

Australian Capital Territory

Integrity Commission Witness Wellbeing Policy 2025

Notifiable instrument NI2025–414

made under the

Integrity Commission Act 2018, section 295A (Commission-wellbeing policy)

1 Name of instrument

This instrument is the *Integrity Commission Witness Wellbeing Policy 2025*.

2 Commencement

This instrument commences on the day after its notification day.

3 Commission's Policy

I make the Integrity Commission Witness Wellbeing Policy 2025 as set out at Schedule 1 to this instrument.

The Hon Michael F Adams KC
Commissioner
ACT Integrity Commission
1 July 2025

Schedule 1

ACT INTEGRITY
COMMISSION

WITNESS WELLBEING POLICY

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1. Requirement for a wellbeing policy

1.1 This wellbeing policy sets out the ACT Integrity Commission's (**Commission**) commitment to a fair and proper approach to protecting the wellbeing of people involved in matters before the Commission. Whilst the Commission had in place a policy called 'witness wellbeing', changes to the *Integrity Commission Act 2018* (**Act**) effective 19 March 2025, placed a statutory requirement, under section 295A of the Act, for the Commission to make a policy about how it is to protect the wellbeing of people involved in matters before the Commission.

1.2 This policy meets the statutory requirements under s 295A of the Act, including the requirement to consult a psychiatrist or psychologist with knowledge and experience relevant to the policy, pursuant to s 295A(4)(a). This consultation occurred with a suitably qualified psychologist in early 2025, with relevant advice and recommendations incorporated.

1.3 This policy articulates the Commission's focus on supporting the ongoing psychological and physical wellbeing of witnesses, persons of interest and other persons subject to the exercise of Commission duties, functions and powers under the IC Act. The Commission pays particular attention to those who may be considered high risk or vulnerable. The policy also sets out expectations concerning the psychological and physical wellbeing of staff of the Commission who are performing roles to support the wellbeing of witnesses and others mentioned above.

1.4 This policy aims, so far as reasonably practicable, to reduce the impact of its work on others, by adopting appropriate management of risks to the psychological and physical wellbeing of persons with whom it interacts, having regard to the Commission's role, and in accordance with relevant legislation.

1.5 This policy is required to be assessed as part of the annual operational review of the Commission by the Inspector of the Commission, pursuant to s 280(3).

2. Definitions, coverage of the wellbeing policy and related legislation

2.1 The scope of the wellbeing policy under the Act requires it to cover the following:

- (a) a witness who appears before the commission to give evidence at an examination, in particular, a vulnerable witness mentioned in s 153 (Examination—provisions for vulnerable witnesses);
- (b) a person given a private recommendation that is later made public under s 181;
- (c) a person to be mentioned in an investigation report under s 182;
- (d) a person given a proposed investigation report under s 188;
- (e) a person mentioned in an investigation report presented to the Legislative Assembly under s 189;
- (f) a person whose prosecution outcome, or termination action outcome, is published by the commission under s 203;
- (g) a person mentioned in s 204 whose reputation may have been damaged;
- (h) a person to be mentioned in a special report under s 206;
- (i) a person given a proposed special report under s 212;
- (j) a person mentioned in a special report presented to the Legislative Assembly under s 213;

- (k) a person to be mentioned in a commission annual report under s 217;
- (l) a person given a proposed commission annual report under s 224; and
- (m) a person mentioned in a commission annual report.

2.2 For the purpose of this policy, the individuals falling under the above categories are collectively referred to as **‘relevant persons’**.

2.3 The Commission’s previous wellbeing policy captured a broader category of persons, including any person who is subject to a Commission process and/or interacts with the Commission in the performance of its functions. The principles outlined in this policy are intended to also apply to that broader category of persons. For example, someone who makes a corruption complaint to the Commission under s 57 and who, while interacting with the Commission, may need to be directed to wellbeing support services.

2.4 This definition of relevant persons also covers persons who interact with the Commission in the exercise of the Commission’s duties, functions and powers under the *Public Interest Disclosure Act 2012*, notwithstanding there is no statutory requirement under that Act for a witness wellbeing policy.

Related Legislation

2.5 The *Work Health and Safety Act 2011* (ACT) (**‘WHS Act’**) and the *Human Rights Act 2004* (ACT) (**‘HR Act’**) impose obligations on the Commission. Specifically, the WHS Act imposes a duty to eliminate risks to health and safety, so far as is reasonably practicable and, if this is not reasonably practicable, to minimise risk so far as is reasonably practicable. The HR Act requires Commission officers to act compatibly with and consider human rights when making a decision.

3. Policy and Operational Context

3.1 This policy outlines the Commission’s responsibilities and commitment to managing the psychological and physical wellbeing of persons involved in or subject to the exercise of Commission duties, functions and powers, in accordance with legislative requirements. It also outlines the importance of managing the wellbeing of staff of the Commission who perform roles to support the wellbeing of relevant persons.

3.2 The Commission’s role is to investigate, expose and prevent serious and systemic corrupt conduct. It is necessary for the Commission to gather information and evidence from people with knowledge of the subject matter, including current and former public officials. Being involved in matters before the Commission can give rise to anxiety and stress. This is inherent in the processes the Commission must use in undertaking its functions, including imposing requirements of confidentiality on individuals and subjecting them to questioning (called examinations) which can occur in private or public.

3.3 Sometimes it will be necessary to indicate, either explicitly or implicitly, that evidence is not accepted, or a person’s conduct was inappropriate. This might lead to such a person feeling disrespected or offended, and carry the risk psychological or physical response, especially if they feel their employment and/or reputation is at risk. Uncertainty about when the Commission will conclude a matter it is examining and whether adverse findings will be made, can also add to

anxiety levels.

3.4 When such responses may be, or have been, engendered, it does not demonstrate, of itself, that there is a significant risk to the person's safety, health or welfare. It remains important, nevertheless, to be aware of the signs of concern and take necessary steps as are reasonably practicable to address them, within the limitations of this policy.

3.5 A relevant person's wellbeing will likely ebb and flow throughout the lifecycle of a Commission investigation. To the greatest extent possible, the Commission will be attuned to the key 'touchpoints' in an investigation that could cause heightened levels of anxiety and work with the person to mitigate wellbeing concerns.

3.6 Commission staff are required, to the extent reasonably possible as lay persons trained in mental health first aid and communication approaches, to support witnesses. Support includes the identification, non-clinical assessment and management of psychological and physical risks to a relevant persons' wellbeing subject to the exercise of Commission duties, functions and powers.

4. Policy Limitations

4.1 There are limitations to the Commission's obligations and responsibilities with respect to mental and physical health and safety of relevant persons as follows:

- The Commission does not employ clinically trained staff, nor does it provide diagnosis, treatment, health services or therapeutic advice to relevant persons.
- The Commission's focus is on identifying and managing critical risks to the mental and physical health and wellbeing of relevant persons, so far as that can reasonably be done by lay persons, and referring and/or connecting them to appropriate support services.

5. Policy Principles

5.1 As risks to psychological and physical wellbeing cannot be eliminated, a focus on the management of the situation is needed to reduce to the greatest extent possible, any harm to the wellbeing of relevant persons. While what is reasonably practicable is often dependent on the circumstances of each case, some general strategies can be applied including assessing risk, considering the likelihood of harm occurring and the degree, knowing the facts, including those that ought to be reasonably known, and ensuring appropriate response/s to the facts of each situation.

5.2 The following principles describe the Commission's approach to how it goes about protecting the wellbeing of relevant persons.

Principle	Description
Respect, dignity and fairness	<ul style="list-style-type: none">• Commission staff treat all persons they engage with, with respect, dignity and fairness, consistent with the Commission's values and in consideration of individual difference.• Our approaches to providing support are accessible, accountable, and responsive to all people regardless of, but not limited to culture, gender, age, socio-economic status, and religion.

	<ul style="list-style-type: none"> • The Commission acknowledges the historical trauma and intergenerational impact of colonisation on First Nations Peoples. Our approach to supporting First Nation Peoples is accountable and responsive to First Nations Peoples culture and history, with specialist support services provided in witness information packs.
Harm-minimisation	<p>The Commission seeks to minimise the potential psychological and physical harm to relevant persons from the exercise of its functions and powers to the extent it is reasonably practicable.</p>
Care and support	<ul style="list-style-type: none"> • The Commission provides information about support services and resources available, and staff will provide reminders about the availability of these services at regular intervals and at touchpoints throughout a relevant person's interactions with it. • Commission staff, as lay persons to alert to the psychological and physical wellbeing of relevant persons, such that a lay person can be, and ensure awareness of services. • Commission staff are alert to the psychological and physical wellbeing of others in supporting relevant persons, such that a lay person can be, and ensure they are aware of services.
A proactive risk- based approach to managing wellbeing	<ul style="list-style-type: none"> • The Commission will to the best of its abilities, identify, assess and manage psychological and physical wellbeing risks for relevant persons subject to exercising its duties, functions and powers. • Where reasonably practicable and in context of Commission investigations, prior to the use of powers, Commission staff must: <ul style="list-style-type: none"> ○ conduct risk assessments to identify, assess and document potential risks to psychological and physical wellbeing of relevant persons affected using powers, and • implement reasonably available mechanisms to reduce risks as much as possible in line with their training, skills and expertise. • Relevant persons are encouraged to identify as early as possible any medical or mental health condition that may require special arrangements when dealing with the Commission. Additional support services, including specialist support services for relevant persons employed by the ACT Public Service, including having a support person attend a hearing, are also provided in advice to relevant persons.
Guidance to staff to apply the policy	<ul style="list-style-type: none"> • Commission staff are required to implement this policy. • The Commission provides training and guidance to staff so they can meet the policy's requirements. • The Commission provides guidance to staff on expectations and requirements for responding to, and escalating, identified psychological and physical wellbeing concerns. • Escalation means identified concerns to welfare referred to a senior officer within the Commission to determine if additional support measures are needed, including for example, referral to a relevant health professional.

Continuous improvement	<ul style="list-style-type: none"> • The Commission looks for ongoing improvement in its psychological and physical wellbeing management practices, by reviewing and improving resources, materials and processes, where practicable. • The Commission undertakes assurance, including operational debriefs and audits of operational risk assessments, to monitor performance and identify development needs. • The Commission seeks feedback and guidance from its regulatory oversight bodies, external consultants, and the practices of other agencies and jurisdictions. • The Commission will seek feedback from relevant persons on their experience with the agency and consider feedback when improving support arrangements.
Limitations	Commission staff are not clinically trained, nor is the agency a treatment provider. Staff seek to ensure any relevant person is aware of available support services and contact details to facilitate direct interaction.

6. Principles applied in practice

6.1 All Commission staff who have engagement with relevant persons have an obligation to proactively implement this policy. This includes ensuring any contact with any relevant persons that gives rise to a welfare concern is documented, an assessment is conducted and if required, mitigation actions enacted with appropriate follow up and review.

6.2 The application of this policy in practice encompasses the following key steps:

- **Identification:** every member of staff must act on information they received that indicates a wellbeing concern.
- **Assessment:** the wellbeing concern must be assessed to determine what action/s might be required to address the concern.
- **Response:** the development of responses to address the circumstances. This occurs in collaboration with the relevant person.
- **Review:** this requires the re-assessment of previous responses and/the proactive identification of new stress points at relevant touchpoints.

Limitations on effectiveness of the application

6.3 The extent to which the Commission can effectively apply this policy to address wellbeing concerns is heavily dependent on disclosures by relevant persons or their support persons, including medical practitioners and legal advisers, of information about the difficulties they are facing.

6.4 Without such disclosures, it is difficult, if not impossible for the Commission to pre-empt what supports relevant persons might need.

6.5 The Commission acknowledges that, in the context of an investigation lifecycle, threshold moments occur that amplify levels of anxiety and stress. These events may include:

- when first receiving a summons to attend to give evidence;
- when giving evidence;
- when proposed reports, particularly those with proposed adverse findings, are provided; and
- when final reports are tabled in the Legislative Assembly and published on the Commission's website.

6.6 During these threshold moments, the Commission commits under this policy to advance notification and the provision of wellbeing materials that contains relevant information about support services available and how to access them except where, in the Commissioner's opinion, advance notification may prejudice the exercise of the Commission's functions, in particular the course of an investigation or anticipated examination, in which case whether any such notification should occur or, if it is to occur, is to be adjusted in form or timing will be determined on a case by case basis.

7. Specific legislative provisions

7.1 The IC Act contains specific provisions that require the Commission to do certain things and/or consider certain things when performing its functions. This section of the policy articulates specific requirements which, of themselves, go towards mitigating wellbeing risks. This policy is to be read and applied in a matter that is consistent with all legislative requirements contained in the IC Act.

• **Special considerations for Public Examination - (s143)**

7.2 The Commission will provide a witness welfare pack containing contact details of services and support arrangements to each relevant person who receives a summons to attend a public examination. The Commission will also follow-up with the relevant person and other persons involved to conduct a post-examination welfare check.

• **Examination provisions for vulnerable witnesses - (s153 and s295A (2)(a))**

7.3 In addition to vulnerable witnesses considered by the legislation, vulnerable witnesses may be identified via additional engagement with them by the Commission, such as following a risk assessment, or self-identified. Relevant persons who raise additional concerns will be advised of available services to support the reason for vulnerability. Strategies to mitigate any harms resulting from vulnerability will be documented in a risk assessment and revisited at each engagement point.

Wellbeing is also specifically dealt with under the following provisions:

- **Wellbeing provisions related to publication of investigation recommendations - (s179, s181 and s295A (2)(b))**
- **Wellbeing provisions related to a person mentioned in, or provided, an investigation report - (s186 (a)(b)(c), s187 and s295A (2) (c-e, h-j and l-m))**
- **Wellbeing provisions related to Commission outcomes and reputational repair - (s203, s204 and s295A (2) (f-g and k))**
- **Matters considered by the Commission related to unreasonable damage to a person's wellbeing - (s295A (3) (a-c))**

8. Complaints

8.1 All ACTIC officers will comply with this policy to support witness welfare. Any complaint in relation to this policy can be made to the Inspector by completing the [Inspector of the Integrity Commission - Complaint form](#) or by raising it directly with the Commission.

Document Control

Policy Name	Witness Wellbeing
Document Owner	Senior Director Corporate, Prevention and Communication
File Name	Witness Wellbeing Policy
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Status	Final

Revision History

Revision	Description	Date	Author
1.0	Significant revision of existing Policy for re-issuance	27 May 2025	Mark Kalleske
1.1	Amendments made in response to Chief Executive Officer review	24 June 2025	Mark Kalleske
2.0	Approved version for release	1 July 2025	Tania Carr

Updating the document

To be reviewed annually in line with provisions of the *Integrity Act 2018* and Inspector review.

Review and Authorisation

This document is to be reviewed by the Corporate Governance, Planning and Assurance Team and approved and endorsed by the Chief Executive Officer and Commissioner.

Judy Lind
CEO

24 June 2025

Date

The Hon Michael F Adams KC
ACT Integrity Commissioner

1 July 2025

Date