

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)

EXPLANATORY STATEMENT

Section 27 (1) of the *Integrity Commission Act 2018* (the Act) states that the Speaker must make a determination (*a commissioner selection criteria and process determination*) about the criteria that apply to the selection of a person for appointment as commissioner and the process for selecting the person.

This instrument makes a *commissioner selection criteria and process determination*.

Section 27 (2) of the Act sets out the things that the Speaker must do in making a *commissioner selection criteria and process determination*.

In making the determination, the Speaker has:

- consulted with the persons and the standing committee mentioned in s 27 (2) (a);
- ensured, through the drafting of the determination, an open, accountable and competitive selection process; and
- had regard to selection criteria determined under s 4AA of the *Supreme Court Act 1933*.

The determination provides that the:

- a) selection process for the position of Integrity Commissioner must be open, accountable and competitive;
- b) Speaker must seek expressions of interest from eligible persons through public advertising of the position;
- c) Speaker must appoint an advisory panel to evaluate the suitability and eligibility of persons who lodge an expression of interest (applicants);
- d) panel must consist of three members and include at least one male and one female member. A panel member must be:

- i. 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
 - ii. a current or former member of an anti-corruption or integrity body from another state/territory or the Commonwealth; or
 - iii. a current or former statutory office holder from another state/territory or the Commonwealth;
- e) members of the advisory panel must declare to the Speaker any matter that may reasonably be seen to give rise to an apprehension of bias or 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;
- f) the panel must evaluate the candidates against the selection criteria outlined in the determination and requirements under the Act;
- g) following its consideration of the suitability of eligible applicants against the selection criteria, the panel must provide to the Speaker:
 - i. 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
 - ii. 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;
- h) the 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;
- i) in exercising the Speaker's power of appointment, the Speaker must consider the panel's recommendation, order of merit and statement of reasons;
- j) the Speaker must not appoint a person as Integrity Commissioner unless satisfied that the person has extensive knowledge of:
 - i. criminal investigation or criminal adjudication; or
 - ii. law enforcement or the conduct of investigations; or
 - iii. public administration, governance or government;
- k) 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.
- l) Before a person is appointed as Commissioner, the person must take an oath of office, or make an affirmation of office, before the Speaker;
- m) the Speaker may receive administrative support and advice from an external recruitment consultant.

The determination revokes DI2021-36.