

Review of the Integrity Commission Act 2018

Terms of Reference

1. Section 303 of the *Integrity Commission Act 2018 (IC Act)* requires the responsible Minister, in consultation with the Speaker, to review the operation of the IC Act as soon as practicable three years after the commencement of section 303. As section 303 of the IC Act commenced on 1 December 2019, this requires the review to commence as soon as practicable from 1 December 2022.
2. The reviewer is to review the operation of the IC Act, in particular with reference and inquiry into:
 - a. The operation of the IC Act in relation to the broader ACT Public Sector (**ACTPS**) Integrity Framework, including (but not limited to), the *Public Sector Management Act 1994*, the *Public Interest Disclosure Act 2012*, and whether there are any inefficiencies or duplication of effort between entities.
 - b. The powers and jurisdiction conferred on the ACT Integrity Commission (**Integrity Commission**) under the IC Act, and whether these are appropriate and adequate to investigate allegations of corrupt conduct, serious corrupt conduct, and systemic corrupt conduct.
 - i. In particular, whether designation as an ‘eligible authority’ or ‘criminal law enforcement agency’ under the *Telecommunications (Interception and Access) Act 1979 (Cth)* is appropriate for the Integrity Commission.
 - c. The proposals put forward by the Integrity Commission within its annual reports since 2019/20 including,
 - i. The merits of each proposal, and
 - ii. To consider the proposals as a whole and determine whether, if all amendments are enacted, the Integrity Commission remains true to the Integrity Commission envisaged under the Ninth Parliamentary Governing Agreement and proper for the uniqueness of the ACT jurisdiction.
 - d. The role of the inspector of the Integrity Commission, and if the legislative provisions are appropriate and fit for purpose.
 - e. Appropriate arrangements for the provision of witness assistance, in particular, provision of legal assistance and reimbursement of general expenses.
 - f. Wellbeing arrangements in relation to investigations undertaken by the Integrity Commission, in particular, if there are any gaps in the legislative framework that may impact a person’s mental health and wellbeing, and if any further arrangements are required for vulnerable people participating in an investigation.
 - g. Other matters the reviewer considers pertinent raised throughout the review.
3. In formulating the report and recommendations, the reviewer must consider the *Human Rights Act 2004 (HR Act)*, and ensure any recommendations to amend the IC Act (or other legislation) are consistent with the HR Act.
4. The independent reviewer is to provide a report on the outcomes of the inquiry, including recommendations for the ACT government to consider, to the Chief Minister as responsible Minister.