

TRIENNIAL REPORT

No. 2 of 2022-23
(November 2022 –February 2023)



INTEGRITY
COMMISSION

TASMANIA



The objectives of the Integrity Commission are to:

- improve the standard of conduct, propriety and ethics in public authorities in Tasmania;
- enhance public confidence that misconduct by public officers will be appropriately investigated and dealt with; and
- enhance the quality of, and commitment to, ethical conduct by adopting a strong, educative, preventative and advisory role.

We acknowledge and pay our respects to Tasmanian Aboriginal people as the traditional owners of the Land upon which we work. We recognise and value Aboriginal histories, knowledge and lived experiences, and commit to being culturally inclusive and respectful in our working relationships with all Aboriginal people.

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This report and further information about the Commission can be found on the website www.integrity.tas.gov.au

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ABOUT THIS REPORT

This triannual report is an initiative of the Integrity Commission and is the second in an ongoing series to be published every four months. The current report covers the period from 1 November 2022 to 28 February 2023 and provides an overview of the activities of the Operations Unit and Education and Engagement Unit. Data is reported for the reporting period and financial year to date.

OPERATIONS UNIT

1. Complaints

Anyone can make a complaint to the Integrity Commission about Tasmanian public sector misconduct. Reporting misconduct helps to ensure that:

- ▼ public sector organisations operate honestly, ethically and fairly
- ▼ public money and resources are not wasted, and
- ▼ misconduct risks are identified so they can be dealt with and prevented.

1.1. Complaints registered

Complaints about alleged public sector misconduct registered by the Integrity Commission, including complaints about Tasmania Police officers. An individual complaint may contain allegations against multiple public officers working in multiple public authorities.

| Complaints registered | Nov 2022-Feb 2023 | 2022-23 YTD |
|------------------------------|-------------------|-------------|
| Complaints (Total) | 64 | 123 |
| Complaints (Tasmania Police) | (16) | (38)* |

* Our quality assurance process sometimes leads to the updating of some matters after completion of our triannual report. Some figures have changed since the last report.

1.2. Complaint triage

When a complaint is received by the Commission, our Chief Executive Officer (CEO) decides what action should be taken. This process is called 'triage'. The most common outcomes are:

- ▼ refer to another organisation for action – we then monitor the complaint
- ▼ dismiss the complaint
- ▼ accept the complaint for assessment by the Commission.

The CEO may also recommend to the Board that the Board recommend to the Premier that a commission of inquiry be established under the *Commissions of Inquiry Act 1995* (Tas).

From 1 November 2022 to 28 February 2023, the median time from complaint registration to the CEO's triage decision was 6 working days, and YTD, from 1 July 2022 to 28 February 2023, the median time was 5 working days.

| Complaints: triage outcomes | Nov 2022-Feb 2023 | 2022-23 YTD |
|-----------------------------|-------------------|-------------|
| CEO decision pending* | 9 | n/a |
| Refer | 23 | 40 |
| Dismiss | 37 | 73 |
| Assess | 7 | 16 |
| Total | 75 | 129 |

* including complaints still in triage and assessments without an appointed assessor.

1.3. Complaint dismissal

At triage, the CEO may decide to dismiss a complaint for a range of reasons. There may be more than one reason for dismissing a complaint.

Where a complaint is dismissed on the basis of ‘public interest’, the CEO may consider a number of factors including:

- ▼ the nature and seriousness of the alleged misconduct
- ▼ the time that has elapsed since the alleged misconduct occurred, and the availability of evidence and the recollection of any witnesses
- ▼ the likely degree of culpability of the person being complained about
- ▼ whether the alleged misconduct could be of significant public concern, or may be indicative of or expose entrenched or systemic behaviour
- ▼ whether the alleged misconduct has been previously investigated and appropriately dealt with, and
- ▼ the sanctions available to deal with the alleged misconduct.

| Reasons for complaint dismissal | Nov 2022-Feb 2023 | 2022-23 YTD |
|--|-------------------|-------------|
| Not in the public interest to investigate | 17 | 37* |
| Unjustifiable use of resources to investigate | 10 | 15 |
| Unrelated to Commission functions | 1 | 2 |
| Lacks substance or credibility | 10 | 23* |
| Unsatisfactory explanation for delay in complainant making complaint | 1 | 1 |
| Not made in good faith | - | - |
| Frivolous or vexatious | - | - |

* Our quality assurance process sometimes leads to the updating of some matters after completion of our triannual report. Some figures have changed since the last report

1.4. Complainant anonymity

When making a complaint to the Integrity Commission complainants may either:

- ▼ make a complaint anonymously
- ▼ provide their contact details, or
- ▼ provide their contact details and request this information is withheld in the event of the complaint being referred to another organisation.

The table below shows the percentage of closed complaints by anonymity preference of complainant. It includes complaints that are assessed, investigated and the subject of an integrity tribunal.

| Complainant anonymity | Nov 2022-Feb 2023 | 2022-23 YTD |
|--|-------------------|-------------|
| Anonymous complainants | 24% | 18% |
| Complainants not consenting to be identified to other organisations* | 15% | 29% |

*Does not include anonymous complainants

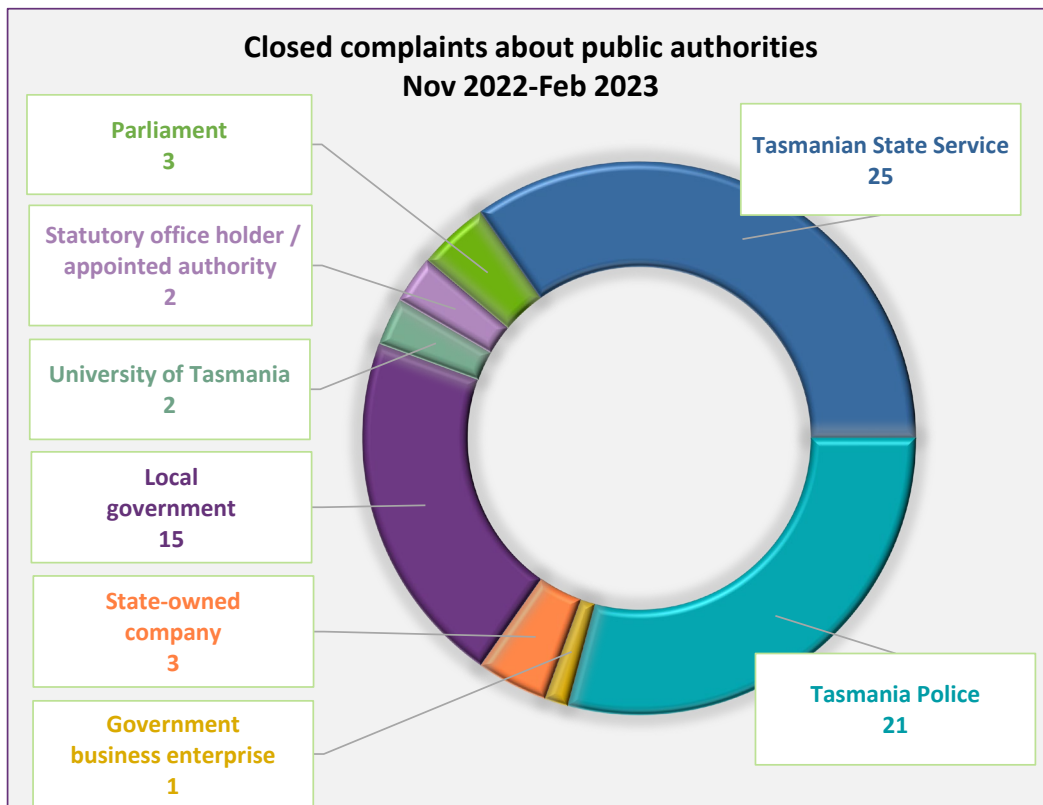
1.5. Public authorities (public sector organisations)

The table below shows public authorities (public sector organisations)* referenced in complaints that were closed during this period. It includes complaints that are assessed, investigated or the subject of an integrity tribunal. One complaint may refer to multiple public authorities.

| Public authorities referenced in complaints | Nov 2022-Feb 2023 | 2022-23 YTD |
|---|-------------------|-----------------|
| Tasmanian State Service | 25 | 57 [#] |
| Tasmania Police | 21 | 43 [#] |
| Local government | 15 | 20 |
| Government business enterprise | 1 | 2 |
| Statutory office holder/appointed authority | 2 | 2 |
| State-owned company | 3 | 5 |
| University of Tasmania | 2 | 2 |
| Parliament | 3 | 9 |
| Not in jurisdiction | - | - |
| Total | 72 | 140 |

* Public authorities are defined in section 5 of the Integrity Commission Act 2009. Some of the categories have been combined for this table.

[#] Our quality assurance process sometimes leads to the updating of some matters after completion of our triannual report. Some figures have changed since the last report.



1.6. Protected disclosures

Complaints made to the Commission must also be considered under the *Public Interest Disclosures Act 2002* (PID Act). Where a complaint is also a protected disclosure, the complainant will receive protection from retribution under the *PID Act* while the complaint remains with the Commission.

If a person makes a disclosure to the Ombudsman or a public body, they may refer the disclosure to the Integrity Commission under the *PID Act*.

| Protected disclosures managed by the Commission | Nov 2022-Feb 2023 | 2022-23 YTD |
|--|-------------------|-------------|
| Complaints assessed as protected disclosures | 2 | 3 |
| Protected disclosure referrals received | - | 1 |
| Protected disclosures received that are not complaints | - | - |

2. Notifications, information reports and projects

2.1. Notifications and information reports registered

A ‘notification’ is formal notice of a matter that may involve misconduct from a public authority.

‘Information reports’ are reports of potential misconduct made to the Commission that are not complaints or notifications.

| Non-complaint matters registered | Nov 2022-Feb 2023 | 2022-23 YTD |
|---|-------------------|-------------|
| Notifications (not including police notifications) | 19 | 46 |
| Police notifications | 14 | 20 |
| Information reports | 10 | 22 |

2.2. Completed projects

The Commission undertakes projects about misconduct risk areas to assist us in deciding whether to take further action. Further action may include good practice educational materials, a research report, and/or an own-motion investigation.

| Projects completed | Nov 2022-Feb 2023 | 2022-23 YTD |
|--------------------|-------------------|-------------|
| Projects completed | 1 | 1 |

3. Assessments

An assessment is a preliminary inquiry to decide whether a complaint should be investigated and, if so, whether the Commission is the best organisation to undertake the investigation.

We aim to complete assessments within 40 working days. The median duration of completed assessments YTD was 48 working days.

| Assessments | Nov 2022-Feb 2023 | 2022-23 YTD |
|-------------|-------------------|-------------|
| Commenced | 7 | 16 |
| Completed | 6 | 14 |

Six assessments were completed. Of these, 5 were dismissed and one was accepted for investigation.

4. Investigations

Investigations are conducted for the most serious misconduct allegations received by the Commission, and/or allegations about senior public officers. The median duration of completed investigations YTD was 238 working days.

| Complaint investigations | Nov 2022-Feb 2023 | 2022-23 YTD |
|--------------------------|-------------------|-------------|
| Commenced | 1 | 2 |
| Completed | 1 | 2 |

The Commission undertakes investigations into misconduct without receiving a complaint or notification. These are known as 'own-motion' investigations (OMI).

| OMI | Nov 2022-Feb 2023 | 2022-23 YTD |
|-----------|-------------------|-------------|
| Commenced | 1 | 1 |
| Completed | - | - |

| Investigation outcomes (both complaint and OMI) | Nov 2022-Feb 2023 | 2022-23 YTD |
|--|-------------------|-------------|
| Dismiss | - | - |
| Refer | 1 | 2 |
| Inquiry by Integrity Tribunal | - | - |
| Commission of Inquiry | - | - |
| No determination | - | - |
| Board decision pending | 1 | n/a |
| Includes Board recommendation | 1 | 1 |

5. Research and compliance

5.1. Audits

The Commission audits matters that are referred for action, or matters notified to us by public authorities.

| Audits: completed | Nov20 22-Feb 2023 | 2022-23 YTD |
|---|-------------------|-------------|
| Ad hoc audits (does not include ad hoc police audits) | - | 1 |
| Ad hoc police audits | 2 | 2 |
| Audit of a class of complaints against police under section 88(1)(c) of the <i>IC Act</i> | - | - |
| Total | 2 | 3 |

5.2. Public reports

One public report was published on our website between November 2022 and February 2023, and is accessible via this link:

- ▼ [Report 1 of 2023 - A report on systemic misconduct risks in recruiting local government employees in Tasmania, as identified in an investigation into alleged misconduct in 8 recruitments at a council](#)

| Public reports and recommendations | Nov 2022-Feb 2023 | 2022-23 YTD |
|--|-------------------|----------------|
| Reports published on website | 1 [#] | 4 [*] |
| <i>Compliance</i> | - | - |
| <i>Research</i> | - | 2 |
| <i>Operational</i> | 1 [#] | 2 |
| Reports tabled in Parliament | 1 [#] | 2 |
| Reports provided to Joint Standing Committee on Integrity | - | - |
| Reports with public recommendations | 1 [#] | 2 |

* Not including Annual report 2021-22

[#] The figures in the Nov 2022-Feb 2023 column above relate to one report only, and not 4 reports in total

EDUCATION AND ENGAGEMENT UNIT

1. Training delivery

Our education and engagement unit focuses on building integrity capability for individuals and organisations. We provide tailored training for different sectors, organisations and roles. Our training equips public officers with the skills, knowledge and practical tools to promote integrity and manage misconduct risks in their organisation. Demand for training fluctuates throughout the year, with lower demand typically in December and January.

This is the first instance of reporting on the activities of the Education and Engagement Unit in the Triannual Report.

| Training delivery | Nov 2022-Feb 2023 | 2022-23 YTD |
|------------------------------|-------------------|-------------|
| Number of sessions | 28 | 43 |
| Number of public authorities | 6 | 7 |
| Total participants | 261 | 409 |

| Training sessions by region | Nov 2022-Feb 2023 | 2022-23 YTD |
|-----------------------------|-------------------|-------------|
| North | - | 4 |
| North-West | - | 2 |
| South | 23 | 27 |
| Live and online | 5 | 10 |
| Total | 28 | 43 |

| Training participants by sector | Nov 2022-Feb 2023 | 2022-23 YTD |
|---|-------------------|-------------|
| Tasmanian State Service | 65 | 206 |
| Tasmania Police | 35 | 42 |
| Local government | 128 | 128 |
| Government business enterprise | - | - |
| Statutory office holder/appointed authority | - | - |
| State-owned company | - | - |
| University of Tasmania | - | - |
| Parliament | 33 | 33 |
| Whole jurisdiction | - | - |
| Not in jurisdiction | - | - |
| Total | 261 | 409 |

2. *Integrity in Public Service – online module*

In August 2021 we launched our self-paced online training module, *Integrity in Public Service*. The module covers core topics such as: pride in public service; the role of the Commission; good decision-making; and misconduct risks. Following completion of the module, we can work with organisations to build further integrity capability through tailored training.

| Online module participants by sector | Nov 2022-Feb 2023 | 2022-23 YTD |
|--------------------------------------|-------------------|-------------|
| Tasmanian State Service | 47 | 106 |
| Tasmania Police | - | - |
| Local government | 254 | 333 |
| Government business enterprise | 24 | 1177 |
| State-owned company | 25 | 118 |
| University of Tasmania | - | - |
| Parliament | - | - |
| Total | 350 | 1734 |

3. *Integrity Matters – newsletter*

Our research and evaluation team prepares an events-based newsletter, *Integrity Matters*, for distribution to our mailing list, covering special topics and news from the Commission.

| Newsletter subscribers | Nov 2022-Feb 2023 | 2022-23 YTD |
|------------------------|-------------------|-------------|
| New subscribers | 16 | 226 |
| Total subscribers | 679 | 679 |

4. *Ethics and integrity advice*

One of our legislative functions is to provide ethics and integrity advice. This advice can be provided to public officers, on a confidential basis, when dealing with an ethical or misconduct issue (under section 8(1)(d)). Additionally, the Commission provides advice to public sector entities on codes of conduct and other policies aimed at minimising the risk of misconduct (under section.31).

One exercise of this advisory function is our ‘Ethics and Integrity Snapshot’ project, in which organisations undertake a detailed survey assessing misconduct risks. The organisations are then provided with advice to help address those risks as well as recommendations to help safeguard against misconduct.

Organisations can then work with our education and training team to implement tailored training on the identified risks.

| Advice provided | Nov 2022-Feb 2023 | 2022-23 YTD |
|---|-------------------|-------------|
| To public sector entities under section 31 of the <i>IC Act</i> | 6 | 8 |
| To public officers under section 8(1)(d) of the <i>IC Act</i> | 1 | 2 |