



## Procedural fairness

Procedural fairness is also known as **natural justice**. It is a process that ensures our decisions are fair and reasonable.

## Our obligations

The *Integrity Commission Act 2009* requires us to follow the rules of procedural fairness when conducting an investigation. There are some exceptions but only in limited circumstances.

Specifically, we must provide procedural fairness when we make decisions that could adversely affect the rights, interests or legitimate expectations of a person or organisation. Usually, this would involve us making findings or comments that are adverse to a person.

## How we achieve procedural fairness

If you are the subject of an investigation and we need to obtain your evidence, we will tell you the allegations or suspicions of misconduct we are considering in relation to you, and give you an opportunity to respond. We may ask you to respond in writing or in an interview.

If an investigator makes findings of fact in an investigation report that are adverse to you, they will ensure that they have first given you an opportunity to respond to evidence that is 'adverse, credible and significant' to you. If they have not done this during the investigation, they will do this by giving you an opportunity to respond to a copy or extract of the evidence in their draft investigation report.

We may also give you additional opportunities to respond at later stages. For example:

- ▼ the Chief Executive Officer (CEO) may invite you to make a submission on their report to the Integrity Commission Board. This report will include the investigator's report, and the CEO's draft recommendations to the Board.
- ▼ if the Board intends to make a decision adverse to you and you would not reasonably expect the decision, the Board will give you an opportunity to be heard.

## Your opportunity

If you are involved in a procedural fairness process with us, it is your opportunity to be heard.

For example, if you feel that we may not have fully considered certain information when drafting our findings or you have other concerns. This is your chance to let us know.

## What next

We carefully and objectively consider all of the responses we receive.

If you provide a response during the investigation, this will form part of the evidence used by the investigator to make findings.

If the CEO invites you to make a submission on their report to the Board, the CEO will provide your submission in full, or a fair summary, to the Board. The Board will consider your submission in deciding what action to take at the end of the investigation.



### The Commission can help

We are available to provide support and assistance with identifying, reporting, investigating, managing and preventing misconduct: [contact@integrity.tas.gov.au](mailto:contact@integrity.tas.gov.au) or 1300 720 289.

For more resources, go to [www.integrity.tas.gov.au](http://www.integrity.tas.gov.au)