

Briefing Note to the Premier

For approval by: Wednesday, 12 February 2025

DPAC CM reference: 25/38399 Ministerial CM reference: Enter CM# Here

Independent Review of the Integrity Commission

Purpose: To brief the Premier on **s 27** the proposed Independent Review of the Integrity Commission, and provide an overview of current related reviews and work being undertaken by the Government.

Analysis:

s 27, s 31

s 27, s 31

Reason for deadline:

Recommendations

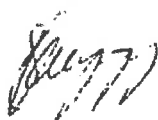
It is recommended that you:

s 27, s 31

Note the substantial body of work currently being undertaken by the Department of Justice to implement the recommendations of the Cox Review and the intersection of this work with other reviews currently underway pursuant to the findings of the Commission of Inquiry.

Approvals

Associate Secretary



Wednesday, 12
February 2025

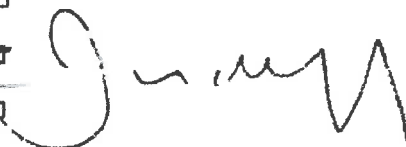
Approved

Yes ☒

Premier

No ☒

Noted ☐



Date:

26/2/25

Premier's notations:

Key reason/s

s 27, s 31

s 27, s 31



s 27, s 31

Related Reviews

- It is appropriate to consider the proposed independent review of the Integrity Commission in the context of the numerous other independent reviews being considered or implemented at this time.

Cox Review

- The Independent Review of the Integrity Commission Act (the Cox Review) was undertaken by the Hon William Cox pursuant to section 106 of the Act, which provided for a one-off independent review 'as soon as possible after 31 December 2015'. The Review report was published in May 2016.
- The Cox Review made 55 recommendations, with recommendation 50 containing some 46 technical matters. Most of these recommendations propose legislative amendment to the Integrity Commission Act, and several recommendations relate to other Acts, such as the *Local Government Act 1993*.
- The first six (6) Cox Review recommendations were implemented in 2017 by amending the Integrity Commission Act.
- The Department of Justice (DoJ) has subsequently been working through the remaining recommendations and implementation pathways. This work included releasing a discussion paper for consultation in 2022 and holding ongoing discussions with the Integrity Commission regarding other matters and potential reforms.

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- The Cox Review recommendations contain a mixture of focus areas and directions. Some are intended to improve the operation of the Act, some are technical and administrative amendments, some relate to definition and jurisdictional issues and some are aimed at better facilitating the Integrity Commission's procedures and investigations.



Weiss Review

- The Government has publicly committed to implementing all five recommendations contained in the Final Report of the Weiss Independent Review into Paul Reynolds, published on 28 June 2024 (The Weiss Review).
- Work to implement the recommendations is being led by DPAC, in close consultation with relevant agencies.
- The Weiss Review recommendations will be subject to the same governance and oversight arrangements, including independent oversight by the Child Safety Reform Implementation Monitor.

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Weiss Review – recommendation 5

- Recommendation 5(i) was for consideration of amendments to ensure that all notifications made to the Integrity Commission in respect of members of Tasmania Police who are alleged to have groomed and/or sexually abused persons (serious misconduct) can be investigated independently by the Integrity Commission. The recommendation outlines a series of functions and actions needed to make these changes.
- Recommendation 5(ii) reiterates recommendation 35 of the Cox Review that consideration be given to Tasmania Police requesting that the Commonwealth recognise the Tasmanian Integrity Commission under the *Telecommunications (Interception and Access) Act 1979* to define the Commission as an 'eligible agency' and grant the Commission the status of a criminal law enforcement agency for the purposes of that Act.

- Chief Commissioner, Mr Gregory Melick AO SC, has stated that the Integrity Commission would not be able to perform additional functions, as recommended by the Weiss Review, without additional funding.

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Consultation

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Financial impact

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Compliance

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Communications

- Subject to Government consideration of advice in this Brief and determination of next steps.

Background

- The 'Confidence and Stability Agreement' entered with the (then) Jacqui Lambie Network (JLN) on 10 April 2024 included a review of the Integrity Commission with a view to giving it greater capability to conduct its work (Refer Attachment 2 for Terms of Reference)
- On 30 July 2024, the Premier responded to a question on notice in Parliament confirming the Review would consider recent Commission of Inquiry recommendations, those remaining from the 2016 Cox Review and the 2022-23 consultation undertaken DoJ. The Premier advised Parliament that the review is also to consider the May 2024 Integrity Commission report into a Right to Information request in the Department of Health and will also address recommendation 5 from the June 2024 Weiss Review (see Hansard, House of Assembly, 30 July 2024 at page 5).

Attachments

Attachment	Title (CM reference)
1	s 27, s 31
2	JLN Agreement – IC Review Draft Terms of Reference (CM 25/38399/1)

	Name
DPAC contact for more information:	Melanie Brown, Acting Director Executive and Government Services s 36, Not relevant
Author, responsible Division	Carmen Kelly, Manager Policy and Projects, EGS, OTS

JLN Agreement

Integrity Commission Beefed Up

The Tasmanian Integrity Commission will be reviewed with an eye to giving it greater capability to conduct its work.

Proposed Terms of Reference

Review of Tasmania's Integrity Commission – Terms of Reference

A review of the Tasmanian Integrity Commission to:

- 1) assess whether the Tasmanian Integrity Commission is carrying out its duties, functions and powers economically, effectively and efficiently, as prescribed under the *Integrity Commission Act 2009*;
- 2) review the current processes of investigations and whether these processes are effective to ensure the delivery of all statutory duties and functions prescribed under the *Integrity Commission Act 2009*; and
- 3) examine whether the staffing, policies and processes of the Integrity Commission and, where relevant, the provisions of the *Integrity Commission Act 2009*, associated with the disclosure of information and confidentiality are best suited to maintaining public confidence in the operations of the Commission and in the integrity of public offices in Tasmania.

METHODOLOGY

In conducting the Review, the Reviewer is to have regard to the number and outcomes of investigations, including the number of referrals for prosecution and conduct of public hearings.

The Reviewer is also to have regard to national and international best-practice, where relevant and applicable.

DURATION AND REPORTING

A Final Review Report is to be provided to the Premier, the Hon Jeremy Rockliff MP, and Independent Members for Bass and Braddon, Rebekah Pentland MP and Miriam Beswick MP, by 10 April 2025. The Report and Government Response are to be made publicly available by the Government within three months of the completion of the Review.