

Ms Sandra Lambert
Chair, ACT Remuneration Tribunal
PO Box 964
CANBERRA ACT 2601

Determination of the CEO of the Integrity Commission

Dear Ms Lambert,

I understand that the Chief Minister has written to the Tribunal in accordance with s 10 of the *Remuneration Tribunal Act 1995* asking that it consider a determination in relation to the CEO of the Integrity Commission. I ask that you consider this submission as part of your deliberations.

As you would be aware, the Commission has a broad remit under the *Integrity Commission Act 2018* (the Act). Among other matters, it is responsible for: investigating allegations of corrupt conduct; researching corrupt practices; mitigating the risks of corruption; and providing education programs about the operation of the Act.

I have turned my mind to the organisational requirements that will necessarily arise in order that the Commission is able to perform these functions effectively. It is clear that the CEO will be pivotal in the Commission's success. Section 44 of the Act provides that the CEO has the functions of managing the day-to-day operations of the Commission and advising the Commission about the Commission's operations and financial performance.

Given this, a high calibre individual will be required and it is my expectation that he or she will have extensive experience at the highest levels of public sector administration and will be able to command the necessary gravitas and judgement to be able to engage assertively and authoritatively with stakeholders in service of the Commission's functions.

In addition to a general public sector expertise, the CEO will require a strong knowledge of general legal principles and the conduct of investigations. However, I do not regard legal qualifications as a prerequisite for the role. As Commissioner I will attend to complex legal issues and decisions about the exercise of powers that are conferred under the Act, the conduct of examinations, and matters involving legal issues. Upon appointment, the CEO will be required to design and put in place all of the necessary administrative and other infrastructure that is required to fulfil the Commission's functions. The CEO will design, implement and maintain:

- a full suite of policies, protocols, and operating procedures that give proper expression to relevant legislative requirements and principles;
- financial management and accounting systems;
- education and information programs across the public sector;
- MOUs with relevant referral entities; and
- arrangements for sound corporate governance, risk management and internal controls.

The CEO would be expected to engage directly with the Members of the Legislative Assembly, the Head of Service, Directors-General and heads of statutory agencies in support of the Commission's functions.

Against this background, it is my view that the minimum salary relative to that which applies to the ACT the salary scale of members of the SES in the ACT public sector (Level 3.1 to Level 3.4—\$282k-\$317k pa)) will be necessary to attract and retain a suitable person.

By way of comparatives, I direct your attention to salary ranges in equivalent positions in other jurisdictions—South Australia's CEO has a range of \$299k to \$319k pa, Victoria's CEO has a range of \$290k–\$299k pa, and Tasmania's CEO who receives a salary of \$215k pa.

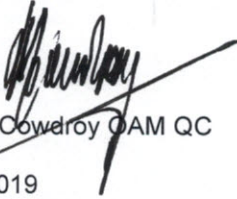
However, I point out that there are two issues which I consider distinguish the ACT Integrity Commission CEO from that in Tasmania;

1. In Tasmania the CEO reports to a Board and has the Board available to assist in the making of decisions: in the ACT there will be no Board and the responsibility for important decisions will rest upon the CEO;
2. The ACT is developing at a very rapid rate, and the risk of untoward conduct by officials could, unfortunately, be more than that experienced in Tasmania.; Accordingly it is possible that the work could be more intense.

I respectfully suggest that a salary of \$300,000 would be in the range.

Thank you for your consideration of the above matter.

Yours sincerely,



Dennis Cowdroy OAM QC

9 June 2019