

**Government Response to 2018 Select Committee on an Independent Integrity Commission Report**

Committee Recommendations	Government Position and Response
<p><b>RECOMMENDATION 1 (paragraph 2.7) -</b>                      The Committee recommends that the ACT Government table a bill based on the Integrity Commission Bill 2018 Exposure Draft, incorporating amendments recommended in this report, and that the Assembly debate that bill.</p>	<p>Agree in principle.</p> <p>The Government Response outlines the following:</p> <ul style="list-style-type: none"> <li>• 42 recommendations have been agreed or agreed in part and incorporated into the Bill;</li> <li>• 10 recommendations have been agreed in principle; and</li> <li>• 1 recommendation has been disagreed.</li> </ul> <p>Four recommendations relate to a non-legislative response or action and are matters for the Legislative Assembly to determine.</p>
<p><b>RECOMMENDATION 2 (paragraph 2.8) -</b>                      The Committee recommends that the Assembly not proceed with the Anti-corruption and Integrity Commission Bill 2018.</p>	<p>Agree.</p>
<p><b>RECOMMENDATION 3 (paragraph 2.11) -</b>                      The Committee recommends the following process could enable the passage of the legislation within the current sitting pattern:</p> <ul style="list-style-type: none"> <li>• The ACT Government respond to this report by instructing the Parliamentary Counsel Office to amend the Exposure Draft to give effect to any recommendations in this report with which the ACT Government agrees, creating a draft bill.</li> <li>• The ACT Government further instruct the Parliamentary Counsel Office to prepare, but not incorporate into the draft bill, draft amendments to give effect to any recommendations in this report with which the ACT Government does not agree.</li> <li>• Both the draft bill and draft amendments be made</li> </ul>	<p>Agree.</p>

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<p>available to all members, and the legal adviser of the Standing Committee on Justice and Community Safety (Legislative Scrutiny role), by close of business 16 November 2018.</p> <ul style="list-style-type: none"> <li>• During the week beginning 19 November 2018 members representing each party, their advisers, parliamentary drafters and any other officials that may be of assistance meet to discuss and refine the draft bill.</li> <li>• On 27 November 2018 the Government table a draft bill, incorporating any amendments agreed during meetings the proceeding week.</li> <li>• The Assembly suspend Standing Orders in order to debate the bill during that week.</li> </ul>	
<p><b>RECOMMENDATION 4 (paragraph 2.16) -</b> The Committee recommends that commencement of the legislation be staggered to allow for the appointment of a Commissioner and Commission prior to the receipt of complaints.</p>	<p>Agree.</p> <p>Section 81 of the Legislation Act 2001 provides the power to make appointments which can be exercised after a Bill is passed (and notified) but before it has commenced.</p> <p>The Bill will commence on a day fixed by the Minister by written notice. The naming and commencement provisions automatically commence on the notification day.</p> <p>Other provisions of the Bill can be commenced at different times. Section 79 of the Legislation Act 2001 (automatic commencement of postponed law) does not apply to this Bill.</p>
<p><b>RECOMMENDATION 5 (paragraph 2.17) -</b> The Committee recommends that s2(2) of the Exposure Draft be reviewed to confirm whether delayed commencement provisions should be linked to s6.</p>	<p>Agree.</p> <p>The Government reviewed section 2(2) which deals with the ACT Policing provisions starting 12 months after the commencement of section 6 (objects of the act). Linking commencement to another section (other than sections 1 or 2) is a legislative drafting requirement.</p>
<p><b>RECOMMENDATION 6 (paragraph 2.20) -</b></p>	<p>Agree.</p>

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<p>The Committee recommends that all definitions be included in the legislation, not defined in regulation.</p>	
<p><b>RECOMMENDATION 7 (paragraph 3.8) -</b>  The Committee recommends that the criteria for eligibility for Commissioner and Inspector allow for the appointment to the role of a former judge, as listed in s26(1) of the Exposure Draft, or an Australian legal practitioner of not less than 10 years standing.</p>	<p>Agree in principle.</p> <p>The Bill has been amended to allow for the Integrity Commissioner to have been ‘an Australian legal practitioner of not less than 10 years standing’ in the event that the Speaker is unable to appoint a suitable former judge.</p> <p>It is the Government’s view that the bar should be set at a high level and that a former judge would be appropriate to be the Territory’s first Integrity Commissioner, particularly given that the Commission has coverage of judicial officers.</p> <p>The Inspector provisions have also be updated to allow for the appointment of a legal practitioner of not less than 10 years standing.</p>
<p><b>RECOMMENDATION 8 (paragraph 3.9) -</b>  The majority of the Committee recommends that the criteria for eligibility for Commissioner prohibit the appointment of a former member of the Legislative Assembly to the role.</p>	<p>Agree.</p> <p>The five year limitation will remain for a person who is or has been a member of the Parliament of the Commonwealth or the legislature of a State or another territory.</p>
<p><b>RECOMMENDATION 9 (paragraph 3.12) -</b>  The Committee recommends that the terms of appointment for a Commissioner and CEO of the Commission be of different lengths to ensure continuity of operations.</p>	<p>Agree in principle.</p> <p>This can be achieved through a non-legislative method applied by the Speaker in relation to the Integrity Commissioner, while applied by the Integrity Commissioner in relation to the CEO.</p> <p>The relevant sections provide that the Commissioner (and CEO) must not be appointed for longer than 7 years. These are maximum terms. Appointments can be made for shorter periods.</p> <p>This recommendation can be achieved through the Integrity Commissioner’s appointment and CEO’s contractual arrangements.</p>
<p><b>RECOMMENDATION 10 (paragraph 3.15) -</b></p>	<p>Agree.</p>

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<p>The Committee recommends that the provisions relating to the Commissioner’s conflicts of interest in s29 of the Exposure Draft be reviewed to consider improved drafting, including drawing on s102 of the Bill.</p>	<p>The drafting of section 29 of the Exposure Draft is based on the disclosure of interests provisions found for other Officers of the Legislative Assembly such as the Auditor-General (section 8C <i>Auditor General Act 1996</i>), Ombudsman (section 24B <i>Ombudsman Act 1989</i>) and the Electoral Commissioner (section 15 <i>Electoral Act 1992</i>).</p> <p>The Integrity Commissioner is a public sector member under this definition of the PSM Act. Division 8.2, PSM Act applies to the Commissioner in relation to the employment of staff. Section 151 of the PSM Act, Division 2.1 (public sector standards) applies to the Integrity Commissioner, which includes the requirement to avoid conflict of interests. This is similar to other statutory office holders and Officers of the Legislative Assembly. Additional provisions have been included in the Bill on conflicts of interest.</p>
<p><b>RECOMMENDATION 11 (paragraph 3.20) -</b> The Committee recommends that the maximum term of appointment of an acting Commissioner be defined in the legislation as six months and that any reappointment to a further six month term be subject to consultation with the relevant Assembly committee.</p>	<p>Agree.</p>
<p><b>RECOMMENDATION 12 (paragraph 3.21) -</b> The Committee recommends that the legislation be amended to include the explanatory note to s97 of the Bill regarding acting appointments.</p>	<p>Agree.</p>
<p><b>RECOMMENDATION 11 (second #11) (paragraph 3.24) -</b> The Committee recommends that bankruptcy and insolvency be grounds to suspend a Commissioner.</p>	<p>Agree.</p> <p>This amendment has been included in the Bill however it is noted that a bankruptcy provision is not included the enabling legislation for all other statutory office holders.</p>
<p><b>RECOMMENDATION 14 (paragraph 3.27) -</b> The Committee recommends that the ACT Government consider whether failure by the Commissioner to disclose conflict of interest matters would be considered “misbehaviour” under s33 of the Exposure Draft, as that term is generally understood, or whether the more specific</p>	<p>Agree.</p> <p>The Bill has been amended to incorporate this recommendation.</p>

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provisions on this matter in s105 of the Bill should be adopted.	
<p><b>RECOMMENDATION 12 (second #12) (paragraph 3.30) -</b>  The Committee recommends that the ACT Government consider the question of how a CEO of the Commission could be suspended and, if necessary, insert suspension provisions in the legislation.</p>	<p>Agree.</p> <p>The Select Committee’s recommendation was considered, however suspensions requirements can be included in the CEO’s contract and are not needed in the final Bill. Suspension provisions for CEOs are not usually contained in the enabling legislation. This is a matter for the Integrity Commissioner who will engage the CEO.</p>
<p><b>RECOMMENDATION 13 (paragraph 3.37) -</b>  The majority of the Committee recommends that the legislation require that staff of the Commission not have been an ACT public servant in the last 5 years.</p>	<p>Agree in part.</p> <p>It is noted that the 5 year restriction already applies to the Integrity Commissioner, CEO and Inspector. As a result, this restriction also applies to anyone that acts in these positions.</p> <p>It is the Government’s view that it should be possible for other staff in the Integrity Commission to have been ACT public servants in the last 5 years. It is noted that such a restriction does not apply in other bodies within the Territory or other jurisdictions.</p> <p>If the Government were to agree fully to this recommendation, the Human Rights Commission is likely to raise issues on the restriction of employment for the remaining staff of the Commission.</p>
<p><b>RECOMMENDATION 14 (second #14) (paragraph 3.38) -</b>  The Committee recommends that the legislation require the Commission to develop and publish guidelines for personal interest disclosures requested under s48 of the Exposure Draft.</p>	<p>Agree.</p>
<p><b>RECOMMENDATION 15 (paragraph 3.41) -</b>  The Committee recommends that the legislation authorise the Speaker to seek administrative support and advice in discharging the Speaker’s statutory role under the legislation, in a similar way as s37B of the Auditor-General’s Act 1996 and s37A of the Ombudsman Act 1989.</p>	<p>Agree.</p>

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<p><b>RECOMMENDATION 16 (paragraph 3.42) -</b> The Committee recommends that the Standing Committee on Administration and Procedure examine the level and manner of support to the Speaker in performing her statutory roles under Officer of the Assembly legislation.</p>	<p>No position – this is a matter for the Legislative Assembly.</p>
<p><b>RECOMMENDATION 17 (paragraph 4.11) -</b> The Committee recommends that the legislation be examined to ensure that it incorporates the full extent of the NSW definition of corrupt conduct, as reflected in the Bill, but maintain the focus on “serious corrupt conduct” and “systemic corrupt conduct”.</p>	<p>Agree in part.</p> <p>The definition of corrupt conduct in the Bill has been amended by incorporating elements of the existing definition to align more closely with the NSW definition.</p> <p>The corrupt conduct definition continues to rely on the Criminal Code, Chapter 3 (theft, fraud, bribery and related offences), instead of listing matters that will be determined by common law.</p> <p>The amended definition of corrupt conduct is based on NSW with an emphasis on serious corrupt conduct and systemic corrupt conduct. Misconduct will continue to be excluded from the new definition as this is already dealt with by the Public Sector Standards Commissioner.</p> <p>It is useful to note that NSW is not a human rights jurisdiction, unlike the ACT, so it has been necessary to consider any amendments in order to meet compliance with the Human Rights Act 2004.</p>
<p><b>RECOMMENDATION 18 (paragraph 4.15) –</b> The Committee recommends that the ACT Government consider whether the legislation should explicitly state that the Commission has no jurisdiction prior to 1989.</p>	<p>Agree.</p> <p>The Bill has been amended to reflect this recommendation.</p>
<p><b>RECOMMENDATION 19 (paragraph 4.25) –</b> The Committee recommends that the legislation be amended to make previous investigation by another body a consideration in the Commissioner’s determination if an investigation is in the public interest and not a bar to investigation by the Commission.</p>	<p>Agree.</p>

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<p><b>RECOMMENDATION 20 (paragraph 4.28) -</b> The Committee recommends that the ACT Government consider whether the definition of public authority in the legislation should be amended to cover persons that do not have a contractual relationship with government but are licenced by government to provide certain services.</p>	<p>Agree.</p> <p>The Government has considered the definitions in the Bill. Persons that do not have a contractual relationship with the government but are licenced by government to provide certain services are already included in the Bill (see entity of a public nature).</p>
<p><b>RECOMMENDATION 21 (paragraph 4.37) –</b> The majority of the Committee recommends that the definition of public official include members of the judiciary and judicial officers.</p>	<p>Agree.</p>
<p><b>RECOMMENDATION 22 (paragraph 4.51) -</b> The Committee recommends that the legislation be amended so that Senior Executive Service officers are included in mandatory corruption notification provisions in s60 of the Exposure Draft.</p>	<p>Agree.</p>
<p><b>RECOMMENDATION 23 (paragraph 4.52) -</b> The Committee recommends that provisions on mandatory corruption notifications be amended to make it clear that the following individuals are not subject to those provisions in performance of their duties but are subject to those provisions regarding possible serious or systemic corrupt conduct within their own organisations:</p> <ul style="list-style-type: none"> <li>• The Auditor-General;</li> <li>• The Ombudsman;</li> <li>• The Electoral Commissioner;</li> <li>• The Human Rights Commissioner; and</li> <li>• The Clerk of the Legislative Assembly.</li> </ul>	<p>Agree.</p> <p>In the Government Response to the earlier Select Committee report, it was the Government’s intention of ensuring that the final Bill does not jeopardise the independence or existing legislative responsibilities of other integrity bodies (such as the Auditor-General and the Ombudsman).</p>
<p><b>RECOMMENDATION 24 (paragraph 4.53) -</b> The Committee recommends that the Speaker not be exempt</p>	<p>Agree.</p>

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from mandatory corruption notification provisions.	
<p><b>RECOMMENDATION 25 (paragraph 4.54) -</b> The Committee recommends that provisions on mandatory corruption notifications be amended to remove reference to a member of staff of an MLA.</p>	<p>Agree in part.</p> <p>The Bill has been amended to require Chiefs of Staff to Ministers and to the Leader of the Opposition to comply with mandatory corruption notifications. This approach aligns with the inclusion of the Senior Executive Service (recommendation 22).</p>
<p><b>RECOMMENDATION 26 (paragraph 4.60) -</b> The Committee recommends that the legislation include an offence of failing to make a mandatory corruption notification.</p>	<p>Agree.</p>
<p><b>RECOMMENDATION 27 (paragraph 4.61) -</b> The Committee recommends that the Commission provide comprehensive training and education material to anyone subject to mandatory corruption notification requirements.</p>	<p>Agree.</p>
<p><b>RECOMMENDATION 28 (paragraph 4.68) -</b> The Committee recommends that s56(1) of the Exposure Draft be redrafted by removing “and” between the items on the list of ways in which a corruption complaint may be made.</p>	<p>Agree.</p>
<p><b>RECOMMENDATION 29 (paragraph 4.73) -</b> The Committee recommends that the legislation be amended so that a complainant loses their absolute privilege from defamation should they publicly disclose the contents of a complaint prior to the Commission making it public.</p>	<p>Agree.</p>
<p><b>RECOMMENDATION 30 (paragraph 4.79) -</b> The Committee recommends that the Standing Committee on Administration and Procedure develop amendments to continuing resolution 5AA to permit the Legislative Assembly Commissioner for Standards to refer matters to the Commission and to receive and act on referrals from the Commission.</p>	<p>No position – this is a matter for the Legislative Assembly.</p>
<p><b>RECOMMENDATION 31 (paragraph 4.80) -</b> The Committee recommends that the legislation be amended</p>	<p>Agree.</p>



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by deleting s57(4)(d) to remove the Legislative Assembly Commissioner for Standards from the list.	
<p><b>RECOMMENDATION 32 (paragraph 4.81) -</b>  The Committee recommends that the legislation be amended by adding the Legislative Assembly Commissioner for Standards, the Speaker and Deputy Speaker to the list of entities in s104(2) from which the Commissioner may not ask for written reports.</p>	Agree.
<p><b>RECOMMENDATION 33 (paragraph 4.84) -</b>  The Committee recommends that the legislation be reviewed to ensure that s103(1)(a) of the Exposure Draft, which prevents the Commission from referring a corruption report that it does not have the power to investigate, does not obstruct effective cooperation between integrity bodies.</p>	<p>Agree.</p> <p>The Government reviewed the Select Committee’s recommendation and is of the view that the referral of matters outside the Commission’s jurisdiction is enabled through sections 65(1)(b) and 65(2) [When corruption reports must be dismissed] and section 194(2)(c) [Disclosure of information by Commission] in the Exposure Draft. These sections continue to be contained in the revised Bill under sections 71(3)(b) and 71(4) [When corruption reports must be dismissed] and section 204(1) [Disclosure of information by Commission]. No amendment is needed.</p>
<p><b>RECOMMENDATION 34 (paragraph 5.6) -</b>  The Committee recommends that the legislation state that where a matter of parliamentary privilege arises in the course of the exercise of the Commission’s powers, it shall be dealt with by the Assembly.</p>	Agree.
<p><b>RECOMMENDATION 35 (paragraph 5.7) -</b>  The Committee recommends that the ACT Government obtain and publish a legal analysis on the impact s270(a)(iv) of the Exposure Draft, and similar provisions in the Public Interest Disclosure Act 2012, has on the Assembly’s rights as regards s24(3) of the Australian Capital Territory (Self Government) Act 1988.</p>	<p>Disagree.</p> <p>The Government’s view is that it is more appropriate for the Clerk to commission this analysis, if it is considered necessary.</p>
<p><b>RECOMMENDATION 36 (paragraph 5.10) -</b></p>	Agree.

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<p>The Committee recommends that the ACT Government explore whether specific provision needs to be made in the legislation to permit the Commissioner to make use of Members' declarations of interest.</p>	<p>The Government has further explored whether a specific provision is needed within the Bill to permit the Integrity Commissioner to make use of the MLA declarations of interest. However an amendment to the Bill is not necessary.</p> <p>The Integrity Commissioner can access the declarations of interest made by MLAs as a result of continuing resolution 6(3). Under the examination provisions, the Commission may inform itself of anything in the way it consider appropriate. This could include accessing these declarations of interest. This also applies to preliminary inquiries.</p>
<p><b>RECOMMENDATION 37 (paragraph 5.16) -</b> The Committee recommends that the Standing Committee on Administration and Procedure consider the arrangements necessary for an independent process to advise on claims of parliamentary privilege that arise during Commission investigations and present a proposal to the Assembly.</p>	<p>No position – this is a matter for the Legislative Assembly.</p>
<p><b>RECOMMENDATION 38 (paragraph 6.15) -</b> The Committee recommends that the legislation require the Commissioner to issue guidelines about the Commission's policies and procedures, and that the ACT Government consider whether the guidelines should be a notifiable instrument.</p>	<p>Agree in part.</p> <p>This is a matter for the Commission, however, an amendment has been made to the Bill. The Government will give consideration in the future as to whether the guidelines need to be a notifiable instrument.</p>
<p><b>RECOMMENDATION 39 (paragraph 6.20) -</b> The majority of the Committee recommends that the legislation prohibit the use of summons in preliminary inquiries.</p>	<p>Agree in principle.</p> <p>The preliminary summons power is an important one to ensure the Commission is reasonably satisfied that a threshold has been met before conducting a full examination.</p> <p>The provision in the Bill has been amended from a summons to a notice to provide information, documents or things (similar to section 14, Auditor-General Act, or power to obtain information and documents under section 11, Ombudsman Act 1989).</p>
<p><b>RECOMMENDATION 40 (paragraph 6.27) -</b> The Committee recommends that the ACT Government re-examine the timeframes in the legislation under which</p>	<p>Agree.</p> <p>The amendment has been made in the revised Bill.</p>

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<p>persons arrested under an arrest warrant must be brought before the Commission to ensure consistency with the language and timeframes used in other relevant pieces of ACT legislation.</p>	
<p><b>RECOMMENDATION 41 (paragraph 6.28) –</b> The Committee recommends that s156(3)(e) of the Exposure Draft be redrafted by deleting the phrase “if the magistrate has contacted the person” and making s156(3)(e)(i) and s156(3)(e)(ii) into s156(3)(f) and s156(3)(g) respectively.</p>	<p>Agree.</p>
<p><b>RECOMMENDATION 42 (paragraph 6.36) -</b> The Committee recommends that s186 of the Exposure Draft be amended to give the Commission the discretion to withhold a proposed investigation report from a relevant entity if there are reasonable grounds to believe that the sharing of the proposed investigation report could prejudice a prosecutorial or serious disciplinary action.</p>	<p>Agree.</p>
<p><b>RECOMMENDATION 43 (paragraph 6.49) -</b> The Committee recommends that the legislation be amended to include a general offence of obstructing the Commissioner, Inspector, their staff and witnesses, similar to Part 9 of New South Wales Independent Commission Against Corruption Act 1988.</p>	<p>Agree.</p>
<p><b>RECOMMENDATION 44 (paragraph 7.5) -</b> The Committee recommends that the ACT Government amend the Exposure Draft to contain a clear statement of the Inspector’s powers in a similar manner as s57 of New South Wales’ Independent Commission Against Corruption Act 1988.</p>	<p>Agree in principle.</p> <p>A section similar to 57C of the NSW Independent Commission Against Corruption Act 1988 has been incorporated into the Bill.</p> <p>It is useful to note that the ACT Inspector does not have the power to require officers of the Commission to attend before the Inspector to answer questions or produce documents or other things relating to the Commission’s operations or any conduct of officers of the Commission.</p>

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<p><b>RECOMMENDATION 45 (paragraph 7.8) -</b>  The Committee recommends that the ACT Government remove any provisions from the legislation that require automatic reporting of the Commission’s use of its powers to the Inspector, including sections 79, 87, 139, 144, 155, 158, 166 and 192.</p>	<p>Agree in principle.</p> <p>The Commission’s reporting timeframes to the Inspector have been considered. Some of the reporting timeframes have been amended in the Bill to occur on a monthly basis after the activity has been undertaken. However the requirement for the Commission to notify the Inspector 7 days prior to a public examination with reasons still applies.</p> <p>If the reporting timeframes are removed, it would be difficult for the Inspector to appropriately assess whether the Commission is undertaking its functions consistent with its legislative obligations and for the Inspector to have proper oversight of the Commission’s coercive powers.</p> <p>It is noted that there may be human rights issues with amending the Bill to reflect this recommendation. By having the requirement for the Integrity Commission to notify the Inspector when an examination hearing is being held, allows the Inspector to ensure that the Commission is operating within its legislative purview, prior to holding the hearing. However if this requirement is taken away it means that there is less protection from a human rights perspective for individuals who are subject to an examination hearing.</p>
<p><b>RECOMMENDATION 46 (paragraph 7.13) -</b>  The Committee recommends that the legislation omit reference to any requirement that inspectorate staff be employed by the Territory or under Territory law to enable a Commonwealth agency to be appointed as Inspector if so chosen.</p>	<p>Agree in principle.</p> <p>The provision has been amended to provide a range of options depending on whether the person/entity is from the ACT, Commonwealth or State/Territory.</p>
<p><b>RECOMMENDATION 47 (paragraph 7.14) -</b>  The Committee recommends that the legislation be amended so that any exercise by the Speaker of the power under s236(2) to make arrangements for another person to exercise</p>	<p>Agree.</p>

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<p>the functions of the Inspector be subject to the consultation and Assembly resolution requirements of s222(2)(a) and s222(3)(b).</p>	
<p><b>RECOMMENDATION 48 (paragraph 7.17) -</b>  The Committee recommends that the legislation be amended by deleting s260 of the Exposure Draft, removing the power of the Inspector to recommend that an acting Commissioner be appointed.</p>	<p>Agree in principle.</p> <p>The Government has amended the clause and Explanatory Statement to clarify the intent of the provision which will instead appoint a Special Investigator with the same powers as the Integrity Commissioner.</p> <p>If there is a need for the Commissioner (or the Inspector) to be investigated for corrupt conduct, a person should be appointed by the Speaker to investigate the Commissioner (or Inspector). The person should have the full powers of the Commissioner (powers to apply for a warrant that authorises entry, search and seizure, hold examinations, authorise and conduct a Controlled Operations, etc.).</p> <p>The new provision provides that the Speaker may appoint a person to carry out an investigation, if the Inspector makes a recommendation to the Speaker; or the Speaker otherwise becomes aware of information that, if true, would tend to show corrupt conduct by Commissioner (or a member of the Commission’s staff) or the Inspector (or member of the Inspector’s staff). The person appointed as the Special Investigator may exercise any of the functions of the Commission or the Inspector.</p> <p>If the Special Investigator provision is not included in the Bill, there would be limited oversight of the Commission where the Inspector suspects there has been corrupt conduct by the Commission. The Inspector would only have very limited powers to investigate the matter, compared to the powers of the Commission.</p>
<p><b>RECOMMENDATION 49 (paragraph 7.20) -</b>  The Committee recommends that the Commissioner be required to maintain a register of conflicts of interest and any steps taken to manage them within the Commission and that</p>	<p>Agree in principle.</p> <p>It is proposed that the Commission should have an internal policy/procedure addressing how conflicts of interest are to be maintained. The register is to be available to the</p>

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the register be available to the Inspector.	Inspector.
<p><b>RECOMMENDATION 50 (paragraph 7.21) -</b> The Committee recommends that the Inspector report to the relevant Assembly committee on the extent to which the Commission is managing conflicts of interest.</p>	<p>Inspector.</p> <p>Agree in principle.</p> <p>If the Commissioner were to disclose the conflicts of interest to the Inspector, the Inspector can then include it as part of their annual operational review of the Commission report. The report should only state the number of declarations made and not the specific details of the declarations so as to comply with the privacy requirements and Human Rights Act. Both the Commissioner and Inspector have to declare any conflicts of interest to the Speaker.</p>
<p><b>RECOMMENDATION 51 (paragraph 7.25) -</b> The Committee recommends that the Assembly establish a dedicated committee with oversight of the Commission.</p>	<p>No position – this is a matter for the Legislative Assembly.</p> <p>The Government considers it essential that all parties be represented on an Assembly oversight committee. Under the current arrangements, the Standing Committee on Administration and Procedure appears to meet this requirement, unless the Assembly agrees to create a new committee.</p>
<p><b>RECOMMENDATION 52 (paragraph 7.26) -</b> The Committee recommends that the legislation be amended to replace references to the “presiding member of the relevant Assembly committee” with “the relevant Assembly committee”.</p>	<p>Agree.</p> <p>These provisions in the Bill were based on the Auditor-General Act 1996 which uses references to ‘presiding member of the relevant Assembly committee’.</p> <p>Consideration will be given as to whether the Auditor-General Act 1996 requires amendment to ensure consistency in practice.</p>
<p><b>RECOMMENDATION 53 (paragraph 8.5) -</b> The Committee recommends that the legislation be amended to remove reference in s23(1)(f) to the Commission providing leadership to the Legislative Assembly.</p>	<p>Agree.</p>
<p><b>RECOMMENDATION 54 (paragraph 8.15) -</b> The Committee recommends that the ACT Government establish a comprehensive review of the Public Interest Disclosure Act 2012 as soon as is possible with the aim of</p>	<p>Agree.</p> <p>The Government acknowledges that the PID Act will need to be reviewed in the context of the Integrity Commission Bill and the new ACT Integrity Commission. The</p>

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having changes implemented by 2020.	Government is considering the context and timing of this review. Any legislative amendments would be subject to an assessment of legislative priorities.