

Integrity Commission (Commissioner Selection Criteria and Process) Determination 2019

Disallowable instrument DI2019–1

made under

Integrity Commission Act 2018, s 27 (Commissioner—selection criteria and process)

1 Name of instrument

This instrument is the *Integrity Commission (Commissioner Selection Criteria and Process) Determination 2019*.

2 Commencement

(1) This instrument commences on the day after its notification day.

(2) The *Legislation Act 2001*, section 81 (6) applies to this instrument.

Note: The *Legislation Act 2001*, s 81 provides for the exercise of a power given by a law if the law, or amending law, has been notified but has not yet commenced.

3 Determination

I determine that the selection process and selection criteria in schedule 1 are the selection process and criteria that apply to the appointment of the Integrity Commissioner.

Joy Burch MLA
Speaker
Legislative Assembly for the ACT
14 January 2019

Schedule 1

Selection process

The selection process for the position of Integrity Commissioner must be open, accountable and competitive.

The Speaker must seek expressions of interest from eligible persons through public advertising.

The Speaker must appoint an appointment advisory panel (the panel) to evaluate the suitability and eligibility of persons who have lodged an expression of interest (applicants). The panel must include, but not be limited to:

- an esteemed representative of the Australian legal community (for example, a retired judge or justice, or an eminent Senior Counsel or Queen's Counsel);
- a current or former member of an anti-corruption/integrity body from another state/territory or the Commonwealth;
- a current or former statutory office holder from another state/territory or the Commonwealth); and
- one male and one female member.

The suitability of applicants must be evaluated by the panel on the basis of the selection criteria set out in this determination and other requirements as provided for in the *Integrity Commission Act 2018* (the Act).

The panel must not consider a person for appointment who does not satisfy the eligibility criteria set out in section 26 of the Act.

The panel must consider applicants who are former judges or justices first and only if there is no suitable applicant from that cohort may it consider applicants who have been a lawyer for at least 10 years but who have not been a judge or a justice.

The panel must make a recommendation to the Speaker as to the person it considers is most suitable for the position. It is open to the panel to prepare an order of merit.

The Speaker must consider the recommendation of the panel.

The Speaker must make the appointment in consultation with: the Chief Minister; the Leader of the Opposition; the leader of a registered political party (other than the party to which the Chief Minister or Leader of the Opposition belongs) if at least two members of the Legislative Assembly are members of the party; and the Standing Committee on the Integrity Commission.

The Speaker must not appoint a person as Integrity Commissioner unless satisfied that the person has extensive knowledge of, and experience in: i) criminal

investigation or criminal adjudication; or ii) law enforcement or the conduct of investigations; or iii) public administration, governance or government.

The Speaker must not make an appointment unless the Legislative Assembly has approved the appointment, by resolution passed by a majority of at least 2/3 of the members.

Before a person is appointed as Commissioner, the person must take an oath of office, or make an affirmation of office, before the Speaker.

Selection criteria

Intellectual capacity

- Extensive knowledge of, and experience in, criminal investigation or criminal adjudication; or law enforcement or the conduct of investigations; or public administration, governance or government
- Extensive knowledge of the law, its application and underlying principles, and the ability to acquire new knowledge
- Ability to quickly absorb and analyse information

Personal qualities

- Integrity and independence of mind
- Sound judgement
- Decisiveness
- Objectivity
- Diligence
- Sound temperament
- Ability and willingness to learn, develop professionally and adapt to change

An ability to understand and deal fairly

- Commitment to respect users of the Commission
- Impartiality
- Commitment to justice, independence, public service and fair treatment

Authority and communication skills

- Ability to explain procedure and any findings, opinions and recommendations clearly and succinctly to all those involved
- Ability to inspire respect and confidence
- Ability to maintain authority when challenged
- Ability to communicate orally and in writing in clear standard English

Efficiency

- Ability to organise time effectively and work at speed and under pressure
- Ability to produce clear reasoned findings, opinions and recommendations expeditiously

- Ability to work constructively with others in service of the Commission's functions

Leadership and Management Skills

- Ability to form strategic objectives and to provide leadership to implement them effectively
- Ability to represent the Commission and communicate with stakeholders
- Ability to motivate, support and encourage the professional development of others in the Commission
- Ability to manage change effectively
- Ability to manage available resources