

Sensitive: Auditor-General

Review Secretariat
Independent Review of the *Public Interest Disclosure Act 2012* (ACT)
Via email to: PIDActreview@act.gov.au

Submission to Independent Review of the *Public Interest Disclosure Act 2012* (ACT)

The ACT Audit Office (the Audit Office) appreciates the opportunity to make a submission to the Independent Review of the *Public Interest Disclosure Act 2012*.

In providing a response to the review, the Audit Office will focus on:

- informing and clarifying its actions with respect to representations and public interest disclosures; and
- future relationships between integrity bodies in the ACT.

Public interest disclosures and representations

Commensurate with its role in promoting public accountability in the public administration of the Territory, the Audit Office receives representations from a wide range of stakeholders including members of the public, community groups and organisations, members of the ACT Legislative Assembly and members of the ACT Public Service. Representations may be made on a range of different topics and issues, with the entities making the representations seeking a range of different outcomes primarily associated with action on the part of the Audit Office through, for example, a performance audit or an investigation.

The Audit Office manages each representation on a case-by-case basis, although all representations that are received are considered with reference to the *Public Interest Disclosure Act 2012*. Some representations inform audit work underway and all representations inform the development of the annual performance audit program. Some representations are identified as public interest disclosures.

Public interest disclosures received by the Audit Office may be categorised as one of two types, those relating to:

- the Audit Office and its operations; and
- other public sector entities.

In recent years the Audit Office has reported the following representations and public interest disclosures in its annual reports:

Year	Representations	Public interest disclosures
2017-18	73	0
2016-17	50	2 (relating to other ACT public sector entities)
2015-16	32	4 (relating to other public sector entities)
2014-15	19	3 (two relating to other ACT public sector entities and one relating to the Audit Office)

Future relationships between integrity bodies in the ACT

In providing a response to the review, the Audit Office notes the independent operations of the Audit Office as outlined in section 7 of the *Auditor-General Act 1996*. Section 7 of the *Auditor-General Act 1996* states:

Auditor-general— independence

(1) Subject to this Act and to other Territory laws, the auditor-general has complete discretion in the exercise of the auditor-general's functions.

(2) In particular, the auditor-general is not subject to direction from anyone in relation to—

- (a) whether or not a particular audit is to be carried out; or*
- (b) the way in which a particular audit is to be carried out; or*
- (c) the priority to be given to any particular matter.*

The Audit Office works with all public sector entities to deliver its functions. This is achieved through mutual respect and communication and recognition of the importance of the independent role of the Auditor-General. Being independent is paramount to achieving the functions of the Auditor-General when reporting to the ACT Legislative Assembly. This is apparent in the way that the Audit Office conducts its activities now, and the Audit Office anticipates a similar approach when working with the Integrity Commission, other integrity bodies and public sector entities in the future.

Any future administrative arrangements, including with respect to the management and administration of public interest disclosures, will need to take account of the independence of integrity bodies, including that of the Auditor-General.

Thank you again for the opportunity to make a submission to the Independent Review of the *Public Interest Disclosure Act 2012*. If you have any further questions please contact Mr Brett Stanton (Assistant Auditor-General, Performance Audits) on 6207 9534 or myself on 6207 0833.

Yours sincerely



Mr Michael Harris
Auditor-General
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