

**JOINT STANDING COMMITTEE ON THE  
CORRUPTION AND CRIME COMMISSION**

**PUBLIC HEARING WITH MEMBERS OF THE INTEGRITY  
COORDINATING GROUP**

**TRANSCRIPT OF EVIDENCE TAKEN  
AT PERTH  
WEDNESDAY, 9 SEPTEMBER 2009**

**Members**

**Hon Nick Goiran (Chairman)  
Mr John Hyde (Deputy Chairman)  
Mr Frank Alban  
Hon Matt Benson-Lidholm**

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**Hearing commenced at 10.03 am**

**SHEAN, DR RUTH ELIZABETH**

**Commissioner for Public Sector Standards, Office of the Public Sector Standards  
Commissioner,  
examined:**

**ROBERTS-SMITH, HON LEN**

**Commissioner, Corruption and Crime Commission,  
examined:**

**FIELD, MR CHRISTOPHER JAMES**

**Ombudsman, Western Australian Ombudsman,  
examined:**

**MURPHY, MR COLIN**

**Auditor General, Office of the Auditor General,  
examined:**

**The CHAIRMAN:** Welcome. Thank you for accepting the committee's invitation and making yourselves available to appear today. Before us today are the four members of the Integrity Coordinating Group: the Commissioner for Public Sector Standards, Dr Ruth Shean, who is chair of the group; Mr Chris Field, the Ombudsman; Mr Colin Murphy, the Auditor General; and the Commissioner of the Corruption and Crime Commission, Hon Len Roberts-Smith. This committee hearing is a proceeding of Parliament and warrants the same respect that the proceedings in the house itself demands. Even though you are not required to give evidence on oath, any deliberate misleading of the committee may be regarded as a contempt of Parliament.

Have you all completed the "Details of Witness" form?

**The Witnesses:** Yes.

**The CHAIRMAN:** Do you all understand the notes at the bottom of the form?

**The Witnesses:** Yes.

**The CHAIRMAN:** Did you all receive and read an information for witnesses briefing sheet regarding giving evidence before parliamentary committees?

**The Witnesses:** Yes.

**The CHAIRMAN:** Does anybody have any questions relating to their appearance before the committee today?

**The Witnesses:** No.

**The CHAIRMAN:** Dr Shean, in what capacity do you appear before the committee?

**Dr Shean:** I am the Commissioner for Public Sector Standards. I am also here as a member of our loose affiliate group, without any particular formality, the Integrity Coordinating Group. At the moment I am chair of that group.

**The CHAIRMAN:** I think everyone has been informed that the way the committee would like to see things progress this morning would be if each of the witnesses could give a brief presentation of no more than 15 minutes, with particular emphasis on providing any practical examples on how

each member operates within the loose framework of the group. Once each of the members has completed his or her presentation, there will certainly be an opportunity for members of the committee to ask questions and we will see how we go after that. Dr Shean, I might ask you to start.

**Dr Shean:** I would like to do two things. The first is to speak briefly about my own role. Second, on behalf of my colleagues, I will very briefly go through some of the information about the Integrity Coordinating Group that I have brought to you. I wish to table this information. I have a copy for each of the members of the committee. This is some information that I will be referring to on behalf of my own organisation. There is also some information about the ICG, all of which is available on our website.

I will commence by talking about my own role. As Commissioner for Public Sector Standards, I have two specific legislative obligations. They relate to the first three sections under the Public Sector Management Act. Part 8 relates to the general principles of human resource management, part 9 relates to the general principles of official conduct and part 7 relates to establishing standards and the general principles of public administration and management. We also have responsibility for the Public Interest Disclosure Act. I will not talk primarily about that today although that is relevant with respect to the joint activities of the four agencies. Our functions under the Public Sector Management Act and the Public Interest Disclosure Act are to establish standards relevant to each of those acts, to assist agencies to comply with those standards, to monitor compliance in accordance with the standards and then to report on compliance to Parliament or the relevant minister as appropriate.

We monitor in three particular ways. One is through individual complaint, so people can write to us alleging non-compliance. There are various technicalities in the act as to how this can and may be done and the effects of it. I will spare you those. The principles are what are important. We also have an approach through systemic response; in other words, survey. At least annually we will write to chief executive officers of public sector agencies asking them to declare their own levels of compliance. Third, we check that what they have said is the way things look. We check through audit. We have done both individual audits and systemic audits as well. We have two approaches for completing our data collection. I have already mentioned self-completion, which is usually carried out with surveys. Also, when we get complaints, we will frequently write to the chief executive officer and ask for his or her response. However, we also investigate ourselves. We have powers of special inquiry under the act. We rarely call on those. However, when we are given a complaint, if we are not comfortable with the response that we have had from the chief executive officer, we send in an investigator ourselves or investigate ourselves. The approach that we use depends very much on the complexity of the matter raised. You may recall that we recently tabled a report into the Department of Water in both houses of Parliament. We had an external investigator on this one for many months, partly because there was a very complex list of complaints. We looked at some 21 matters in all. Sometimes the agency's own capacity to investigate is severely compromised, sometimes through its size. One report that we tabled earlier this year was into the Heritage Council of Western Australia. The Heritage Council is a small agency and it does not handle its own corporate services. It has a host agency that does that. If we feel that an agency does not have the capacity to investigate, we will do that for it.

Our approach also depends on the likelihood of an agency completing the investigation effectively. This primarily relates to the seniority of the matter raised. For example, if we had a complaint about a level 2 unhappy about the process used to let a tender or fill a job, we would feel that the chief executive officer, who is some distance removed, would be in a good position to investigate that. If there is a complaint about a member of the corporate executive or the chief executive officer himself, clearly we will not leave it to them to do the investigation; we will investigate ourselves. That is a summary of our investigations.

Finally, reporting on compliance. The material that I have given you today is an example of those different approaches. We report to the agency if we have investigated an agency. First and foremost, it needs to know whether they have been compliant with the relevant provisions of the act. We also report to the relevant minister. Clearly, if a minister gets one report about an agency, that is a learning experience but once half a dozen come through, depending on the size of the agency—health and education have very large employee groups and clearly have much more scope to get things wrong—from time to time ministers call us and ask what the complaint level is like and whether there are any justifications to some of the criticisms that have been made. We routinely write to ministers when there has been a matter of non-compliance. We are usually happy to assure the minister that the matter is being followed up.

We also report to Parliament as required on an ongoing basis. You would be familiar with the reports that I have tabled today. They are the “Parliamentary Series” reports. They are matters as required under section 21(1)(h)(i) of the act relating to timely parliamentary reporting. The final category is the annual parliamentary report on compliance or non-compliance. Last year we renamed that the “State of the Service Report” and attempted to give an overall picture of the public sector.

I will move on from public sector standards to talk briefly about the Integrity Coordinating Group. It would be useful for me to point out that I have made it clear in writing to you prior to this hearing that we do not have any legislative scope as a group. We are an informal affiliate group. We have a friendly and cooperative working relationship but we do not have anything that is expected of us externally. We are not a statutory body. We consist of the four bodies represented today. We meet informally from time to time. The purpose of the group is to promote and strengthen integrity in Western Australian public bodies by providing a forum for the coordination and sharing of information between the four integrity commissioners. We have three terms of reference. The first is about fostering collaboration between public sector integrity bodies. The second is about encouraging and supporting research, evaluation and policy discussion, monitoring the implementation of integrity and accountability mechanisms. We do this with respect not just to Western Australia but nationally and internationally so we can learn what happens elsewhere. The third term of reference is to cooperate in our operations, ensure that we have consistency and communication, education and support in public sector organisations.

We do provide some joint assistance materials on some of the examples that you have asked us to talk to briefly. I have included those in the documents I gave you today. For example, you have a brochure on taking action on integrity issues. This is a leaflet that is made available via our website—we have a joint website—to public sector agencies, giving them some guidelines on where to take the first steps of action when they have concerns about integrity matters. As I have mentioned, we have a website. We will shortly be launching a new one over the next few weeks. That includes this information. It also has a new product which is about integrity testing called Take the Challenge. Members of Parliament might like to go in and assess their understanding of the rules and general practices on good practice for ethics and integrity. We also have an annual integrity forum. This year that is being coordinated by the Corruption and Crime Commission. This will be held with a view to bringing alive some of the integrity matters which from time to time perhaps when read about and looked at on the website can be rather dry. That is all that I need to say on behalf of the formal brief of the group but no doubt my colleagues will wish to make other comments.

**The CHAIRMAN:** Mr Murphy, if you would like to continue.

**Mr Murphy:** The role of the auditor general is well established and reasonably well understood. Perhaps a couple of distinctions I would make in this forum is that the role of the auditor general consists entirely of auditing and reporting. We do not have an education role. The other distinction I draw is the independence in determining what issues will be examined—perhaps I will go into that

later—but I do not receive tasks from anybody because the auditor general has absolute independence in determining the types of examinations that will take place.

In auditing the activities of government agencies, we can perhaps describe them in three distinct categories. The first one is a financial audit, which is similar to the type of audit that is done in the private sector, and therefore it is reasonably well understood. We audit more than 200 entities so that activity takes up a significant amount of our resources—some 60 to 70 per cent of our resources. The audit is very similar to a private sector audit in that it follows the auditing and accounting standards. However, within the public sector I provide three separate opinions on agencies' financial statements and performance indicators. In addition to an opinion on the fair presentation of the financial statements, I also provide an opinion on the adequacy of controls within an agency. That is considered appropriate, given that we are dealing with public moneys in a public sector environment, which is a distinction from the private sector. I also give a separate opinion on the relevance, appropriateness and fair presentation of performance indicators. Again, it is easier to get an understanding of how a private sector entity is performing from its financial statements. It is much less clear for a public sector entity. Performance indicators have been designed to give additional information about the performance of a public sector agency. They are financial audits, and the vast majority of them commence after the 30 June reporting cycle. We are in the middle of our busiest period of the year, given that agencies have 90 days to get their annual report with their financial statements audited to the minister in time for tabling within 90 days—that takes us to the end of September.

A second type of audit, which is certainly a small part of our operation but is very important, is a control, compliance and accountability audit that looks at specific aspects of compliance with legislation, policy or good practice. We seek to table about 10 of those a year, typically in public sector performance reports. Two or three may be grouped into a specific report.

The third category is performance examinations. They usually involve a significant examination of an agency, a group of agencies, or a particular function within an agency. Members may be aware that the most recent performance examination tabled was into attendance within the school system. Those examinations typically take around six months and focus on a specific issue. They look at performance, efficiency and effectiveness. And, as I said, they can look across a range of agencies or a specific program or activity within a government agency.

In addition to that, matters are referred to us by parliamentary committees, members of Parliament, or even suggestions that are made by members of the public. The legislation provides that the auditor general cannot be directed on what matters are to be examined or how those examinations may take place, but I certainly give very serious consideration to matters that are referred to me, particularly by the Parliament and members of Parliament. But all matters that are referred go into our topic selection. They are prioritised, and we make a decision as to whether they will be examined and reported, perhaps incorporated into another of our audit activities or deferred as a lower priority task until later.

Just briefly, in concluding, the existence of the Integrity Coordinating Group is very important from my perspective. I find it particularly useful, given that we are out there auditing the public sector, government agencies on a very regular basis. It is extremely useful for me to understand what activities my colleagues are undertaking in that area at the time and for me to provide similar information to them, so that I can be aware, as I make decisions about either an audit to undertake or the timing of something. Similarly, it is very useful for us in our conversations with people within public sector agencies to be speaking in common terms with a common voice on matters such as integrity. I do find the Integrity Coordinating Group a very useful complement to the work that I do as auditor general.

**The CHAIRMAN:** Before we move on, Mr Murphy, I want to clarify something. Can you indicate the volume of referrals that you receive compared to the majority of your work, which I gather is self-initiated?

**Mr Murphy:** That is correct. I would get something like 40 requests a year to undertake particular audits. We give consideration to all of those. Certainly, a large number of them can be accommodated in ways other than a specific investigation into an area. As an example, we do a financial audit of each of the agencies within the public sector over a 12-month period, and it may be that an issue can be addressed as part of a financial audit or it may be that we need to do something different.

**The CHAIRMAN:** Thank you. I will ask the commissioner, Mr Roberts-Smith to continue.

**Mr Roberts-Smith:** Thank you, Chair. I will begin by saying that I assume it is not necessary for me to explain to this committee what the Corruption and Crime Commission does, so I will confine my observations to the commission's role within the Integrity Coordinating Group itself and how we interact. It is perhaps interesting to note the genesis of the ICG, which is that it came out of a recommendation made by the Australian national integrity systems assessment research project which began in about 2000. A draft report was prepared by mid-2005, and one of the recommendations in that draft report was that there should be a greater coordination of integrity agencies in a particular environment. The ICG, which we now have here in this state, was formed in June 2005, essentially as a result of that recommendation in the draft report. I note in passing that the national integrity system's final report was launched by the Commonwealth Ombudsman, Professor John McMillan, in Sydney on 9 December 2005. Can I perhaps talk about some of the fundamental features of the ICG from the perspective of the Corruption and Crime Commission?

First of all, as committee members are aware, the ICG is an informal voluntary cooperative group of the heads of the four integrity agencies. The integrity agencies are those broadly whose individual agency jurisdictions encompass the whole of the public service, although in the case of the Corruption and Crime Commission our jurisdiction is considerably wider because it covers the whole of the public sector, which is, of course, wider than merely the public service.

To answer the question on the role of the Corruption and Crime Commission within the ICG, it is necessary in that context to consider the broader jurisdiction of the Corruption and Crime Commission. As I said, the commission's jurisdiction extends across the whole of the public sector; and, secondly, and importantly, it is a personal jurisdiction. It is a jurisdiction over individual public officers as opposed, for example, to individual agencies or departments or the like. We do have jurisdiction over them as entities—the agencies, departments and so forth—but ultimately our jurisdiction in respect of misconduct relates to individual public officers. Our jurisdiction covers everyone in public service. It covers all departments and agencies, all local governments, councils, regional development corporations, WA Police, ministers and members of Parliament, and indeed any person exercising authority under a written law. As committee members will appreciate, that is a very broad and all-encompassing inclusion. In that way, for instance, it covers all statutory-based universities, tertiary institutions, education institutions and so on. That broadly comes from the definition of public officer in section 1 of the Criminal Code and is a very broad definition.

By way of brief comparison, the Ombudsman, as I understand it, has jurisdiction over the public service and local government, but over organisations and not people. I think that is correct. Again, there is a distinction between our organisations across the board to some extent in terms of whether we act on complaints. We have just heard that the auditor general does not. The commission can act on complaints, and indeed it does act on complaints; but significantly also has the statutory authority to be proactive and to conduct its activities under the act in prevention and education, corruption and misconduct prevention and education, for example, in the absence of complaints. We conduct educational programs. We review departments and agencies on their misconduct resistance strategies and processes. Of course, that can be done independently of any complaint. But we are

also proactive in the sense that the commission under its act can develop its own proposition to conduct particular investigations of alleged misconduct, which includes corruption of course.

The real answer I suppose to the question, what is the role of the Corruption and Crime Commission within the ICG, or indeed any of our agencies, is that neither the commission nor any of the other agencies has any particular role within the ICG beyond our own statutory role. It is important to appreciate, as has already been emphasised, that the ICG is not an entity in itself and, personally, I see that as a strength. The last thing that we need to contemplate is the establishment of the ICG as yet another actual integrity agency. The benefit of it at the moment is that it does enable each of our four agencies to cooperate and to move around the issues with which we all deal in a completely flexible way untrammelled by any sort of the statutory brief or constraint, or whatever it may be.

[10.30 am]

We cannot overemphasise the importance of that concept. The ICG is not a separate entity. In concept, I suppose, it is similar to a meeting of state Auditors General, state anti-corruption commissioners or Ombudsmen or heads of other agencies. My own view is that any more formal arrangement would probably begin to negate the effectiveness of the purpose of the group that has been established.

What do we do? From the commission's point of view, Dr Shean has already explained that to some extent. To my mind, the critical aspects that are fundamental are the exchange of information about current and proposed activities or initiatives that our individual agencies are contemplating. Those that may be of interest ordinarily are of interest to the other agencies in a number of ways, not least of all because to some extent and on occasions there can be overlapping jurisdictions. Alternatively, there can be complementary exercises of jurisdiction. It may be that we would want to conduct some kind of joint activity, which we have the opportunity of doing in this informal way if we know that another one of the four agencies is about to do something or contemplating doing something that impinges or may impinge on something that another one of us is doing. In that way, we can avoid duplication and overlap and it is a more effective utilisation of our available resources. I emphasise that we have personal contact at all levels. It is not just the heads of the agencies. We have a working group immediately under us which consists of officers from the individual agencies. From time to time we task them with things that we would like the ICG to do and they support the group in that way.

In terms of dealings with departments and agencies, if an investigation is being contemplated, the ICG may decide who is the most appropriate to conduct it. It may be, for example, that we at the commission receive a complaint or information that prompts us to conduct an investigation into possible misconduct in relation to financial matters. When we look at that, it may be something that we consider is more appropriately dealt with by the Auditor General. We then have the opportunity to discuss that either at the ICG or, more ordinarily, either between the heads of the agencies or at officer level. In that way, we have very good and close relationships right through our respective organisations. Likewise, in reviews, we may produce something in the course of an investigation or a review of a department or agency that, whilst not involving misconduct and therefore not specifically within the jurisdiction of the commission, is something that we consider the Commissioner for Public Sector Standards or the Ombudsman or the Auditor General might be interested in looking at. We can therefore feed that into the appropriate agency.

I mentioned possible overlap, not only in terms of jurisdiction or activities but clearly each of us are responsible in some way for assisting departments and agencies in such things as codes of conduct, standards, processes and things of that sort. One very important aspect of the ICG from the commission's point of view is the capacity that it gives us to avoid inflicting on departments and agencies multiple bureaucratic requirements as they might see it, for example. If we are working with a department or agency about a code of conduct, it would usually be productive to liaise in our case, for example, with the Office of the Public Sector Standards Commissioner, in particular,

depending upon the issues, so that all of those issues that are encompassed in the code of conduct can cover the matters that are relevant to each of our agencies rather than us going back individually from time to time with additional requirements or suggesting different things and therefore increasing, as they would see it, the bureaucratic burden on them. That seems to me to be a very significant benefit to the ICG. In addition to that, as Dr Shean has mentioned, it enables us to maintain consistency in terminology and approach to matters, particularly to avoid inconsistent messages and duplication—I have already mentioned that to some extent—and, where possible, to engage with departments and agencies by way of a common or single approach rather than multiple approaches from our various agencies about essentially similar or the same things. A good example of that and also benefiting from our own individual experiences is regional visits. As the committee is aware, the commission has been engaging in the regional outreach program for some time. The Office of the Public Sector Standards Commissioner has also been doing the same thing. I know that the experience that each of us has had in doing that has been fed back into the other agency. Likewise, the Ombudsman has been engaged in visits of that kind with the Office of the Public Sector Standards Commissioner. Even at that very basic practical level, which might involve things such as logistics about where to go, who to talk to, the sort of messages to give and what issues are an issue in particular regions, it is vastly helped by this process.

Overall, I think it is a more effective utilisation of resources and encourages a cohesive approach between the various agencies and joint and consistent publications. In the material you have been provided with are ICG publications that reflect the input of each of the four agencies. Dr Shean also mentioned the ICG forum. The Corruption and Crime Commission is organising this year's forum. This is a DVD of the 2008 forum. It was entitled "Taking Action on Integrity Issues". It involved presentations from each of the agencies, a hypothetical and discussions with representatives of departments and agencies across the public sector. I think it was a very successful initiative. I can make that available to the committee if you would like to see that. I will leave it here. It is a very good example of the joint activity that the ICG can present.

**The CHAIRMAN:** Thank you. Mr Field.

**Mr Field:** Similarly to my colleague the Auditor General, I will not spend an excessively long period talking about the Ombudsman's office because I think it is broadly understood. I am also mindful that I have spoken to at least a few of the members of this committee in not too recent times about the role of the Ombudsman.

Reasonably succinctly, my legislation is the Parliamentary Commissioner Act 1971. This Parliament was the first in Australia to pass such legislation. My formal title is the Parliamentary Commissioner for Administrative Investigations but it has become better known as the Ombudsman's office. The Ombudsman's office has a fairly significant history of around 200 years, originating in Sweden. A significant number of countries around the world have an Ombudsman's office. It is generally seen as being an office that is integral to modern democracies and the rule of law. The nature of the title, the Parliamentary Commissioner for Administrative Investigations, the formal title, says what it is—that is, a commissioner of the Parliament. I am an officer of the Parliament. I report directly to the Parliament, not to the government of the day or to a minister of the day. We effectively have two core functions. The first of the two is the best known and the most widely required or expected of both the citizens of this state and Parliament. The two functions are, firstly, that we resolve complaints about public administration. Secondly, we seek to improve over time the standard of public administration working with public administrators in relation to the work that they are doing.

In relation to that first role, the resolution of complaints, last year, for example, we received around 5 500 inquiries to my office of which we resolved the majority of those in that year. Of those 5 500 complaints, they are made about a range of agencies that are within my jurisdiction, generally, as the commissioner referred to—the broader public sector organisations, major departments, statutory

bodies, local governments and public universities. The sorts of departments that are most featured in our work are departments such as corrective services and education, and local governments, police and others; not suggesting that they are in any way causing more problems than other departments but that tends to correlate with the very large departments and it is quite logically the case that you would expect a large number of complaints from those agencies.

In resolving those complaints, we also make recommendations about the improvement of public administration. One hundred per cent of the recommendations that we made in the past financial year were accepted by departments. It is obviously important that members realise that we do not have a determinative role as do courts or tribunals, for example. We cannot compel a department, a local government or a public university to accept our views but 100 per cent of our recommendations were accepted last year. We place a very strong emphasis on making those recommendations on a number of things. The sort of things that we consider in making recommendations is the materiality of the issue that we are considering, the public interest and the number of complainants affected. The cost and benefit of the recommendations is something that we turn our mind to. We only make recommendations where we think there is appropriate evidence base, so it is supported by evidence, and we think there will be a net benefit to the Western Australian taxpayer. Sometimes well-intentioned recommendations can cause more cost or have unintended consequences than actual benefits. We work very closely to try to avoid that being the case. We investigate complaints, as you would hope and expect, in strict accordance with procedural fairness and confidentiality, ensuring that there is a no surprises approach for the people that we deal with.

In relation to improving the standard of public administration, the second of our principal functions is that we learn from the complaints that are made to my office and use those as an evidence base for potential systemic investigation of issues. We have an ongoing administrative improvement program that is looking to see whether there are areas where public administration can be improved. We talk regularly in public, reporting to Parliament, to members of Parliament, to our fellow agencies and to others to ensure that we are doing what we can to share our learnings with the broader public sector and encourage improved public administration in all our interests.

We have some additional roles, not necessarily contained in our legislation, that have been granted to us over the past few years in particular. They are in relation to matters such as: the review of deaths of children in this state, a recent legislative commitment passed by Parliament; in relation to my colleague the Commissioner for Public Sector Standards, public interest disclosures; and a national code for overseas students. That has been a topical matter, not so much for what has been discussed around the country but in relation to appeals that they might make about potential exclusion from courses. Also in my role as the Western Australian Ombudsman, I have a role in telecommunications intercepts and I undertake the role of Energy Ombudsman under legislative amendments. Energy companies are members of that scheme, and I perform that role in this state.

In the past few years since my term of appointment, we have had a focus on the quality and timeliness of complaints. We have made very significant endeavours to significantly improve the timeliness of our complaint handling. A few years ago we averaged a little over 300 days to resolve complaints. We are now down to around 60 days, so that is a very substantial improvement for the citizens of this state.

[10.45 am]

They expect us to resolve matters in a timely way, obviously maintaining a very strong quality; and we are focussed on that. As my colleague the commissioner mentioned, we also have issues focussed very much on addressing what I think is an inappropriate under-representation of regional Western Australians to my office and also a significant under-representation of Indigenous Western Australians. We have started a regional accessibility awareness program, and I am joined in that by a number of other integrity agencies, including my colleague the public sector standards

commissioner, in which we are reaching out to regions and Indigenous Western Australians. This year we move the program to the goldfields, and later this year to the Peel region. That program will continue into 2010 and the out years, subject to meeting its cost benefit test at the end of 12 months.

Can I say in relation to our role with the ICG, I want to largely echo and support the comments of all of my colleagues. The fact that the Integrity Coordinating Group exists in this state is a reflection of the importance that we as integrity agencies in this state generally place on integrity in the public service and public administration. That is a profoundly important matter that we can have some pride about.

Also, the Integrity Coordinating Group is well regarded both in this state and also by interstate colleagues. My colleague the commissioner mentioned before that originally the launch of the ICG came about from a report launched by Professor John McMillan, the Commonwealth Ombudsman. I am certainly aware that other integrity agencies around the country believe our model is a good model. The ICG model is an informal model. It is unstructured and I think it works best in that way. It creates the capacity for our agencies to come together and share information. At the end of the day we are all spending taxpayers' money and we want to do that as efficiently as we can. We want to avoid duplication, and it is a useful forum to avoid duplication and enhance the effectiveness of our own activities and from time to time, potentially, joint activities.

It has had a very successful educative role. As the commissioner mentioned, it has held a forum I think in each year that I have been in this state. Last year's forum, in particular, was very well received and is a good way of reaching out to the public sector on the critical message of integrity.

I can only echo and support the comments of my colleagues. I strongly support the ICG. I strongly support the work that it has done, but as I say my view is that that role is best performed ultimately as it is currently in a voluntary and, effectively, informal fashion. Thank you.

**The CHAIRMAN:** I thank each of the witnesses for their concise statements and presentations. My experience is that normally when one asks people to speak for 15 minutes they take a lot longer. I am appreciative of that. I will start by asking a few questions.

Dr Shean, in the upcoming annual integrity forum—I think that is the correct terminology—what integrity matters would you expect will be raised as part of the agenda for that forum? Could you cite some examples?

**Dr Shean:** The focus for this forum will be a guest speaker. We have discussed an approach whereby a speaker will speak. We will have a cabaret style setup, round tables. We would then leave matters with each of the groups to discuss and then come back and ask questions of the speaker. At this stage, we are still deciding on who the speaker will be. That forum is being coordinated by the Corruption and Crime Commission, so whether my colleague has anything to add on that I am not sure.

**Mr Roberts-Smith:** Not specifically at this stage, Chair. Can I perhaps illustrate the format. The hypothetical that we had last year, and will probably have again in some form or other, was designed to raise issues—I think this goes to your question, Mr Chair—which could be relevant to any of our agencies. We had actors and scripts; for example, we had a situation in which office workers were working in an office and there was some discussion about whether the person should be dealing with a particular tender application or tender because he or she was related to one of the tenderers, and there would be some discussions amongst the actors of that scenario in working it out. Then the scenario would stop and there would be a panel discussion about what issues came out of that, whether they were matters of misconduct potentially, whether there was a conflict of interest, for example, how they dealt with it—the actors, that is to say: did they deal with it appropriately, should it have been done differently, should it be referred to someone else, what should the organisation do about it and so on. After this discussion the scenario would continue, either that particular scenario or a different scenario.

For example, in the last year's forum I think it was a gardener—a person working for parks and gardens—receiving truckloads of mulch that did not actually go into the parks and gardens but seemed somehow to appear mysteriously in his own garden; and that sort of thing. There was discussion about how that should have been controlled and who should have had access to the key to get the mulch to make the deliveries and so on. Basically, they are practical situation scenarios that the actors work through, and then what the actors have done with it; that is to say, how the characters have dealt with the issue is discussed in the hypothetical in terms of any of the integrity issues that arise, which also includes which agency should be dealing with it should it become a matter of misconduct, accounting, administrative process or standards or whatever it might be. We found that a very useful tool. The audience participation as well was good. One of the things that came out of that in our subsequent debrief was that we felt it would probably have been better to do it in a way which got the audience more involved in the actual discussion rather than having the panel conduct the discussion. These things obviously all vary. There are different ways of doing these things and we are currently looking at the best way to structure the forum for this year.

**The CHAIRMAN:** I will ask a follow-up question and then open the floor to my friends, who are no doubt itching to ask further questions.

Dr Shean, you mentioned that one of your roles relates to audit. I think you mentioned three areas: complaint, survey and audit. What type of audit would you be involved in that would not fall under the Auditor General's jurisdiction?

**Dr Shean:** Audit on any of the areas, particularly under the Public Sector Management Act that are specific and unique to our agency. That would be an audit of the principles of human resource management, the principles of official conduct, and the principles of public administration and management in as much as they apply to those former two areas. To give the committee an example, we have just completed an audit of the filling of senior positions within a specified period across the public sector and we will be tabling that shortly in both houses of Parliament. The approach here though is to stick very closely to our particular scope. One of the points to be made is that from time to time when complaints come to us they are indeed a catchall and they may well touch on the auditor general's area and mine—or all of us. What we will do in a case like that—we would never knowingly go out and go to a scope broader than that which is specified within our legislation. But in the event that it is something that has been referred to us by complaint or some other means, we would then attack those areas, investigate those areas relevant to our own scope and then pass the matter over to another authority. We have done that recently with our Department of Water investigation.

**The CHAIRMAN:** With that senior staffing investigation, which presumably falls under the HR umbrella —

**Dr Shean:** That is right.

**The CHAIRMAN:** I understand that is within your jurisdiction, and I want to clarify whether it would be inappropriate for the Auditor General to have investigated that same issue? In other words, does it not fall under his jurisdiction?

**Dr Shean:** I will let him talk in a minute. However, you need to keep in mind that audit is a technique, not a scope. The fact that the auditor uses that, and it happens to be in his title, does not mean that other people cannot audit as well. Perhaps I will leave it for Mr Murphy.

**Mr Murphy:** I echo that. Audit is a very generic term. There are building audits and audits of all different sorts. For people who undertake it as a profession it has a different meaning and usually means something under the auditing and insurance standards that exist in the Australian jurisdiction and in other jurisdictions. We have a very specific meaning.

I have a very wide mandate in the things that I can examine within the public sector. I am very unconstrained and it allows me to look into anything that impacts on the efficiency and

effectiveness of a public sector agency. The fact that other bodies exist, such as a commissioner for public sector standards provides comfort for me that this area is being examined and it is an area that I can put fewer resources into. Another example I might give the committee is the establishment of the inspector of custodial services. Whereas in the past my office might have put more effort into looking at what goes on inside prisons, in recent times we have done less of that type of work. Another example would be the supply commission, which used to exist and no longer exists. We are currently examining whether we need to put additional resources into procurement within the public sector. I have a wide-ranging mandate that goes across public sector entities. In determining the scope of our audits we take into consideration what other agencies are doing. In that respect, the ICG is an incredibly useful forum for me to understand what other entities are engaged in.

**The CHAIRMAN:** I take from all of that that the end answer is yes and that that particular HR inquiry could have been under your jurisdiction. It would not have been inappropriate.

**Mr Murphy:** That is correct. To give you a short answer, yes.

**The CHAIRMAN:** I take Dr Shean's point about technique and scope. And, as you indicated, the title "auditor" is very wide-ranging. I wanted to be clear about what would be picked up in one jurisdiction and what would be inappropriate to be picked up in another. I open the floor to other committee members.

**Mr J.N. HYDE:** One of reasons that this committee got involved soon after the setting up of this Integrity Coordinating Group was that we were looking at this from the point of view of consumers, the citizens. Often we were hearing from people who did not know whether they should complain to the Corruption and Crime Commission, the Ombudsman or to whomever. One of the tangible benefits is that two of you are co-locating on the 12th floor—the Ombudsman and Dr Shean. Some of the evidence that is coming back to us is that all the agencies are more aware of the other agency. Therefore, when somebody phoned in with a genuine complaint they were reasonably being directed to the correct body. If we look at that from a macro level, we are concerned that when there is possible misconduct and corruption that citizens and employees are able to report it, that they are not giving up because the system is stopping them from reporting it. In that context, Dr Shean, given that you are the chair of this loose body and you are not breaking any law or codes by offering an opinion, I am interested, given your experience in the WA public sector and I think you are very qualified to give this opinion, in how you view the WA public sector compared with 10 or 20 years ago. Is it a more ethical and effective sector than previously?

[11.00 am]

**Dr Shean:** There is certainly a greater awareness of matters of issues and integrity. There is an awareness of what will happen if you do not do the right thing. I do not know that I can compare the effectiveness and efficiency of ethical behaviour, if we want to put it that way, with the way things were 10 years ago. My goal for effective and efficient public service would include a strong pursuit of ethical operation. What this group of agencies has done both as individual groups and also collectively is demonstrate that ethical behaviour not only need not make business harder but it can also make business easier. I think there is a greater awareness of that.

**Mr J.N. HYDE:** I appreciate that. Surely as a government and as a community we are putting enormous financial resources into oversight in this state. We would argue that the CCC and other bodies are very effective and we think a good job is being done. We could compare this state with Queensland, where ministers are in jail, or New South Wales, where there is huge evidence of wrongdoing in local government planning. We would like to argue that the absence of convictions and prominent examples of that does not mean that you guys are inefficient in undertaking it but that perhaps the education and awareness is effective. Unless somebody can give us an opinion that we are better off than 10 years ago, talking about WA Inc and Ray O'Connor as Premier going to

jail, if we have not made strides and if we are not a less corrupt, less misconduct-prone public sector, we may as well abolish all of you.

**Dr Shean:** There are two points to be made in responding to that. The first is that the legislation itself and the processes that follow have a preventive effect. When tabling our reports for chief executive officers—we have a section headed “Implications for Agency Heads”—in future we need to say, “We need to do it this way or we are going to be next.”

The other point is that it is a bigger system than it was 10 years ago. Three of the four agencies have an assist role. We help people to get things right before they go about doing things. That in itself is a very useful function. It is a bigger system than it was 10 years ago. It is more complex than it was 10 years ago. I believe that we are giving people better results in terms of accountability.

**Hon MATT BENSON-LIDHOLM:** Dr Shean, I wish to question you on an issue that stems from what you have just been saying. John Hyde has certainly alluded to it. I am talking about the role that education plays in this whole scene. I note with interest that the CCC visited Albany and Katanning recently. How do you three, as opposed to the Auditor General, see the role of education of not just the public service or the public sector but private individuals in relation to the better functioning of the whole system? I also want to question you about the appropriateness of resourcing to do those sorts of things. I take it from what you have been saying that you have seen significant improvements over recent years. I do not think I am putting words in your mouth in that respect. I question the need to follow up with better educative programs that alert the public to your existence and to the various responsibilities that people in public and private life actually do have.

**Dr Shean:** I will give an example before handing over to my colleagues. One of the principles that we espouse is that all decisions should be transparent and capable of review. A lot of people who are caught up in the day-to-day operation of the agencies that they are running make good decisions but they do not necessarily document them well. One of the educative tasks of our office, both in terms of our assistance function under section 21 of the act and also in terms of the preventive effect of the tabling of reports, is that we are able to reinforce again and again that their decisions must be transparent and capable of review. Going back to the former question, if we can communicate that across government, we will end up with a significantly more accountable government and we will better meet our legislative operations.

**Mr Roberts-Smith:** The committee is well aware of the Corruption and Crime Commission’s very active corruption and prevention activities. We see that as absolutely fundamental to the achievement of our purposes under the act, the primary purpose being to reduce the incidence of misconduct within the public sector and to enable agencies to deal with it wherever it occurs. Implicit in that statutory purpose is that there will always be a degree of misconduct, if not corruption. It is the nature of humanity, sadly enough. It will always be there. The commission’s purpose under its act is to reduce the incidence of it and enable agencies to deal with it effectively when it does occur.

While our investigative role is very important and it is the high public profile of the CCC that is probably what most people read about when hearing about the Corruption and Crime Commission, the outcomes of investigations into misconduct or corruption is only part of our activities. More importantly, the long-term and cultural effect within the public sector, and indeed the community, is our corruption prevention and education function. Those initiatives that have been mentioned today, such as our regional outreach program to country and regional locations and our misconduct resistance program, are just some of the initiatives that the committee has heard about on previous occasions. We have developed a package for that. That was launched at a breakfast last year that was attended by well over 250 senior public sector executives, directors general and so on. That was a very successful awareness-raising event. It was the launch of a package that we have since been putting into departments and agencies to enable them to first of all identify their own misconduct and corruption risks and then to put in place themselves, and with our assistance where they seek it

because we do provide that service as well, their own processes to assess the risks for their own agencies and then to put in place systems and processes to manage the risk and to deal with misconduct or corruption should it occur within those agencies. We have seen a very significant heightening of awareness throughout the public sector as a result of those activities.

We have a long way to go. We would not for a moment step back and say, “We have finished that now, everybody knows all they need to know and everybody has systems in place.” The fact is that they do not. There is a lot of work to do but there has been, even in my relatively brief time with the commission—it seems a lot longer—a discernible change in awareness within the public sector and, indeed, in the community generally. I would like to think that it is an awareness of what the commission can do and does do to assist and enable departments and agencies rather than be seen in some threatening way as merely an investigative body.

**Mr F.A. ALBAN:** My question is probably directed to Dr Shean. How is funding sourced and allocated for your ICG products and services such as your annual forum and website?

**Dr Shean:** We rotate the annual forum. A degree of coordination is then picked up by the host agency, although we then look at additional costs and divide those equally. The website is hosted by my own office. We pick up the costs of redeveloping that. The material is produced by the other offices and discussed in our senior officers group. For each of the initiatives that we have, there is a special production cost, which is sometimes shared. The main amount of effort is that which is put in equally by all agencies. They cover that from their operating costs. There is no specific budget for the ICG.

**The CHAIRMAN:** Mr Murphy, you mentioned that you limit your activities to auditing and reporting only. You specifically mentioned that you do not undertake education but I guess in an indirect way, you are involved in education as a result of this group and it may manifest itself by way of an annual forum. That is not a problem. You indicated that you do get referrals. In response to a question from me, you indicated that you get 40 per year or something of that nature. A later comment was made by one of your colleagues that you do not take on complaints. What is the distinction between a referral and a complaint?

**Mr Murphy:** I do not think there is one. I would like to take the opportunity to touch on that education thing. That is important to us. Our reports to Parliament really do try to cover good practice as well as issues that need to be improved. I do believe that in our reports to Parliament we are undertaking an education and awareness role. My legislation does not have that as one of our functions, to educate the public sector. There is another issue. Our role is not looking at individuals; it is looking at agencies and typically systems, processes and procedures. The independence from design and implementation of those systems is absolutely critical to our role. It is impossible for us to be involved in activities that compromise our independence. We certainly do endeavour to make sure that our reporting to Parliament does carry out an educative role in helping agencies to understand what is considered good practice and what is less good practice.

That issue about what is a complaint and what is a referral is one that my office has spent a bit of time on. In the eyes of the individual who is sending a letter, I understand that the Ombudsman’s office deals with complaints. I often tell people that if they have a complaint about a specific issue that they want resolved, they should go and see the Ombudsman. I do not pursue complaints for individuals or advise them of the outcome. My only role is to look at the conduct of a public sector agency and report that matter back to Parliament. I do not report back to any individuals. The question you asked as to whether a matter is a complaint or a referral is in the eyes of the individual who is delivering the matter to you. I do not undertake resolution of complaints. The only thing I can do is include matters that have been referred to me for possible consideration into audit topics.

**The CHAIRMAN:** If you received a referral and you decided that it was something that you wanted to look into, would you respond back to the referrer, indicating that you were doing that?

**Mr Murphy:** I can give you an example that is public. The Treasurer has been very public in letting the media and others know that he has referred the Perth Arena to me as a matter that should be considered. We looked at the matter and did a preliminary examination of it. We also considered our recent coverage and the fact that we had not undertaken work in the capital works area for some time. It seemed to us both timely and appropriate to look at that issue. However, I determine the scope of the audit, not the Treasurer. The matter was referred to me. I determined that it was appropriate. I also determined the scope of the audit. I have commenced work in that area. Once that is finished, I put the scope of that audit onto the website so that it is publicly available. No more information about that then goes into the public domain until it is tabled in Parliament. Again, the Treasurer will find out the outcome of that when Parliament does.

[11.15 am]

**Mr Roberts-Smith:** That question possibly had its origin in an observation that I made and I will make the brief point that when we are talking about complaints, referrals, notifications and so forth—all of which are words that are pertinent to our agencies—the real distinction is that which Mr Murphy has just made: it is not so much how you describe what is coming in, it is more a question of what the agency does with it and how the agency deals with it. We would use the term “complaint” as conveying the notion that the agency has an obligation or a function of resolving a complaint for a complainant as opposed to in the commission’s case, for example, a complaint that a public officer has engaged in misconduct or has been corrupt in some way. If we accept that complaint as raising reasonable grounds for suspicion that that may have occurred, we would then investigate it, but we would not be investigating it from the point of view of resolving the complaint for the complainant. We would be conducting an investigation to determine under our act whether or not there had been misconduct or corruption.

**The CHAIRMAN:** Therefore, the resolving of the complaint could be done by the ombudsman in that situation—or not?

**Mr Roberts-Smith:** It may be. That is the sort of area we were talking about earlier with possible overlaps of jurisdiction. We would be concerned with an allegation of misconduct or corruption from the point of view of the conduct of the public officer, and allied to that whether or not that was occasionally contributed to or enabled by processes or lack of processes within the department or agency. We would address all of those issues. It may be that there are aspects of the conduct that has concerned the complainant, which the Ombudsman might well be able to resolve or indeed the Office of the Public Sector Standards Commissioner might be able to resolve, but that would not be the focus of our investigation. If the complaint was to be resolved for the complainant in that way that would need to be done differently. It would not be dealing with the same issues either.

**Mr Field:** What I can assure the chairman and members, which goes to the question that was raised before about the interface with the public, whom we are here to serve ultimately of course is that the reality is that we have a fairly elaborate and fairly active system of referrals between our agencies in those sorts of circumstances. I am absolutely aware of examples of exactly the sort the commissioner is talking about and we are looking at the issue of misconduct in relation to the public officer and generally in regard to the agency. But there might be an individual redress issue for the general public that has arisen out of that, and they would refer that to us and we could then resolve that in a timely way. We would look at that alleged maladministration component and the extent to which an apology, redress, remedy or compensation was due; and that is something we could work on at the same time. While we are there to resolve complaints and not look at those other issues, those matters can, in fact, occur simultaneously in an efficient way so that the member of the public is being attended to but the broader issues are also being examined and attended to as well.

**Mr J.N. HYDE:** Dr Shean, you accurately stated before that in good administration there is a need for decisions to be transparent and open to review. Obviously, if all or more of the public sector was operating in that way, there would be less work for you folks to do. Can I ask all of you, in light of

WA's freedom of information laws lagging behind, and certainly being less effective and consumer friendly than many Asian nations—I think that is acknowledged internationally—can you give us a view on our FOI laws, and, if they were enhanced, whether it would help in your roles?

**Dr Shean:** I think there is confusion in agencies as to what information people are entitled to. Having worked as a director general for eight years in human service agencies, I was always of the view that there was a lot of information that we held that was owned by individuals and they had a perfect right to access it. It was always counterproductive, to my mind, to make them go through FOI processes. It was not fair to them and it was enormously burdensome to us to have to process in that way. I think that the majority of matters that probably end up through FOI applications ought not to have been there in the first place.

On the other question, I do not know if it is for me to comment—or for anyone else for that matter, and it is not for me to comment on behalf of my colleagues here either—on the adequacy of legislation. From my perspective, one of the difficulties with the FOI act as it stands is that it should not be used to intimidate or threaten those people who have made complaints in valid ways. There is some question for an agency such as ours, if one is called as a witness to a case, whether one is protected. I have a case-by-case response to people who seek information in that way. I think that is more a question of the administration of legislation, or entities such as our own, rather than the legislation itself.

**Mr Roberts-Smith:** Insofar as the Corruption and Crime Commission is concerned, first of all, I will not comment on the freedom of information legislation itself, other than to say that the commission is an exempt agency for reasons that will be apparent to the committee. From an agency point of view, the freedom of information legislation simply does not impact on us.

**Mr J.N. HYDE:** Surely, in your experience, with maybe 1 or 2 per cent of complaints received in your agency actually going anywhere —

**Mr Roberts-Smith:** No.

**Mr J.N. HYDE:** A number of the people who had complained to you would not have wasted your time or their time by complaining to you if they had been able to find out what the decision was or how it was made originally in an agency.

**Mr Roberts-Smith:** I really do not know the answer to that question. I think the 1 per cent, Mr Chair, that is being referred to is the 1 per cent approximately of investigations that the commission takes on rather than referring to other agencies. I mentioned earlier that one of our primary responsibilities is to enable other agencies to deal with misconduct. We do that primarily by referring the complaints or allegations back to them to investigate. We then monitor the investigation and review it on its completion. That is the 1 per cent.

In terms of the substance of the question, I do not know that I can give an answer to that. Certainly there are occasions on which allegations of misconduct or corruption are made about things which appear to spring from what is really a suspicion that there has been misconduct or corruption, possibly because the person complaining does not know, in fact, why the decision was made or why the development approval was granted or whatever the case may be, and on our investigation it may be the case that we see not only was there no misconduct or corruption, which is really the ambit of our jurisdiction, but on the face of it everything looked to have been done appropriately. That may answer your question to some extent, but I could not quantify that at all.

**Mr J.N. HYDE:** Your time has been wasted having to handball it back to the body, whereas had the original body, say, the Dumbleyung shire, been transparent in the first case, it would have saved that?

**Mr Roberts-Smith:** All I could say about that is I agree entirely with Dr Shean that the greater the transparency and accountability of decision making throughout the public sector the less risk there

will be of complaints to any of us, I would suspect, founded on a misunderstanding, a misapprehension or suspicion of what actually occurred.

**Hon MATT BENSON-LIDHOLM:** Do any of you see any great need for any particular change to the overall functioning of the Integrity Coordinating Group in the future? One thing that I am personally interested in is the area of equal opportunity. It would seem from what I have read and what I have heard today that the group is addressing some very critical issues about public life in Western Australia today. Are there areas that the ICG would consider it needs to expand its terms of reference, or areas of interest or focus?

**Dr Shean:** We talk about our terms of reference from time to time. We are the four accountability agencies that report directly to Parliament and which have a whole-of-government scope. My agency hosts the director of equal opportunity and public employment, so that does feed into our capacity to report, if needs be, and that entity in our office also has a parliamentary reporting role but that is not an accountability agency as such.

**The CHAIRMAN:** Dr Shean, the Public Sector Commission came into operation on 28 November 2008. Should that commissioner be a member of your group?

**Dr Shean:** I should probably say thank you for some notice of that question. As your colleague Hon Barry House, President of the Legislative Council, reminded me the other day, I should preface my response by saying that Parliament takes a very dim view of any government entities that pre-empt the passing of legislation. Therefore, I need to preface my comments by saying that in the event that there are changes to the public sector commissioner legislation which meant that it too met the criteria of having a direct parliamentary reporting role on accountability and being whole of government—this Integrity Coordinating Group has discussed the matter—and if the PSC takes on the functions of the public sector standards commissioner, and retains parliamentary independence and accountability across the public sector then we would extend an invitation to the public sector commissioner to join.

**The CHAIRMAN:** Excuse my ignorance on the topic but would that mean the group would have four or five members?

**Dr Shean:** If the legislation goes through, there will not be a commissioner for public sector standards so that would mean there would still be four members.

**Mr J.N. HYDE:** Mr Field, one of the issues I raised four years ago or whenever we met with the group previously with your predecessor was your role in the auditing of telecommunications intercepts. This committee is very much aware and has done a report on that as it concerns the CCC, and I am particularly concerned with the oversight of police telecommunications intercepts. My view would be that the police and others sometimes argue that the Ombudsman gives a clean bill of health to the entire process of their application for warrants and undertaking an intercept with every part of the law adhered to. However, I put it to you that your auditing role is just checking that somebody has ticked the boxes in the paperwork and you are reliant that officer B says that he did get the warrant signed by a judge. Whether the judge was dragged out of bed at 3.00 am or it was signed over a tomato sandwich while he was working on five other things or whether he was fully informed, quizzed on it, whether the actual intercept remained in place for 31 hours or two days, when it was only supposed to be one day, that level of auditing is not undertaken by you

**Mr Field:** That is correct, but that is only inasmuch as I am performing the function that the Parliament allows.

**Mr J.N. HYDE:** That is all the legislation allows.

**Mr Field:** I am performing the function that Parliament has asked me to perform, basically. There are checks and balances in that system, and we have an outstanding judiciary in this state, which performs a function in issuing warrants for telecommunications intercepts, but my function is constrained by the Parliament in relation to legislation. We certainly perform that function, and I

can say from my perspective, in the time that I have been undertaking the role, that we treat that very seriously. I think we undertake to do that which is expected of us in the legislation and we report on it accordingly.

[11.30 am]

**Mr J.N. HYDE:** Do you only undertake a sample audit or do you audit every TI?

**Mr Field:** The practice has been to do all. We are not necessarily required to do that. There are different policies in different states. We continue to keep the number of audits we undertake under constant attention because obviously we want to do that in the most efficient and effective way without going back to a debate about audit. For example, if you were to find a very significant compliance rate over a period time, you may potentially move to some form of sample audit. We simply keep that general practice. We absolutely meet the requirements of the legislation. Historically, it has been the case that we have gone in excess of what has been in the legislation partly because my predecessor took the same view that I have continued to take about the importance of that function, the importance to the state and Parliament while partly learning from the experience of interstate colleagues in how they undertake those audits.

**Mr J.N. HYDE:** Are you auditing every TI for the police and the CCC?

**Mr Field:** We are moving and looking at a sample process in relation to audits. It just depends. The point of audit is to work out compliance and to get confidence and satisfaction of that compliance. I need to be able to report to the Minister for Police and the Attorney General in this state, as per my reporting requirements under the legislation, so they can have confidence that the warrants are being complied with under the legislation. At this stage that is exactly what I am undertaking.

**Mr J.N. HYDE:** One of the recommendations from the previous committee and the Gail Archer review was a public interest monitor, having an additional role to yours in terms of overseeing TIs and SDs. You are not responsible for SDs, are you?

**Mr Field:** A range of proposed legislation is looking at these sorts of areas. Obviously, we live in different times from 10 or 20 years ago in terms of the sorts of things we may need to look at. In relation to the public interest monitor question, I see that as being a matter of government policy and Parliament if they wish to proceed in that way with that sort of functionality. At this stage I am charged with a functionality, which is an important one. We execute it in relation to the legislation and report upon it accordingly.

**The CHAIRMAN:** If there are no final questions or final comments, on behalf of the committee, I would like to thank everyone for their time and evidence before the committee today. A transcript of this hearing will be forwarded to each of you for correction of minor errors. Please make these corrections and return the transcript within 10 days of receipt. If the transcript is not returned within this period, it will be deemed to be correct. New material cannot be introduced via these corrections and the sense of the evidence cannot be altered. Should anyone wish to provide additional information or elaborate on particular points, please include a supplementary submission for the committee's consideration when you return your corrected transcript of evidence. Thank you.

**Hearing concluded at 11.33 am**