



*Joint Standing Committee on Integrity*

9 June 2016

Hon. Nick Goiran, MLC  
Chairman  
Joint Standing Committee on the Corruption and Crime Commission  
Legislative Assembly Committee Office  
WA Parliament  
Level 1, 11 Harvest Tce  
WEST PERTH WA 6005

Dear Chairman,

**Inquiry into the efficiency and timeliness of the current appointment process for Commissioners and Parliamentary Inspectors of the Corruption and Crime Commission**

Thank you for your letter dated 25 May 2016 in respect of the Joint Standing Committee on the Corruption and Crime Commission's Inquiry into the efficiency and timeliness of the current appointment process for Commissioners and Parliamentary Inspectors of the Corruption and Crime Commission.

The Committee wishes to make this submission to the Inquiry and at this stage the Committee is comfortable with the appointment process outlined below.

Your letter refers the Committee's attention to the Term of Reference, specifically "c. alternate models used for similar appointments in other jurisdictions."

The Integrity Commission was established in October 2010 by the *Integrity Commission Act 2009* (Tas) (the Act) as a body independent of the Government departments and agencies.

The objectives of the Integrity Commission are set by the Section 3 of the Act, as follows:

- (2) The objectives of the Integrity Commission are to –
- (a) improve the standard of conduct, propriety and ethics in public authorities in Tasmania; and
  - (b) enhance public confidence that misconduct by public officers will be appropriately investigated and dealt with; and
  - (c) enhance the quality of, and commitment to, ethical conduct by adopting a strong, educative, preventative and advisory role.

- (3) The Integrity Commission will endeavour to achieve these objectives by –
- (a) educating public officers and the public about integrity; and
  - (b) assisting public authorities deal with misconduct; and
  - (c) dealing with allegations of serious misconduct or misconduct by designated public officers; and
  - (d) making findings and recommendations in relation to its investigations and inquiries.

### Chief Commissioner

The Integrity Commission has a Chief Commissioner, who is also the Chair of the Board of the Commission. The process for appointing a Chief Commissioner is prescribed by the *Integrity Commission Act 2009* which states:

#### **15. Chief Commissioner**

- (1) A person is to be appointed by the Governor as Chief Commissioner.
- (2) Before a person is appointed as Chief Commissioner, the Minister is to consult the Joint Committee.
- (3) If the members of the Joint Committee have not been appointed or Parliament has been prorogued, the Minister is to consult –
  - (a) the President of the Legislative Council; and
  - (b) the Parliamentary leader of each political party represented in the House of Assembly.
- (4) A person is not eligible to be the Chief Commissioner unless that person –
  - (a) is an Australian lawyer and has had not less than 7 years' standing as a legal practitioner; and
  - (b) is under the age of 72 years.
- (5) A person is not eligible to be appointed as Chief Commissioner if that person is, or has been in the period of 5 years immediately preceding the date on which it is proposed to appoint that person –
  - (a) a Member of a House of Parliament of the Commonwealth or a State or Territory; or
  - (b) a member of a council; or
  - (c) a member of a political party or a member of a similar organisation.
- (6) If the Chief Commissioner is removed from office by the Governor, he or she ceases to be a member of the Board.

Currently, the relevant Minister is the Attorney-General.

Whilst the legislation requires that the Minister consults with the Joint Standing Committee on Integrity prior to the appointment of a Chief Commissioner, it does not prescribe the requirement that approval is provided by the Committee for the appointment to be made.

In relation to fulfilling the requirement of consulting with the Committee, the current practice is that the Attorney-General writes to the Joint Standing Committee on Integrity to announce the intended appointee to the position and seeks a response from the Committee.

### Parliamentary Standards Commissioner

The office of the Parliamentary Standards Commissioner was established by *Integrity Commission Act 2009*. The position is independent of the Integrity Commission.

The Parliamentary Standards Commissioner provides advice to Members of Parliament and the Integrity Commission:

- (a) about conduct, propriety and ethics and the interpretation of any relevant codes of conduct and guidelines relating to the conduct of Members of Parliament; and
- (b) relating to the operation of the Parliamentary disclosure of interests register, declarations of conflicts of interest register and any other register relating to the conduct of Members of Parliament; and
- (c) relating to guidance and training for Members of Parliament and persons employed in the offices of Members of Parliament on matters of conduct, integrity and ethics; and
- (d) relating to the operation of any codes of conduct and guidelines that apply to Members of Parliament.<sup>1</sup>

The appointment of a Parliamentary Standards Commissioner is provided by the *Integrity Commission Act 2009* (Tas) which states:

#### **Division 3 - Parliamentary standards**

##### **27. Parliamentary Standards Commissioner**

- (1) The office of Parliamentary Standards Commissioner is established.
- (2) Before a person is appointed as Parliamentary Standards Commissioner, the Minister is to consult the Joint Committee.
- (3) If the members of the Joint Committee have not been appointed or Parliament has been prorogued, the Minister is to consult –
  - (a) the President of the Legislative Council; and
  - (b) the Parliamentary leader of each political party represented in the House of Assembly.
- (4) A person is not eligible to be the Parliamentary Standards Commissioner unless that person is under the age of 72 years.
- (5) A person is not eligible to be appointed as Parliamentary Standards Commissioner if that person is a member of a political party or a member of a similar organisation.
- (6) The Parliamentary Standards Commissioner is to be appointed by the Governor for a 5-year term and is eligible for reappointment once.
- (7) The Parliamentary Standards Commissioner holds office on such terms and conditions as are specified in his or her instrument of appointment.
- (8) For the avoidance of doubt, the Parliamentary Standards Commissioner may be appointed on a part-time basis.

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<sup>1</sup> Section 28 Integrity Commission Act 2009

(9) The Parliamentary Standards Commissioner may not be an officer or employee under the [State Service Act 2000](#).

(10) The Parliamentary Standards Commissioner is not subject to the direction or control of the Minister in respect of the performance or exercise of his or her functions or powers under this Act.

Please do not hesitate to contact the Committee should we be of further assistance.

Yours sincerely,

A handwritten signature in black ink, consisting of a large, stylized loop followed by a horizontal line extending to the right.

**Hon Ivan Dean MLC**  
**Chair**