

## Addendum to Employment Direction no 16

1. A Public Officer (PO) who is the recipient of a coercive notice<sup>1</sup> from the Integrity Commission (IC) gives notice to his or her Head of Agency that he or she has received such a notice.
2. If the PO is specifically instructed by the IC not to inform his or her Head or Agency about the coercive notice, he or she should give notice to either the Secretary, Department of Premier and Cabinet, or the Solicitor General (the alternate person).
3. Either the HOA or the alternate person - as appropriate - is then bound by the confidentiality provisions attached to the notice.
4. The relevant HOA or the alternate person authorises 'basic legal assistance' up to \$3 000. 'Basic legal assistance' may be used for:
  - a. advice on the IC process;
  - b. hours required to attend the IC; and
  - c. preparation of written representations/submissions to the IC.
5. The PO may engage a private legal practitioner and direct bills for payment up to the authorised amount to the relevant Head of Agency for authorisation and payment.
6. When the PO is advised by the IC that the matter is complete, or the confidentiality provisions attached to the notice no longer apply<sup>2</sup>, the PO may seek reimbursement of costs associated with the legal assistance over and above the capped amount, via the normal Indemnity and Legal Assistance Panel process under the *Policy and Guidelines*.

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<sup>1</sup> Coercive notices include all notices issued under s 47 of the *Integrity Commission Act 2009* (the Act), or s 71, including notices with s 98 confidentiality provisions attached.

<sup>2</sup> Section 98(3) enables the Commission to advise a person that the notice is no longer confidential. This is a practice adopted by the Commission, but usually not until the end of the investigation.