



Andrew Barr MLA

Chief Minister

Treasurer

Minister for Social Inclusion and Equality

Minister for Tourism and Special Events

Minister for Trade, Industry and Investment

Member for Kurrajong

Dr Colin Adrian
Chair
ACT Remuneration Tribunal
PO Box 964
CIVIC SQUARE ACT 2608
Email: remtrib@act.gov.au

Dear Dr Adrian

I am writing to request the Remuneration Tribunal commence consideration of determining the remuneration for the new Integrity Commissioner role which will be established shortly.

As you are aware, I tabled the Exposure Draft Integrity Commission Bill 2018 in the Legislative Assembly on Tuesday 31 July 2018. The Exposure Bill has been referred to the Select Committee for inquiry and report by 31 October 2018.

The Exposure Bill and accompanying Explanatory Statement can be accessed on the ACT Legislation Register at www.legislation.act.gov.au.

The Select Committee is inquiring into the Government's Exposure Draft Integrity Commission Bill 2018 and the Opposition's Anti-corruption and Integrity Commission Bill 2018.

Following the Select Committee's report, the Government has committed to introducing legislation in the Legislative Assembly in the November 2018 sittings, and potentially debating the Bill in the same sittings, subject to the view of the Assembly.

After the Bill is passed in the Assembly, the Speaker will be responsible for leading the Integrity Commissioner recruitment and appointment process. It would be most useful if the Remuneration Tribunal's determination was available shortly after the finalisation of the Bill in the Legislative Assembly to enable the Speaker to commence this important process. If the Bill passes in late November 2018, this process may commence in December 2018.

The Exposure Bill formally establishes the Integrity Commissioner as an independent Office of the Legislative Assembly, appointed by the Speaker under the Office of the Legislative Assembly framework.

ACT Legislative assembly

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The Integrity Commissioner is likely to be a part-time role. The Integrity Commissioner is responsible for appointing the Chief Executive Officer who will be responsible for managing the day-to-day affairs and operations of the Commission and ensuring it undertakes its statutory responsibility within budget. The Chief Executive Officer will be a statutory office holder.

Other staff within the Commission will be a Counsel Assisting, five Investigators and three office support staff.

The eligibility requirements for the Integrity Commissioner is likely to be a current or former:

- judge of the Supreme Court; or
- judge of the Supreme Court of a State or another Territory; or
- judge of the Federal Court; or
- justice of the High Court.

The Exposure Bill establishes the ACT Integrity Commission (the Commission) to investigate corruption in public administration and strengthen public confidence in the integrity of government and public administration. The Exposure Bill is an important step towards meeting the commitment made in the Parliamentary Agreement of the 9th Legislative Assembly, and is also an election commitment. The establishment of an ACT Integrity Commission has support from all parties in the Assembly.

The Government Response to the 2017 Select Committee on an Independent Integrity Commission (the Select Committee) report has informed the policy development of the Exposure Bill.

The new ACT Integrity Commission will investigate conduct that is alleged to be corrupt conduct in relation to all ACT public sector entities (with the exception of the judiciary), their employees and contract staff in government directorates and territory-owned corporations, members of the Legislative Assembly and their staff.

Its jurisdiction will also extend to those performing functions of a public nature. The Commission will prioritise the investigation and exposure of serious corrupt conduct and systemic corrupt conduct. Considerable work has been undertaken to ensure the protection of a person's human rights to meet the Government's legislative responsibilities under the *Human Rights Act 2004*.

As the Government is committed to establishing an Integrity Commission, funding in the order of \$8.4m over four years has been provided in the 2018-19 Budget. This funding will go towards not only establishing the Commission but also to ensure that the Commission can continue to operate over the coming years. This allocation provides funding for the Integrity Commissioner and an Inspector.

It is anticipated that the Integrity Commissioner's remuneration will be aligned with the remuneration of a Supreme Court Judge (Federal Court Judge) on a pro-rata arrangement given that it is a part-time role. However there should be capacity in the determination for the Integrity Commissioner to work an increased number of hours subject to workload requirements. A similar arrangement that is applied to the Inspector of Correctional Services or an Acting Supreme Court Judge could be considered for the Integrity Commissioner.

Under the Exposure Bill, appointments to the Chief Executive Officer and the Inspector will be made subject to any determinations of the Remuneration Tribunal. Further referrals of these positions may

be made to the Remuneration Tribunal, however I am not requesting consideration of these positions at this time. These positions can be considered at a later stage when the legislation has been passed.

If further information is required about the remuneration of the Integrity Commissioner, please contact Ms Meredith Whitten, Deputy Director-General, Workforce Capability and Governance, Chief Minister, Treasury and Economic Development Directorate.

Thank you to the Remuneration Tribunal for assisting in determining the remuneration for the Integrity Commissioner role which will support the establishment of this new organisation.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Andrew Barr'.

Andrew Barr MLA
Chief Minister

17 OCT 2018

