



Report of the Integrity Commission

24 October 2023

# Oversight and Compliance Program

1 July 2023 to 30 June 2026



INTEGRITY  
COMMISSION  

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TASMANIA



The objectives of the Integrity Commission are to:

- improve the standard of conduct, propriety and ethics of public sector organisations 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:  
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# 1. Introduction

The Integrity Commission (the Commission) is an independent statutory authority established by the *Integrity Commission Act 2009* (IC Act). Our objectives are to:

- ▼ improve the standard of conduct, propriety and ethics of public sector organisations (organisations) 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 use oversight and compliance (O and C) to assist organisations in managing misconduct and to achieve our objectives under the *IC Act*. O and C involves monitoring and reviewing the outcomes of operational misconduct matters, including:

- ▼ referred complaints, including those that we have assessed and investigated (complaints about alleged misconduct may be made in writing, and we may refer them to relevant organisations)
- ▼ own-motion investigations (OMIs – investigations based on our initiatives, not complaints)
- ▼ notifications and police notifications (formal notices from organisations about matters that may involve misconduct and that the organisation will manage)
- ▼ information reports (reports of possible misconduct that are not complaints or notifications)
- ▼ projects (preliminary research to check if an OMI is needed), and
- ▼ public reports and recommendations.

O and C can also involve monitoring registers and conducting audits, research reports and OMIs into policies, practices and procedures.

O and C assists our investigative and educational functions. It helps us understand an organisation's processes and capacity to manage misconduct matters, and informs our education of, and engagement with, organisations to help prevent future misconduct. It also helps us understand misconduct risks and trends in the public sector.

Our focus on O and C has fluctuated over the years. Apart from for Tasmania Police, we have never had a holistic structured program for this work. With some additional resources received since 2022, we have been able to design a more structured program and establish an O and C Team within the Commission's Operations Unit. The O and C Team is led by a senior investigator and staffed by an investigator and operations officer – all are part-time. This paper explains our O and C work to date and our plans for the next 3 years.

## 2. Our oversight and compliance work

### 2.1. Public reporting

Information about our O and C work has been provided in our [annual report](#) since 2021-22. We publish reports on our class of police complaint audits and OMIs, alongside our [Triannual Report](#), which provides statistics on our operations and engagement. There are also [information sheets](#) on our website explaining how we manage notifications and complaints.

### 2.2. Monitoring

When we receive a notification, refer a matter or make a recommendation, we can monitor it to ensure the relevant organisation takes adequate and appropriate action. This may include a requirement that the organisation provides regular updates and/or reports on the matter. If we want to, we can undertake an 'ad hoc audit' of the organisation's actions. If we have serious concerns, we can undertake an OMI, for example, or take other action such as writing to an oversight body.

The current monitoring system is more structured and thorough than any previous system. Over the last year or so, 100% of notifications, matter referrals and Board recommendations have been monitored and feedback provided where appropriate.

### 2.3. Ad hoc audits

Ad hoc audits involve examining a single matter or file. Under the *IC Act*, we may audit any person's action regarding referred complaints, completed investigations resulting from referred complaints, complaints about police misconduct and any complaints about misconduct in any public sector organisation. Although there are many considerations (including our resources), the key factors in deciding whether to undertake an audit are:

- ▼ we are not satisfied that the matter has been managed adequately, and/or
- ▼ the matter involves a high misconduct risk area, serious misconduct, systemic misconduct and/or a more senior public officer.

We have always undertaken ad hoc audits but have not prioritised them, mainly due to a lack of resources. Audits can be highly effective, especially when we directly engage with organisations. It helps with collecting input from organisations and implementing real change, and it is an efficient use of our resources.

### 2.4. The Parliamentary Register of Members' Interests

We monitor the Register of Members' Interests, which records the financial and other interests of Members of Parliament and their spouses. We have tabled reports on this function in Parliament, for example, [2023: Tasmania's Parliamentary Register of Interests: An audit and review of issues](#). In 2015, [Enhancing accountability mechanisms for members of parliament and ministerial staff: A progress update](#) also examined the register system.

## 2.5. Lobbyists Register

In the past, we have had little engagement with lobbying and lobbyist oversight. This changed in 2020, when we started a project about reforming lobbying oversight in Tasmania. Our [website](#) on lobbying oversight reform includes [research](#) and [consultation](#) papers (released in May 2022). A model for reform of the system was issued in June 2023 for a final round of consultation.

In 2022, we began managing the Lobbying Code of Conduct and [Lobbyists Register](#), which had previously been overseen by the Department of Premier and Cabinet. So far, our management of the Lobbyists Register and Code of Conduct has been broadly similar to how it was managed by the Department of Premier and Cabinet.

## 2.6. Own-motion investigations, projects and research

Our Board can initiate OMIs into the policies, practices and procedures of organisations, and our research projects help achieve our educative, preventative and advisory functions under the *IC Act*. An example of an OMI is the 2017 [investigation into the management of misconduct in the Tasmanian public sector](#). This included the creation of the [Guide to managing misconduct in the Tasmanian public sector](#) and a corresponding training course.

Longer-term research projects and OMIs require significant resources from across the Commission. Many integrity agencies undertake ‘thematic reviews’, which is another option for us – although it is not feasible to undertake these on a regular basis with our current resources.

## 2.7. Oversight of Tasmania Police

We have unique jurisdiction over Tasmania Police compared to other organisations. Up to and including 2016, in addition to standard complaint handling processes, we regularly audited all complaints against police in a calendar year (for example, see [An audit of Tasmania Police complaints finalised in 2015](#)). We also completed a joint review with Tasmania Police of its then conduct management system, which led to the current conduct and complaint management system, [Abacus](#). From 2016-17, we performed ad hoc audits of police complaints, an OMI into police [management of information](#) and [a review of Abacus](#). Since 2021, we have been limited to our usual complaint processes, alongside monitoring, triage and ad hoc audits of police referrals and notifications. We intend to create a new Police Oversight Program based on this broader O and C Program.

## 3. Oversight and Compliance Program 2023-26

### 3.1. Public reporting

From 1 July 2023 to 30 June 2026, we will:

- ▼ continue to report on the O and C Program in our annual report
- ▼ set up a dedicated section on our website explaining our O and C Program
- ▼ report pending recommendations and their progress on our website
- ▼ report the number of pending notifications and referred matters in our annual report, and
- ▼ summarise every completed ad hoc audit in our annual report.

### 3.2. Monitoring

For several years we have aimed to monitor every notification and referred matter. As part of this new program, we will concentrate our resources where they are most likely to be needed. This means we will no longer monitor every notification and referred matter.

To balance this, when we refer assessments and investigations, we will make our expectations clearer. Where appropriate, we intend to start engaging more directly with organisations towards the end of our investigations. This may include meeting with the organisation to develop an action plan for them to use after they receive the referral.

We have also developed an 'escalation matrix', which explains the different steps we may take in response to actions by organisations.

### 3.3. Ad hoc audits

We plan to increase our focus on audits and design a rotational 'spot' audit program for a minimum number of matters from a range of organisations starting from 1 July 2024.

The 5-year review of the IC Act recommended that 'the Act be amended to require mandatory notification[s] by public authorities of serious misconduct and misconduct by [senior public officers, known as 'designated public officers' under the IC Act,] to the Commission in a timely manner'. The Tasmanian Government accepted this recommendation subject to further consultation. Recommendation 18.11 of the Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse in Institutional Settings was that the government implement this recommendation.

While this would be a welcome reform for us, it is not something we could easily accommodate with our current resourcing. However, if we were to receive mandatory notifications, it would be of great assistance in identifying matters worth auditing and undertaking regular spot audits.

### **3.4. The Parliamentary Register of Members' Interests**

Similar to the report released in 2023, we plan to undertake and publicly report on sample audits of the Register of Members' Interests in 2024-25.

### **3.5. Own-motion investigations, projects and research**

We have a structured process for developing OMIs and research projects, whereby senior Commission staff consider potential matters against set criteria. We currently have a backlog of such matters and are not considering new matters as part of this program unless they are particularly serious or have strategic value.

### **3.6. Oversight of Tasmania Police**

We will develop a separate oversight program for Tasmania Police, like that we have had in the past.

### **3.7. Operational work**

The O and C Team also undertake assessments, investigations and other operational work. While there have been staffing increases, it is still a very small team with limited capacity for this additional work.

#### **3.7.1. Monitoring**

The Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse in Institutional Settings found that we should only refer matters when we are satisfied that:

- ▼ the receiving organisation has adequate processes to investigate complaints robustly and independently, and
- ▼ we can maintain a close level of oversight and scrutiny over their investigation (page 227, Volume 6).

While we will strive to meet this as best as we can, it is not wholly possible with our current resources.

It is also beyond our capacity to forensically review the implementation of all recommendations. Regular thematic reviews, like those conducted in other jurisdictions, are also beyond our current capacity.

If delivered without any additional resourcing, we also do not have the capacity to manage mandatory notifications without a significant reduction or complete elimination of ad hoc audits, police oversight, OMIs and/or organisational engagement.

#### **3.7.2. Lobbyists Register**

The current draft lobbying reform paper suggests that we would audit the Lobbyists Register and the proposed contact disclosure log. This work would be considerably more extensive than that undertaken currently and is not something we would have the capacity for. We would expect implementation of the paper's recommendations to start in mid-2024 at the earliest.





