charged with the responsibility of ensuring integrity.

Accordingly, s 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 has 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 continues to be important and should not be abrogated.

It is noted that it may well be necessary, in the public interest, to maintain the confidentiality of the communications otherwise protected by this privilege. Under the IC Act, in its present form, such arrangements can already be made. Such amendments would bring the IC Act closer to the equivalent provisions contained in the ICAC Act (ss 24 and 37(2)), the *Royal Commissions Act 1923* (NSW) (s 17), and the *Royal Commissions Act 1902* (Cth) (ss 2(5), 6AA), which allows 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 s 175 has only been abrogated in relation to s 147 examination summonses (requiring the production of documents or things and attendance for the purpose of an examination). However, the privileges are currently available to be claimed in preliminary inquiries where the Commission requests a statement under s 89 or requires production of a document or thing under s 90. A preliminary inquiry notice may be issued only if 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, having regard, amongst other things, whether it is reasonably practicable to obtain the information in the document or other thing in another way.

Since the purpose of a preliminary inquiry is, in substance, to determine whether an investigation is warranted, it is illogical to prevent the Commission from obtaining what might well be evidence determinative of this at the preliminary stage when it would be available to it for the purpose of an



investigation, were one considered to be appropriate. For the same reasons applying to the application of legal professional privilege to investigations, the privilege should be abrogated in relation to preliminary inquiries so far as public officials and public entities are concerned.

Accordingly, the Commission seeks an amendment to abrogate these privileges in relation to statements requested under s 89 and preliminary inquiry notices issued under s 90. Assuming that an amendment is also introduced to empower statements to be obtained in the course of an investigation, the Commission considers the abrogation in s 175 ought to be also extended to the exercise of that power.

The 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 the person on any attendance or examination.

It may be necessary, in the event that the above amendments are made, to consequentially amend the definition of *privilege* in s 174.

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

Division 3.6.2 of the IC Act establishes a process for the adjudication of claims of privilege. This requires the Commission to apply to the Supreme Court of the ACT to decide whether the privilege claim is made out 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 IC Act requires the Commissioner to have been a judge of a superior court of record in Australia (unless the exception in s 26(2) is enlivened in relation to s 26(1)(e), which at



	<p>all events requires the appointee to be qualified for judicial appointment).</p> <p>The Commissioner has the advantage of being aware of the potential significance of the material to which objection is taken in the context of an ongoing investigation, which is all the more significant where the privilege requires the balancing of public interest in accordance with Division 3.10.1C of the <i>Evidence Act 2011</i> (journalist privilege) or s 130 of that Act (public interest immunity).</p> <p>Such an amendment would also have the benefit of expediting the resolution of privilege claims and reducing costs.</p>
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Dealing with privilege claims when the ACT is in lockdown	<p>As noted above, Division 3.6.2 sets out a process for the making and adjudication of privilege claims in relation to examination summonses. This includes a requirement that the privilege claimant <i>attend</i> the Commission in accordance with the summons (s 161(2)), and then where the requirement to produce is pressed, the material must be ‘immediately secure[d]’, through ‘sealing in an envelope or otherwise’ (s 161(3)(b)).</p> <p>These procedures do not adequately allow for movement and lockdown restrictions imposed by public health orders and the like. A further provision should be added to Division 3.6.2 which enables the Commission to deal with privilege claims in such circumstances without jeopardising the health and safety of Commission staff or visitors to the Commission.</p>
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Amendments required regarding statements of information

An amendment to s 89 to enable the Commission to request information from public officials	<p>At present, s 89 only empowers 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 SERBIRs). It also fails to account for possible circumstances where the head of the public sector entity is themselves the subject of a Commission preliminary inquiry or where making the</p>
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	<p>request to them would have the possible effect of jeopardising a Commission preliminary inquiry. Furthermore, any creation of an equivalent to s 89 for investigations ought also to be wide enough to encompass statements from this broader category of public official. The scope of the provision is also unclear, in particular whether it requires information known only to the head of service or obliges the head of service to make inquiries of relevant officials and, if so, to identify them. Clearly first-hand information is preferable to hearsay.</p> <p>Accordingly, s 89 should be amended to enable the request to be directed to any public official.</p>
<p>An amendment to enable statements of information to be required for investigations</p>	<p>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 but no such provision is available to the Commission for investigations. Whilst it is true that, in an investigation, the Commission has powers to obtain evidence by way of personal attendance at an examination, in many instances, especially where the required information is likely to be uncontroversial, obtaining it in this way is cumbersome, inconvenient, expensive and should be unnecessary.</p> <p>The Commission should be empowered, both for the purposes of a preliminary inquiry and an investigation, to require specified information to be provided in writing. There is no good reason for limiting this obligation to a head of service (who, at all events, may be required to obtain the information from another official) and it is just as useful to avoid the necessity for requiring personal attendance of a relevant official as well as the head of service at an examination where it is convenient to do so. The protections of privilege would still apply, as would immunity from use of the information against the person in any prosecution. A confidentiality notice could also, for obvious reasons, be issued. This is an efficient and relatively inexpensive investigatory tool, especially for obtaining non-contentious information.</p>



<p>Amendment to permit voluntary and compelled statements to be subject to confidentiality requirements during preliminary inquiries</p>	<p>In some cases, it is useful for investigators to obtain information informally from a witness (eg as to the location or identity of a person of interest). In order not to prejudice the investigation it will most often be necessary to ensure confidentiality. As the IC Act stands at present, confidentiality notices can only be issued in the course of a preliminary inquiry when the Commission gives a person a preliminary inquiry notice (which requires the production of documents or things).</p> <p>It would safeguard the course of investigations if confidentiality notices could be given to all persons with whom Commission investigators communicate, during preliminary inquiries, whether formally or informally. This would include in relation to s 89 requests for statements. Of course, as with confidentiality notices issued currently, they would operate without prejudice to the recipient's ability to obtain legal advice or professional medical assistance.</p>
<p>Amendments required regarding witness expenses and legal assistance</p>	
<p>A regulation pursuant to s 171 be made concerning legal assistance</p>	<p>Such a regulation is contemplated by s 171 of the IC Act to provide for Territory funded legal assistance for witnesses called to give oral evidence in an examination before the Commission.</p> <p>The Commission understands that the Chief Minister, Treasury and Economic Development Directorate is already considering such a proposal, and the Commission supports that work.</p>
<p>A regulation pursuant to s 172 be made concerning other witness expenses</p>	<p>Such a regulation is contemplated by s 172, 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.</p> <p>The Commission understands that the Chief Minister, Treasury and Economic Development Directorate is already considering such a proposal, and the Commission supports that work.</p>



<p>An amendment to s 171 to cover legal costs associated with document production</p>	<p>In its current form, s 171 is confined to legal costs associated with appearances to give evidence at the Commission and does not apply to the legal costs associated with the production of documents and things (eg, obtaining advice with respect to the scope of the notice or claims of privilege).</p> <p>The Commission suggests consideration ought to be given to extending assistance to the latter situation. Any assistance should be confined to legal costs reasonably incurred by private individuals and private bodies, or such other circumstances as the Territory sees fit.</p>
<p>An amendment to s 72 to cover witness costs associated with document production requirements</p>	<p>In its current form, s 172 is confined to witness expenses associated with appearances to give evidence at the Commission, as distinct from the cost of producing documents and things.</p> <p>The Commission suggests consideration ought to be given to expressly extending assistance to the latter where it is incurred by private individuals and private bodies, or such other circumstances as the Territory sees fit.</p>
<p>Amendments required regarding arrest and search warrants</p>	
<p>Amendment to s 160(6) to extend time in which arrested person must be released</p>	<p>This amendment to s 160(5)(c) 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’. 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 (for example).</p> <p>The Commission notes that a consequential amendment to s 160(6) is required, to provide as follows:</p> <ul style="list-style-type: none">• a police officer complies with the requirement of s 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



	<p>warrant has been executed on a day other than a business, on the next business day during the normal business hours in which the Commission operates; and</p> <ul style="list-style-type: none">• if, after arresting the person, the police officer believes on reasonable grounds that the person cannot be brought before the Commission within a reasonably practicable time, the police officer must immediately release the person.
<p>Amendment of s 159 (Examination - warrant to arrest witness who fails to appear)</p>	<p>The IC Act should permit the Commission to issue or apply for an arrest warrant where it is probable that a person whose evidence is desired, necessary and relevant to an investigation under the Act will not attend the Commission to give evidence unless compelled to do so and is about to, or is making preparations to leave the Territory and where the person's evidence will not be obtained by the Commission if the person departs.</p>
<p>An amendment to allow authorised officers and/or investigators to apply to a Magistrate for an arrest warrant</p>	<p>As s 159 currently reads, the Commission is authorised to apply to a Magistrate for a warrant. Pursuant to s 20, the Commission consists of the Commissioner, so only the Commissioner may make the application. It is, to a certain extent, inappropriate for one judicial (or quasi judicial) officer to be required personally to apply to another judicial officer for an arrest warrant.</p> <p>While the power in s 159 may be delegable, it is the Commission's preference that the section be amended to enable staff of the Commission, pursuant to the Commissioner's direction, to apply to a Magistrate.</p>
<p>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</p>	<p>Section 122(1) 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 if they were on the premises, that were in the physical possession of a person on the premises.</p>



Amendments required regarding secrecy provisions

Removal of ability to rely on secrecy requirement in s 95(1)(b)(ii)

Section 95 enables the recipient of a preliminary inquiry notice to rely on a secrecy requirement under a law in force in the Territory to resist producing a document/thing to the Commission. This avenue is not available to recipients of a summons to produce documents/things issued under s 147, and its inclusion in s 95 creates an unnecessary discrepancy in the IC Act and the Commission's powers.

Furthermore, it unnecessarily hampers 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 so 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 ss 81(b) and 297(3)(a) respectively may be suitable to effect these changes.

In addition, consequential amendments to enable the practitioner who has received such a disclosure to comply with professional responsibilities of care arising from that disclosure (ie on-disclosure by them) are also recommended.

Amendment to s 297(4) to narrow the circumstances in which the secrecy provisions can be overborne

Section 297 imposes a secrecy obligation on the Commissioner and Commission staff, and the Inspector and the Inspector's staff (and others exercising functions under the IC Act). Unauthorised use or divulgence of 'protected information' by those persons is a criminal offence. Section 297(3) specifies some exceptions, including in relation to court proceedings (s 297(3)(a)(iii)). Section 297(4) provides that a person need not disclose the protected information to a court 'unless it is necessary to do so for this (the IC Act) or another law in force in the Territory' (emphasis added).



	<p>The latter requirement creates uncertainty and has the potential to jeopardise Commission investigations. It also could create an unacceptable risk of inappropriately compromising the privacy, security or welfare of a person.</p> <p>The Commission considers that a more appropriate formula of words is 'except for the purposes of a prosecution or disciplinary proceedings instituted as a result of an investigation conducted by the Commission in the exercise of its functions'. This is language used in s 111(3) of the ICAC Act.</p>
<p>An amendment to include 'restricted information' as defined by s 76 in the definition of 'protected information' in s 297(5)</p>	<p>At present, the Commissioner, Commission staff, the Inspector and the Inspector's staff are restrained from using or divulging protected information, which does not include the categories of restricted information in s 76. There is no prohibition on these individuals revealing restricted information which, if it is not 'information about a person that is disclosed to or obtained' by them under the IC Act, is not considered protected information for the offence provision in s 297. This appears to be an oversight requiring correction.</p>
<p>The insertion of a general exception to secrecy provisions</p>	<p>The IC Act permits disclosure of confidential or secret information in specific circumstances. However, the highly variable character of investigations and the nature of the information obtained will 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 is proposed that this general exception be available 'in accordance with a direction of a Commissioner or Inspector, if a Commissioner or Inspector certifies that it is necessary to do so in the public interest', or similar circumstances.</p> <p>Such a provision is necessary to facilitate the Commission carrying out its core functions. For example, such a provision could be relied upon to provide necessary information to other agencies for the purpose of obtaining relevant evidentiary material from them. Commonwealth or non-ACT</p>



agencies, which are not compellable by the Commission, may be willing to provide the Commission with documents or information where the Commission can show an appropriate reason which, at present it may well not be able to do. This appears to impose an unnecessary restraint on the Commission's interactions with other responsible bodies.

Amendments required regarding mandatory reporting obligations

Amendments to clarify the intersection/ interoperability of the reporting obligations in s 62 of the Act and s 9(4) of the PSM Act

These sections impose incompatible reporting obligations on ACT public servants. In particular –

- Section 62 of the Act requires the head of a public sector entity and SES members to notify the Commission of *serious corrupt conduct* or *systemic corrupt conduct* of which they become aware.

These phrases are defined in the IC Act in terms that carry specific meanings and depart markedly from ordinary English usage. However, under s 9(4) of the 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' (emphasis added). The critical terms are not defined and, accordingly, have their common and ordinary meaning. Thus they may well not, in particular circumstances, cover the same ground as *serious corrupt conduct* or *systemic corrupt conduct* as defined by the IC Act. The scheme seems to be based on the mistaken assumption that the conduct required to be reported under the IC Act will include that required to be reported under the PSM Act. This uncertainty needs to be clarified.

- The IC Act covers 'public officials', which is defined as including classes of persons not comprehended by the term 'public servants'. These persons do not have reporting obligations either under the PSM Act or under the IC Act. There do not appear to be



any relevant considerations that justify the distinction.

- Wrongful conduct within the meaning of s 62 of the IC Act is more, or at least as likely, to come to the notice of public officials of lesser rank than the heads of public sector entities. There appear to be no good reasons that excuse them from reporting that conduct directly to the Commission.

In short, the Commission considers that:

- the broader term 'public official' should be used consistently across both the IC Act and the PSM Act;
- all public officials ought to have a positive duty to report 'corrupt conduct'; and
- 'corrupt conduct' ought be defined consistently (in both pieces of legislation) by reference to s 9 of the IC Act.

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

Amendment to require provision of a s 108 report to the Commission

Section 108(2) empowers the Commission to request a written report from a 'referral entity', following referral of a corruption report under s 107. The provision appears to operate without a concomitant *requirement* to provide such a report to the Commission, although that may be implicit. The requirement to provide a report (including one that addresses the matters in s 108(2)(a)-(b)) ought be made explicit. Provision to enable the Commissioner to comment publicly on such reports ought also be included.

Section 54 of the ICAC Act, and ss 66 and 67 of *Law Enforcement Integrity Commissioner Act 2006* (Cth), provide examples of such requirements in related jurisdictions.



Sections 188(5) and 212(5) - shortening of timeframe for comments on reports

Section 188 of the IC Act provides that a proposed investigation report must be given to certain persons for comment, in advance of presentation to the Legislative Assembly. It also governs how the Commission is to handle any such comments. Section 212 of the IC Act creates similar obligations in relation to 'special reports'.

Both provisions impose a minimum six week period for the submission of written comments (s 188(5) and s 212(5) respectively). The Commission considers this timeframe to be excessive, and that it ought be reduced to four weeks in each provision.

While this would shorten the default timeframe, in a complex case, or where a relevant person encounters difficulty responding within four weeks, the Commission will always consider applications for extensions of time and/or an elongated timetable.

Amendments to facilitate and protect 'whistle-blower' disclosures

Amendment to clarify non-applicability of penalties for voluntary disclosure

Section 288 of the IC Act and section 35 of the PID Act provide that if a person makes a corruption complaint or a PID to the Commission, the making of the complaint/PID is not a breach of certain rules/codes, and in the case of a PID about an MLA, not a contempt of the Assembly. The sections also provide that the reporter does not incur a civil or criminal liability merely because they have made the report/disclosure.

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



Amendments regarding reporting requirements in the Annual Report

Amendment to ensure integrity of investigations (content of Annual Report)

Amendment is sought to expressly provide that, where any Commission investigation might be prejudiced by disclosure, the Commission need not comply with the requirements of s 218.

In addition, a further amendment ought to be made to the effect that, where the Commissioner considers strict compliance with s 218(1)(b)(i) and/or s 218(1)(l)(i)(A) would create an unacceptable risk of inappropriately compromising the privacy, security or welfare of a person, to permit the description required to be in terms that avoid such risks.

Section 221(a) provides that the Commission must not include in the Annual Report any information that would compromise *another* investigation. This should cover *any* investigation that might be compromised by the disclosure. For the avoidance of doubt, the Commission considers that 'another' ought to be replaced by 'an'. This would facilitate and support the proposed amendments to s 218 above.

Amendments proposed regarding Commission employment matters

Amendment of s 50(2) (staff of the Commission - eligibility for appointment)

Amendment is sought to provide an exception to the prohibition on employment of current or recently employed ACT public servants, which significantly shrinks the pool of otherwise appropriately qualified applicants for employment with the Commission. Under the PSM Act, even a casual contractor or volunteer for the ACT government is considered a 'public servant' and is excluded from eligibility.

An appropriate exception would be where, following a recruitment process, no candidate who was not excluded by the restriction has been identified as suitable and an otherwise excluded, suitably qualified candidate has been and, in the opinion of the Commissioner it is in the interests of the Commission to appoint that candidate and any potential problems of conflict of interest can be adequately managed.



Amendment to clarify the Commissioner/CEO '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 Chief Executive Officer of the Commission relating to employment of staff under the PSM Act. These powers relate to 'management provisions'. However, carve-outs that appear in s 152(6)(f) appear to exclude the *Public Sector Management Standards 2016* (PSM Standards) from being considered a 'management provision' for this purpose. This has the effect that the reference to 'head of service' in s 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 s 88(2) powers, an amendment to s 152 to confirm this and provide ongoing certainty would be preferable.

Amendments proposed 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 identifying whether it has jurisdiction in a particular case), an amendment to the Act that confers equivalent access to employment records to that possessed by the PSSC should be made.



New legislation required to allow the Commission to be recognised under the *Telecommunications (Interception and Access) Act 1979* (Cth)

New ACT legislation to address compliance requirements under the *Telecommunications (Interception and Access) Act 1979* (Cth)

In order to fully discharge its functions the Commission needs to be able to apply for warrants authorising the interception of telecommunications, access stored communications and access telecommunications data pursuant to the TIA Act. The TIA Act also governs the Commission's ability to receive information and material acquired by other agencies (such as the AFP) pursuant to that Act. Access to such information is a critical investigatory tool the Commission currently lacks. Its absence has already adversely impacted several investigations. The integrity commissions of all the States have this function and the Northern Territory is undertaking the necessary steps to obtain it.

In order 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. Each of Chapters 2, 3 and 4 of the TIA Act have different eligibility requirements.

Recognition under the TIA Act can only occur once the Commission has made a submission to the Minister for Home Affairs (Cth) (Home Affairs Minister). If that submission is accepted, legislative change to the TIA Act then needs to be passed by the Commonwealth Parliament. Prior to a submission being made however, the ACT Legislative Assembly needs to pass legislation to ensure 'law enforcement agencies' within the ACT comply with certain requirements in the TIA Act.

The required new ACT legislation would have to impose certain obligations on the Commission, the ACT Attorney-General and the Commission's Inspector. They are (broadly) that:

- the Commission must keep certain warrant documentation;
- the Commission must give a written reports about certain matters;



- the Commission must give a nominated ACT Minister an annual report about matters connected to the TIA Act;
- the nominated ACT Minister must give the Home Affairs Minister an annual report;
- the Commission is required to keep restricted records securely and ensure only authorised people have access;
- the Commission is required to destroy non-required restricted records;
- the Inspector must conduct regular inspections of the Commission's records pertaining to the TIA Act;
- the Inspector must report to the nominated ACT Minister about the result of such inspections;
- an inspection report may include an opinion the TIA Act has been contravened; and
- the nominated ACT Minister is to give the Home Affairs Minister a copy of any inspection report received.

It is important to note that the obligations under the TIA Act and thus to be reflected in the ACT legislation are imposed on the Commissioner as a personal obligation and thus (for example) cannot be exercised by an agency (such as Shared Services), which is not "owned" by the Commissioner.

Proposed amendments to the *Public Interest Disclosure Act 2012*

Section 15 – introduction of timeframe for compliance

Section 27 allows a whistle-blower to pass their disclosure/report to a MLA and retain the PID Act protections 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 time pressure on the disclosure officer, or the other people to whom a disclosure can be made (under s 15), to forward the disclosure to the Commission/disclosure officer in a timely way, or indeed, even before the three month period has expired. It would seem that if that occurred, the whistle-blower would still be entitled to rely on s 27



	<p>(regardless of whether or not the report would otherwise meet the criteria for a PID).</p> <p>The Commission considers that a time frame ought be introduced, by which persons must forward the disclosures to the appropriate person. The Commission considers that at the very least this timeframe ought apply to the individuals captured by s 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 such reports to a disclosure officer (per s 15(2)).</p>
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). This is to make it clear that s 27A(1)(b) is a tripartite requirement, and not a series of three alternatives.
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’ should be replaced by ‘of’, so that the provision refers to disclosers of public interest disclosures’.
Section 44 – clarification that provision does not apply to MLAs and journalists	<p>Section 44 is an offence provision, which in essence concerns the improper use/divulgence of ‘protected information’. Section 44(6) lists the categories of persons to whom the offence provision applies. 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 ‘person to whom this section applies’, subject to one exception.</p> <p>The only potentially relevant category is in (b), being ‘anyone...who has exercised a function under this Act’. Except for when a Minister receives a report under s 15, neither MLAs nor journalists have any functions to exercise under the Act. Therefore, the prohibition on information disclosure does not appear to apply to them.</p> <p>This conclusion is likely consistent with the legislative intention/policy position of allowing disclosures to MLAs and journalists. However, to</p>



make the situation clear, the Commission recommends that an amendment be made so that the application of s 44 with respect to MLAs and journalists is clarified.



Appendix B – Statistical information

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

Table 19. Grounds for decision to dismiss corruption reports received during 2020-21

Matter	Grounds for decision to dismiss
1	s.71(2), s.71(3)(b)
2	s.71(2), s.71(3)(b)
3	s.71(2), s.71(3)(b)
4	s.71(2), s.71(3)(b), s.71(3)(k)
5	s.71(2), s.71(3)(b)
6	s.71(2), s.71(3)(b), s.71(3)(k)
7	s.71(2), s.71(3)(b), s.71(3)(k)
8	s.71(2), s.71(3)(b)
9	s.71(2), s.71(3)(b)
10	s.71(2), s.71(3)(b)
11	s.71(2), s.71(3)(b)
12	s.71(2), s.71(3)(b)
13	s.71(2), s.71(3)(b), s.71(3)(k)
14	s.71(2), s.71(3)(k)
15	s.71(2), s.71(3)(d), s.71(3)(f), s.71(3)(k)
16	s.71(2), s.71(3)(b)
17	s.71(2), s.71(3)(k)



Matter	Grounds for decision to dismiss
18	s.71(2), s.71(3)(k)
19	s.71(2), s.71(3)(k)
20	s.71(2), s 71(3)(b)
21	s.71(2), s 71(3)(b), s.71(3)(k)
22	s.71(2), s.71(3)(k)
23	s.71(2), s.71(3)(k)
24	s.71(2), s.71(3)(k)
25	s.71(2), s.71(3)(k)
26	s.71(2), s 71(3)(b)
27	s.71(2), s 71(3)(h)
28	s.71(2), s 71(3)(b)
29	s.71(2), s 71(3)(i), s.71(3)(k)
30	s.71(2), s 71(3)(b)
31	s.71(2), s 71(3)(b)
32	s.71(2), s 71(3)(b)
33	s.71(2), s 71(3)(b)
34	s.71(2), s 71(3)(b)
35	s.71(2), s 71(3)(b)
36	s.71(2), s 71(3)(b)
37	s.71(2), s 71(3)(b)
38	s.71(2), s 71(3)(b)
39	s.71(2), s 71(3)(f), s.71(3)(k)
40	s.71(2), s 71(3)(b)



Matter	Grounds for decision to dismiss
41	s.71(2), s 71(3)(b), s.71(3)(g)(iii)
42	s.71(2), s 71(3)(d), s.71(3)(k)
43	s.71(2), s 71(3)(b)
44	s.71(2), s 71(3)(b)
45	s.71(2), s 71(3)(b)
46	s.71(2), s 71(3)(f), s.71(3)(k)
47	s.71(2), s 71(3)(b)
48	s.71(2), s 71(3)(b)
49	s.71(2), s 71(3)(b)
50	s.71(2), s 71(3)(b)
51	s.71(2), s 71(3)(b)
52	s.71(2), s 71(3)(b)
53	s.71(2), s 71(3)(b)
54	s.71(2), s 71(3)(b)
55	s.71(2), s 71(3)(d), s.71(3)(f) s 71(3)(h)
56	s.71(2), s 71(3)(b)
57	s.71(2), s 71(3)(b)
58	s.71(2), s 71(3)(b)
59	s.71(2), s 71(3)(b)
60	s.71(2), s 71(3)(b)
61	s.71(2), s 71(3)(b)
62	s.71(2), s 71(3)(b)
63	s.71(2), s 71(3)(b)



Matter	Grounds for decision to dismiss
64	s.71(2), s 71(3)(b)
65	s.71(2), s 71(3)(b)
66	s.71(2), s 71(3)(b)
67	s.71(2), s 71(3)(b)
68	s.71(2), s 71(3)(b)
69	s.71(2), s 71(3)(b)
70	s.71(2), s 71(3)(b)
71	s.71(2), s 71(3)(b)
72	s.71(2), s 71(3)(b)
73	s.71(2), s 71(3)(b)
74	s.71(2), s 71(3)(b) s 71(3)(i)
75	s.71(2), s 71(3)(b)
76	s.71(2), s 71(3)(b)
77	s.71(2), s 71(3)(b)
78	s.71(2), s 71(3)(b)
79	s.71(2), s 71(3)(b)
80	s.71(2), s 71(3)(b)
81	s.71(2), s 71(3)(b)



Table 20. Description of each corruption report made to the Commission in 2020-21

Matter	Conduct type	Days taken to deal with report	Reported under (section of IC Act)
1	Corrupt influence/decision making	6	57
2	Not within Commission remit	1	57
3	Misconduct	42	62
4	Not within Commission remit	5	57
5	Not within Commission remit	66	57
6	Collusion	27	57
7	Not within Commission remit	1	57
8	Collusion	47	57
9	Collusion	29	57
10	Not within Commission remit	21	57
11	Corrupt influence/decision making	2	62
12	Human rights impingement	18	62
13	Criminal conduct	55	57
14	Human rights impingement	1	57
15	Inappropriate use of/access to information	22	57



Matter	Conduct type	Days taken to deal with report	Reported under (section of IC Act)
16	Collusion	40	57
17	Conflict of interest	35	57
18	Criminal conduct	12	57
19	Corrupt influence/decision making	117	57
20	Conflict of interest	19	62
21	Conflict of interest	65	57
22	Corrupt influence/decision making	35	57
23	Corrupt influence/decision making	155	59
24	Corrupt influence/decision making	51	57
25	Conflict of interest	30	62
26	Conflict of interest	26	62
27	Collusion	167	62
28	Conflict of interest	59	62
29	Conflict of interest	37	57
30	Not within Commission remit	2	57
31	Mistreatment	39	57
32	Conflict of interest	22	59
33	Criminal conduct	40	62
34	Corrupt influence/decision making	22	57



Matter	Conduct type	Days taken to deal with report	Reported under (section of IC Act)
35	Collusion	39	57
36	Not within Commission remit	1	57
37	Criminal conduct	53	57
38	Collusion	42	57
39	Inappropriate use of/access to information	124	62
40	Not within Commission remit	24	57
41	Not within Commission remit	24	57
42	Not within Commission remit	3	57
43	Not within Commission remit	8	57
44	Not within Commission remit	15	57
45	Not within Commission remit	4	57
46	Not within Commission remit	2	57
47	Collusion	14	57
48	Misconduct	153	57
49	Collusion	35	57
50	Conflict of interest	90	57
51	Conflict of interest	92	57



Matter	Conduct type	Days taken to deal with report	Reported under (section of IC Act)
52	Corrupt influence/decision making	173	57
53	Criminal conduct	111	62
54	Criminal conduct	111	62
55	Collusion	14	57
56	Collusion	85	57
57	Collusion	162	62
58	Not within Commission remit	5	57
59	Corrupt influence/decision making	90	57
60	Collusion	18	57
61	Criminal conduct	3	62
62	Not within Commission remit	2	57
63	Criminal conduct	113	57
64	Misconduct	170	62
65	Corrupt influence/decision making	109	57
66	Not within Commission remit	30	57
67	Not within Commission remit	32	57
68	Inappropriate use of/access to information	39	62



Matter	Conduct type	Days taken to deal with report	Reported under (section of IC Act)
69	Inappropriate use of/access to information	38	62
70	Not within Commission remit	93	57
71	Corrupt influence/decision making	108	62
72	Corrupt influence/decision making	106	62
73	Corrupt influence/decision making	99	62
74	Corrupt influence/decision making	22	57
75	Conflict of interest	148	57
76	Criminal conduct	69	62
77	Criminal conduct	135	57
78	Criminal conduct	7	59
79	Criminal conduct	16	57
80	Not within Commission remit	5	57
81	Not within Commission remit	1	57
82	Not within Commission remit	1	57
83	Not within Commission remit	1	57
84	Conflict of interest	20	57



Matter	Conduct type	Days taken to deal with report	Reported under (section of IC Act)
85	Not within Commission remit	47	57
86	Conflict of interest	96	57
87	Not within Commission remit	2	57
88	Corrupt influence/decision making	106	57
89	Not within Commission remit	43	57
90	Not within Commission remit	1	57
91	Not within Commission remit	50	57
92	Misconduct	49	62
93	Misuse of public funds	Not finalised	62
94	Corrupt influence/decision making	35	57
95	Criminal conduct	11	62
96	Criminal conduct	Not finalised	62
97	Not within Commission remit	21	57
98	Not within Commission remit	14	57
99	Not within Commission remit	2	57
100	Criminal conduct	Not finalised	62
101	Criminal conduct	68	57



Matter	Conduct type	Days taken to deal with report	Reported under (section of IC Act)
102	Misuse of public funds	1	62
103	Collusion	65	62
104	Criminal conduct	Not finalised	62
105	Not within Commission remit	19	57
106	Collusion	57	57
107	Collusion	62	57
108	Not within Commission remit	2	57
109	Collusion	26	57
110	Retribution	3	57
111	Corrupt influence/decision making	52	57
112	Criminal conduct	52	62
113	Misuse of public funds	35	57
114	Not within Commission remit	29	57
115	Criminal conduct	Not finalised	57
116	Corrupt influence/decision making	60	62
117	Misuse of public funds	Not finalised	62
118	Corrupt influence/decision making	21	57
119	Criminal conduct	44	62
120	Conflict of interest	120	62



Matter	Conduct type	Days taken to deal with report	Reported under (section of IC Act)
121	Corrupt influence/decision making	22	57
122	Corrupt influence/decision making	Not finalised	57
123	Criminal conduct	40	62
124	Collusion	24	62
125	Collusion	35	62





PART G

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Acronyms and abbreviations used in this report

Acronym	Meaning
ACTIA	Australian Capital Territory Insurance Agency
ATSI	Aboriginal and Torres Strait Islander
ATSIEB	Aboriginal and Torres Strait Islander Elected Body
CEO	Chief Executive Officer (of the Commission)
CFO	Chief Financial Officer (of the Commission)
CRP	Controlled Recurrent Payments
ESD	Ecologically Sustainable Development
FTE	Full-time Equivalent
FOI	Freedom of Information
IC 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>



Glossary

Some of the terms in this Annual Report have a particular meaning in the Act. The list below refers to the specific section of the Act where further information on each term can be located. The following is provided as a general guide in the use of each term.

Term	Meaning
Corruption complaint	<p>Means a report to the Commission about conduct that may be corrupt conduct, made by any person or entity other than people or entities subject to the mandatory corruption notification provisions of the Act.</p> <p>See s 57 of the Act.</p>
Confidentiality Notice	<p>Means a notice given by the Commission to a person directing the person to not disclose restricted information. Confidentiality Notices may be given where the disclosure of restricted information is likely to prejudice a Commission preliminary inquiry or investigation; the safety or reputation of a person; or the fair trial of a person who has or may be charged with an offence.</p> <p>See Part 3.2 of the Act.</p>
Mandatory Notification	<p>Means a report to the Commission about conduct which a person who is 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 Act</p>
Preliminary Inquiry	<p>Means 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 Act.</p>



Term	Meaning
Referral (of corrupt conduct to the Commission)	<p>Means a report to the Commission from a relevant entity about conduct that may be corrupt conduct which the relevant entity has received from a person in the form of a complaint.</p> <p>See s 59 of the Act.</p>
Restricted information	<p>Includes any information given to or obtained by the Commission in the course of the Commission performing its functions and/or exercising its powers.</p> <p>See s 76 of the Act.</p>
Serious corrupt conduct	<p>Means corrupt conduct that is likely to threaten public confidence in the integrity of government or public administration.</p> <p>See s 10 of the Act.</p>
Systemic corrupt conduct	<p>Means instances of corrupt conduct that reveal a pattern of corrupt conduct in one or more public sector entities.</p> <p>See s 11 of the Act.</p>



Annual reporting requirements

The following tables outlines the Commission's reporting requirements under both the IC Act and PID Act and provides a reference to where this information is reported in this report.

Table 21. 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	33
218(1)(b)	Number of corruption complaints made to the Commission under section 57 (Anyone may make corruption complaint)	38-39
218(1)(b)(i) and 218(1)(b)(ii)	A description of each corruption complaint made to the Commission under section 57 (Anyone may make corruption complaint) and the time taken to deal with each complaint (in days)	134-141
218(1)(b)(iii)	The average time taken to deal with corruption complaints (in days) made to the Commission under section 57 (Anyone may make corruption complaint)	44
218(1)(c)	Number of corruption complaints referred to the Commission under section 59 (Other entities may refer corruption complaints)	38-39
218(1)(c)	A description of each corruption complaint made to the Commission under section 59 (Other entities may refer corruption complaints)	134-141
218(1)(d)	Number. of disclosures under PID Act taken to be a corruption complaint under section 59A (Certain disclosures under PID Act may be corruption complaints)	39-40
218(1)(d)	A description of each disclosure under the PID Act taken to be a corruption complaint under section 59A (Certain disclosures under PID Act may be corruption complaints)	39



Section(s)	Description	Page(s)
218(1)(e)	Number of corruption complaints withdrawn under section 60 (Withdrawal of corruption complaints)	38
218(1)(f)	Number of mandatory corruption notifications made by heads of public sector entities under section 61 (Meaning of <i>mandatory corruption notification</i>) Note: Includes notifications required under sections 62 and 63	38-39
218(1)(f)	A description of each mandatory corruption notification made by the head of a public sector entity under section 61 (Meaning of <i>mandatory corruption notification</i>) Note: Includes notifications required under sections 62 and 63	134-141
218(1)(g)	Number of corruption reports dismissed under section 71 (When corruption reports must be dismissed)	43
218(1)(g)(i)	For each corruption report dismissed under section 71, the grounds for the decision to dismiss (reference specific parts of section 71)	130-133
218(1)(g)(ii)	Number of corruption reports given to another entity under section 71(4)	43
218(1)(h)	Number of confidentiality notices issued under section 78 (Confidentiality notices for preliminary inquiries)	333-34
218(1)(h)	Number of confidentiality notices issued under section 79 (Confidentiality notices for investigations)	33-34
218(1)(i)(i)	Number of preliminary inquiries carried out under section 86 (Preliminary inquiries about corruption reports)	18, 20-21
218(1)(i)(ii)	Number of preliminary inquiries carried out under section 87 (Preliminary inquiries about own initiative matters)	18, 20-21
218(1)(j)	Number of days (total) during the year spent conducting preliminary inquiries	20



Section(s)	Description	Page(s)
218(1)(k)	Number of preliminary inquiry notices issued under section 90 (Power to issue preliminary inquiry notice)	33-34
218(1)(l)	Number of investigations conducted under section 100 (Commission may investigate corruption report)	18, 21
218(1)(l)(i)(A)	For each corruption report investigated, a description of the matter investigated	19
218(1)(l)(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	47
218(1)(l)(ii)	Number of investigations commenced but not completed during the year	18, 21
218(1)(m)	Number of investigations conducted under section 101 (Commission may investigate on own initiative)	18, 22
218(1)(m)	A description of each matter investigated under section 101 (Commission may investigate on own initiative)	19
218(1)(n)	Number of joint investigations conducted under section 104 (Investigation may be conducted as joint investigation)	18-19, 22
218(1)(o)(i)	Number of corruption reports referred to the inspector under section 105 (Commission must refer corruption reports about staff to inspector)	33
218(1)(o)(ii)	Number of corruption reports referred to a referral entity under section 107 (Commission may refer corruption reports to referral entity)	38, 41
218(1)(o)(ii)	Number of corruption reports withdrawn under section 109 (Referral to referral entity—withdrawal of referral)	41
218(1)(o)(iii)	Number of corruption reports referred to the judicial council or a judicial commission under section 110 (Commission may refer reports to judicial council or judicial commission)	41



Section(s)	Description	Page(s)
218(1)(o)(iv)	Number of corruption reports referred to a prosecutorial entity under section 111 (Commission may refer matters to prosecutorial body)	41
218(1)(p)	Number of investigations discontinued under section 112(1) (Discontinuing an investigation)	18, 22
218(1)(p)(i)	For each investigation discontinued under section 112(1) (Discontinuing an investigation), the ground for the decision	N/A
218(1)(p)(ii)	Number of reports given to another entity under section 112(2)	41
218(1)(q)	Number of search warrants issued under section 122 (Warrants—generally)	34
218(1)(r)	Number of examinations held under section 140 (Power to hold examination)	33, 35
218(1)(r)(i)	Number of public examinations under section 143 (Examinations may be public or private)	33, 35
218(1)(r)(ii)	Number of days (total) during the year spent conducting examinations	35
218(1)(s)	Number of examination summonses issued under section 147 (Power to issue examination summonses)	34
218(1)(t)	Number of suppression orders issued under section 154 (Examination—Commission may issue suppression order)	35
218(1)(u)	Number of arrest warrants issued under section 159 (Examination—warrant to arrest witness who fails to appear)	34
218(1)(v)	Number of applications for contempt of the commission made under section 167 (Commission may apply to Supreme Court to deal with contempt)	35
218(1)(w)	Number of private recommendations made under section 179 (Commission may make private recommendation at any time)	36



Section(s)	Description	Page(s)
218(1)(x)	Number of investigation reports presented to the Legislative Assembly under section 189 (Investigation report—presentation to Legislative Assembly)	35-36
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	N/A
218(1)(y)	Number of confidential investigation reports given to the relevant Assembly committee under section 192 (Confidential investigation report)	35-36
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 given to the relevant Assembly committee	N/A
218(1)(z)	Number of legal advice directions made under section 193 (Legal advice directions)	34
218(1)(za)	Number of information sharing entities to whom the commission has disclosed information under section 196 (Disclosure of information by Commission)	41
218(1)(za)	A description of the general nature and extent of information disclosed to information sharing entities under section 196 (Disclosure of information by Commission)	42
218(1)(zb)	Number of prosecutions and termination actions arising out of (Commission) investigations	22
218(1)(zb)(i)	Number of outcomes published under section 203 (Outcome of prosecutions and termination action to be published)	22
218(1)(zb)(ii)	Number. of reputational damage matters dealt with under section 204 (Reputational repair protocols)	36



Section(s)	Description	Page(s)
218(1)(zc)	Number of special reports presented to the Legislative Assembly under section 213 (Special report—presentation to Legislative Assembly)	35-36
218(1)(zd)	Number of confidential special reports given to the relevant Assembly committee under section 216 (Confidential special report)	35-36
218(1)(ze)(i)	Number of times the Commission exercised functions under the <i>Crimes (Assumed Identities) Act 2009</i>	37
218(1)(ze)(ii)	Number of times the Commission exercised functions under the <i>Crimes (Controlled Operations) Act 2008</i>	37
218(1)(ze)(iii)	Number of times the Commission exercised functions under the <i>Crimes (Protection of Witness Identity) Act 2011</i>	37
218(1)(ze)(iv)	Number of times the Commission exercised functions under the <i>Crimes (Surveillance Devices) Act 2010</i>	37
218(2)(a)	A summary of each recommendation of change to territory laws, or for administrative action, that the Commission considers should be made as a result of the exercise of its functions	106-129
218(2)(b)	A description of the Commission's activities during the year in relation to its educating and advising functions	48-52



Table 22. 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	38-40
45(1)(b)	Number of disclosures of disclosable conduct taken to be public interest disclosures under section 17A (3)	18, 44
45(1)(c)	Number of disclosures of disclosable conduct not taken to be public interest disclosures under section 17A(3)	44
45(1)(d)	For each disclosure of disclosable conduct not taken to be a public interest disclosures under section 17A(3), the grounds the Integrity Commissioner was not satisfied of in relation to the disclosure	44
45(1)(e)	Number of referrals under section 19 (Integrity Commissioner—investigate or refer public interest disclosure)	44
45(1)(f)	Number of investigations under section 20	18, 22
45(1)(f)(i)	For each investigating entity for a public interest disclosure—the number of investigations of public interest disclosures by the entity	18
45(1)(f)(ii)	For each public interest disclosure investigation undertaken by an investigating entity, whether or not (yes/no/not concluded) the public interest disclosure investigation was about disclosable conduct	18
45(1)(f)(iii)	Number of public interest disclosure investigations brought to an end under section 20	22
45(1)(f)(iv)	For each public interest disclosure investigation brought to an end under section 20, the ground mentioned in section 20(2) for ending the investigation	N/A
45(1)(g)	Number of referrals under section 21 (Referral to chief police officer)	45



Section(s)	Description	Page(s)
45(1)(h)	For each instance requiring action, information about any action taken by a public sector entity in accordance with section 24 (Public sector entity must take action)	N/A
45(1)(i)	Number of reviews under section 29 (Integrity commissioner may review decisions)	36
45(1)(j)	Number of reports under section 30 (Report by integrity commissioner)	36
45(1)(k)	Number of prosecutions under section 40 (Offence—taking detrimental action)	36
45(1)(l)	Information about education and training programs about disclosable conduct and public interest disclosures undertaken or coordinated by the Integrity Commissioner	48-52





