

Integrity Commission (Commissioner Selection Criteria and Process) Determination 2025

Disallowable instrument DI2025–12

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 2025*.

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 2021* DI2021-36.

Mark Parton MLA
Speaker
Legislative Assembly for the ACT

24 February 2025

Schedule 1—

Selection process

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

Prior to appointing an Integrity Commissioner under s 25 (1) of the *Integrity Commission Act 2018* (the Act), the Speaker must seek expressions of interest from eligible persons through public advertising of the position.

The Speaker must appoint an appointment advisory panel (the panel) to evaluate the suitability and eligibility of persons who lodge an expression of interest (applicants).

The panel must consist of three members and include at least one male and one female member. A panel member must be:

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

Members of the panel must declare to the Speaker, at the earliest opportunity, any matter that may reasonably be seen to give rise to an apprehension of bias or a conflict of interest in contributing to the performance of the panel's advisory function. The Speaker may decide how the possibility of a conflict of interest or apprehension of bias is to be managed.

The suitability of applicants must be evaluated by the panel on the basis of the selection criteria set out in this determination and requirements under the Act. Having considered the suitability of eligible applicants against the selection criteria, the panel must provide to the Speaker:

- a) if only one applicant is assessed as being suitable for appointment, a recommendation that the person be appointed and statement of reasons to that effect; or
- b) if more than one applicant is assessed by the panel as being suitable for appointment, a recommendation that the person listed first in the order of merit be appointed and a statement of reasons to that effect.

The Appointment Panel must be satisfied that any person it recommends to the Speaker for appointment as the Commissioner, or who is included on a merit list as being suitable for appointment, is both eligible for appointment and is a fit and proper person of good character.

In exercising the Speaker's power of appointment, the Speaker must consider the panel's recommendation, order of merit and statement of reasons.

Consultation

The Speaker must make the appointment in consultation with the:

- Chief Minister;
- Leader of the Opposition;
- 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
- relevant Assembly committee.

Other requirements

The Speaker must not appoint a person as Integrity Commissioner unless satisfied that the person has 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.

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.

Administrative support and recruitment advice

The Speaker may be advised and supported by an external recruitment consultant, engaged on behalf of the Territory, to:

- advertise the position;
- arrange for the appointment of an Appointment Advisory Panel;
- provide secretariat support to the panel;
- prepare correspondence for the Speaker and panel;
- contact referees and prepare referee reports;
- check relevant credentials, qualifications (including those relating to eligibility under the Act), and police records;
- prepare any recommendations, order of merit and statement/s of reasons on the direction of the panel; and
- provide any other necessary assistance to support the Speaker or the panel in evaluating applicants and considering and making the appointment.

Selection criteria

The following selection criteria apply to the position of ACT Integrity Commissioner.

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

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

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