

Integrity Commission (Commissioner Selection Criteria and Process) Determination 2021

Disallowable instrument DI2021–36

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 2021*.

2 Commencement

This instrument commences on the day after its notification day.

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.

4 Revocation

This instrument revokes the *Integrity Commission (Commissioner Selection Criteria and Process) Determination 2019* DI2019-1.

Joy Burch MLA
Speaker
Legislative Assembly for the ACT

17 February 2021

Schedule 1

Selection process

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

Prior to the appointment of an Integrity Commissioner under s 25 (1) of the *Integrity Commission Act 2018* (the Act), the Speaker must seek expressions of interest in the position 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 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.

Having considered the suitability of applicants, the panel must provide to the Speaker:

- a) a recommendation as to which applicant it considers is the most suitable applicant out of those applicants meeting the eligibility requirements under s 26 (1) (a) to (d) of the Act;
- b) if no applicant meets the eligibility requirements under s 26 (1) (a) to (d) of the Act, a recommendation as to which applicant it considers is the most suitable applicant out of those applicants meeting the eligibility requirements under s 26 (1) (e) of the Act;
- c) ranked order of merit, including a statement of reasons, where more than one applicant is assessed by the panel as being suitable; and
- d) a statement of reasons where the panel considers that an applicant who is a person mentioned in s 26 (1) (a) to (e) of the Act is not suitable.

In exercising the Speaker's power of appointment, the Speaker must consider the panel's recommendation and may consider, consistent with s 26 (2) of the Act, any order of merit and accompanying statement of reasons 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 relevant Assembly committee.

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