



**LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

**STANDING COMMITTEE ON JUSTICE
AND COMMUNITY SAFETY**

(Reference: [Inquiry Into Annual and Financial Reports 2022 - 2023](#))

Members:

**MR P CAIN (Chair)
DR M PATERSON (Deputy Chair)
MR A BRADDOCK**

PROOF TRANSCRIPT OF EVIDENCE

CANBERRA

MONDAY, 13 NOVEMBER 2023

This is a **PROOF TRANSCRIPT** that is subject to suggested corrections by members and witnesses. The **FINAL TRANSCRIPT** will replace this transcript within 20 working days from the hearing date, subject to the receipt of corrections from members and witnesses.

**Secretary to the committee:
Ms K de Kleuver (Ph: 620 70524)**

By authority of the Legislative Assembly for the Australian Capital Territory

Submissions, answers to questions on notice and other documents, including requests for clarification of the transcript of evidence, relevant to this inquiry that have been authorised for publication by the committee may be obtained from the Legislative Assembly website.

APPEARANCES

ACT Integrity Commission	10
ACT Ombudsman	1

Privilege statement

The Assembly has authorised the recording, broadcasting and re-broadcasting of these proceedings.

All witnesses making submissions or giving evidence to committees of the Legislative Assembly for the ACT are protected by parliamentary privilege.

“Parliamentary privilege” means the special rights and immunities which belong to the Assembly, its committees and its members. These rights and immunities enable committees to operate effectively, and enable those involved in committee processes to do so without obstruction, or fear of prosecution.

Witnesses must tell the truth: giving false or misleading evidence will be treated as a serious matter, and may be considered a contempt of the Assembly.

While the committee prefers to hear all evidence in public, it may take evidence in-camera if requested. Confidential evidence will be recorded and kept securely. It is within the power of the committee at a later date to publish or present all or part of that evidence to the Assembly; but any decision to publish or present in-camera evidence will not be taken without consulting with the person who gave the evidence.

Amended 20 May 2013

The committee met at 10.31 am.

ACT Ombudsman

Anderson, Mr Iain, ACT Ombudsman, Inspector of ACT Integrity Commission,
and Principal Officer of the ACT Judicial Council

McKay, Ms Penny, Deputy ACT Ombudsman

Fintan, Mr David, Senior Assistant Ombudsman, Defence, Investigations, ACT
and Legal Branch

Ramsay, Ms Georgia, Director ACT Strategy and Inspector, Defence,
Investigations, ACT and Legal Branch

THE CHAIR: Good morning everyone. Welcome to the public hearings of the Justice and Community Safety committee for its inquiry into annual reports for 2022-23. The committee will today hear from the Ombudsman, the Inspector of the Integrity Commission, the ACT Judicial Council and the Integrity Commissioner.

The committee wishes to acknowledge the official custodians of the land we are meeting on, the Ngunnawal people, and acknowledges and respects the continuing culture and contribution they make to the life of this city and this region. We also acknowledge and welcome other Aboriginal and Torres Strait Islander People who may be attending today's event.

Meetings today are being recorded and transcribed by Hansard and will be published. Proceedings are also being broadcast and webstreamed. When taking a question on notice, it will be useful if witnesses use the words, "I will take that question on notice." This will help the committee and witnesses to confirm the questions taken on notice from the transcript.

We welcome this morning witnesses from the Ombudsman, the Inspector of the Integrity Commission and the ACT Judicial Council. I remind witnesses of the protections and obligations afforded by parliamentary privilege and draw your attention to the privilege statement. Witnesses must tell the truth. Giving false or misleading evidence will be treated as a serious matter and may be considered contempt of the Assembly. Could you each confirm that you understand the implications of the privilege statement and that you agree to comply with it?

Mr Anderson: I do.

Ms McKay: I have read the statement and I will comply.

Mr Fintan: I do too.

Ms Ramsay: Me too.

THE CHAIR: We are not inviting opening statements so we will proceed to questions. Mr Anderson, in your capacity as the Inspector of the Integrity Commission, you circulated a report in the Assembly entitled, *Investigation into the dismissal of corruption reports by the ACT Integrity Commission*. The report was prompted by a former employee of the commission who:

PROOF

... observed corruption reports not being properly assessed in accordance with the Act and raised concerns regarding the Commission's governance and procedures.

As the Inspector of the Integrity Commission, could you provide the committee your perspective on these findings and whether you will accept the complaint that was brought, or comment that was brought, and whether you think there is a funding or resourcing issue for the Integrity Commission that might explain why this is the case?

Mr Anderson: We looked into the complaint and we certainly accepted the complaint. The concerns that were raised as to the procedures that the commission was following for accepting complaints of apparent corruption; and also the procedure with respect to recordkeeping for the assessment process. I made a number of recommendations for ways that I think the commission can improve its processes for both assessing complaints of apparent corruption and for keeping records of its processes. I believe that the commission accepting those recommendations will place it on a much better footing for ensuring its processes for assessing complaints of apparent corruption, and for maintaining accurate records about that, will then be beyond reproach.

I did not form any views as to whether resourcing or funding for the commission lay behind these matters. I really just looked at how the commission's processes and procedures were being followed, being applied, being recorded and that is what my recommendations were directed at. I do not believe that the commission's current resourcing envelope should prevent it from properly and appropriately dealing with complaints of apparent corruption and making good records about that.

THE CHAIR: Do you think there are any issues in the legislation or regulations that inhibit the commission from properly fulfilling its function?

Mr Anderson: No, I did not come to that conclusion.

THE CHAIR: Regarding investigation R21/0065, and that relates to recommendation 3 of your report, can you advise whether the commission accepted your recommendation on that particular matter?

Mr Anderson: I will actually ask Mr Fintan to address that one, if I may. I have been out of the country in the last week or so. He will be across all the detail.

THE CHAIR: The conflict of interest was how it was bannered.

Mr Fintan: The Integrity Commission—and this is reflected in the report as well—accepted or agreed to all of the recommendations made in the report and has also agreed to implement them with a timetable of doing that by the end of this calendar year.

THE CHAIR: Are you able to explain broadly what that particular matter is about—conflict of interest is obviously very broad.

Mr Fintan: I am just turning to the relevant part of the report to refresh my memory because it has been sometime since I looked at this report myself.

THE CHAIR: If you want to take that on notice for the sake of time, we can move on.

Mr Fintan: Yes, I can take that on notice.

MR BRADDOCK: Regarding that same report, R21/0086 does not seem to be referred to in the recommendations like the other inquiries were. I was just wondering was there any outcome of examining that particular issue, and does that flow through to any of the recommendations in that report?

Mr Fintan: Firstly I note it is referred to in relation to some of the recommendations. So at paragraph 3.21 there is a reference to both the report ending in 52 and the report ending in 86, but on the second part I will take on notice anything about the detail of that particular report.

THE CHAIR: You mentioned that recommendation 3 was accepted. Is there an investigation on that matter as far as you understand?

Mr Fintan: I should firstly clarify that you mean recommendation 3 in the special report?

THE CHAIR: Yes.

Mr Fintan: There is no separate investigation of that specific report. It was one of the sample reports that we considered as part of this investigation and subsequent report. So I think the answer is that what is in the report is our findings.

DR PATERSON: My question is in respect of the Reportable Conduct Scheme. I am just wondering do MLAs fall under the Reportable Conduct Scheme?

Mr Anderson: I will ask Mr Fintan to answer that, please.

Mr Fintan: I do not believe that MLAs do. The scheme is based on whether an entity is a designated entity and I do not believe that MLAs fall within the definition in the act. I can take on notice definitively confirming that because I do not want to mislead the committee, but I understand that—

DR PATERSON: So in terms of an MLA receiving a complaint regarding child sexual abuse, what would you suggest an MLA do with that complaint?

Mr Anderson: I will answer that if I may, Dr Paterson. I think anyone receiving a report of allegations of misconduct or abuse with respect to children should provide that report to a range of different bodies; the police, certainly, if it would appear to be criminal conduct. It can be provided to us. The main thing is to in fact do something with that report. I do not think whether you are covered by the Reportable Conduct Scheme or not will prevent you from providing that to a body like us or to the ACT police.

DR PATERSON: Could you outline, if you received a complaint like that, what your processes would then be?

Mr Anderson: I will answer at a high level first and then pass to Mr Fintan to get a bit more detail. What we do typically is to first of all see, if we receive a report, what has been done with it. Certainly, if it is a body that is covered by the Reportable Conduct Scheme, we look to see whether they have taken the appropriate steps under the scheme. Obviously, the first step is: have they reported it within the timeframe set within the act, but then have they looked at the apparent conduct and apparent circumstances?

I am pleased to say that generally what we are seeing is that bodies covered by the scheme are to a much greater extent taking appropriate action in terms of not just dismissing reports out of hand, but looking at seeing if steps need to be taken with respect to people subject to the complaint, as well as the child who is the subject of the alleged behaviour. We look in relation to the legislation of the scheme, but we also look at whether it should be then referred to anyone else. I will ask Mr Fintan to add a bit more detail to that.

Mr Fintan: That is essentially correct. There are two primary functions. The first is that we receive allegations of misconduct. We do that in a way that supports the designated entity who has made that report of allegations to us to then decide how and whether to investigate. We also publish guidelines, including on how to take a risk-based approach to doing that.

Then the second part is that we follow up on the outcome of that, which is the investigation, and if we ever had any concerns about issues that might not have been adequately addressed or could have been improved in the course of the investigation, we will make suggestions or recommendations about that.

DR PATERSON: Just again to clarify: we will get solid clarity on the fact that MLAs do not fall under the Reportable Conduct Scheme, but regardless of that, any potential allegation of child sexual abuse should immediately go to ACT police and come to your office as well?

Mr Fintan: I should add, or to the director at child protection services, effectively. I should clarify that the Reportable Conduct Scheme imposes on those designated entities a duty with respect to employees of the designated entities. So reporting of allegations and then the outcome of the investigation under the Reportable Conduct Scheme relates to employees of the designated entity, not generally people that may be known to the designated entity. That is where, again, if there were any kind of concerns, even if it were not an employee, there would be an avenue through which to raise it.

MR BRADDOCK: Coming to freedom of information, I would like to ask: what is the ombudsman's perspective on how the FOI framework is working for the ACT government at the moment?

Mr Anderson: As I said in my annual report for the last financial year, we are certainly seeing signs of a relatively healthy FOI system in the ACT. Agencies are making decisions. They are proactively releasing information. While we have seen an increase in the number of review requests made to my office, it is still less than

one per cent of all the FOI applications decided by agencies. I think that is a healthy indicator in itself. The very significant growth—the almost tripling in decisions by agencies to publish information under the open access scheme—I think is a very positive indicator that agencies are proactively looking to release information more and more.

I guess the countervailing thing I will say is that when I have been carrying out reviews of FOI decisions made by agencies—there were some 20 formal decisions made in the last financial year on reviews—and I amended or set aside agency decisions in 15 of those 20 review applications. So certainly, I am seeing when matters are referred to me, that agencies can continue to improve that balancing exercise about the public interest in disclosure versus the public interest in not disclosing. Overall, I think the scheme is operating well and it looks very healthy.

MR BRADDOCK: In terms of the legislative changes that passed mid-this year, let us say, have they had any impact on your operations?

Mr Anderson: Nothing visible at this stage.

MR CAIN: Regarding your ombudsman role, you were appointed ombudsman on 1 August 2022 for a five-year term. In your role, you service the ACT Ombudsman and other responsibilities, as we are aware. Having finished your first year in the role, what challenges have you identified thus far, particularly as the ACT Ombudsman, and what are your major priorities and objectives to continue to pursue?

Mr Anderson: One thing that I am looking to particularly pursue over this financial year and the remainder of my term, is increasing my formal and informal engagement with civil society in the ACT. I met recently with the ACT Council of Social Service following the publication of my investigation into Housing ACT, and we had a very constructive meeting. I am looking to expand both my formal and informal engagement with, as I say, civil society, so that where they are seeing things that are of particular concern, they feel they can bring those to my attention, and I can also share with them things that I am seeing in terms of agencies. That is certainly one priority. Otherwise, something I have said before: there is a challenge for all ombudsmen, which is to just stay on top of your complaint workload. Complaint handling is at the core of the function of being an ombudsman. While we certainly finalised many more complaints that we received in the last financial year, we are in the process of reviewing our processes to make sure that we can be as timely as possible in giving people answers on the grievances they raise with us.

MR CAIN: On that first point, what prompted this engagement with community organisations? It is probably not something I have seen undertaken by an ombudsman in my experience with government.

Mr Anderson: It was really just a reflection that the Council of Social Service was one entity that had certainly raised concerns publicly about the Housing ACT Growing and Renewing Public Housing Program, but they have not been raising them with my office. So while we had nine complaints from public housing tenants, I was curious as to whether there was something that was holding them back from engaging with my office—whether they were not seeing it as being a useful exercise, perhaps,

or instead going down other channels, such as having clients of theirs, or customers of theirs, engaging with litigation in the Supreme Court. So that was really what was driving me to say, “We are here. We do have this function. If you know people who have concerns about the actions of ACT government agencies, is there a reason why you would not refer them to us?” and just have that open discussion.

DR PATERSON: My question is in respect to the ACT Judicial Council about the complaints received. It says complaints included allegations of—I am particularly interested in discourtesy, bullying and intimidation. It says the council currently has three open complaints. Do they relate to any of those things, those open complaints, and can you speak to what those three complaints are?

Mr Anderson: I am not sure if Mr Fintan has details of those three open ones, but while he is thinking about that, I might just say typically they are open because they have not been finalised yet. We try to move fairly quickly, or assist the council to move fairly quickly, with considering complaints. Sometimes it takes a bit longer to enable the council to consider a complaint if we are waiting, for example, for transcripts or for voice recordings, because as part of our process of assisting the council, we make sure we consider voice recordings and transcripts, particularly where it is an allegation of the behaviour of a judicial person having been formed in court, for example. So sometimes it is just a machinery thing where we are waiting for those to be available in order that we can then make recommendations to the council and the council can meet. I will see if Mr Fintan has anything to add to that.

Mr Fintan: Regrettably, I do not have details on those three open ones with me.

DR PATERSON: Okay. Is there concern from the council about allegations of bullying and intimidation by judiciary? Is that something that you are seeing increasingly reported?

Mr Anderson: So those allegations absolutely are of concern to the council. Strictly, I should not speak for the council, not being a member of the council, but only being the principal officer supporting the council, but I will say my observation is that the council takes allegations of bullying and harassment very seriously, and examines those complaints, as it does all complaints, in detail. I will say also though, that the complainants are almost all self-represented litigants. So, self-represented litigants may well find, or may well feel, that the process involves then being bullied, when in fact it might just be the appropriate exercise of judicial functions. Courts do need to get through the cases and that might mean that sometimes people would like to be heard at greater lengths than the court can allow them. I will observe, as I said, the council takes these matters very seriously.

DR PATERSON: Have any of those complaints been substantiated?

Mr Anderson: There have been matters that have been referred to heads of jurisdiction, but that is before my time. There is nothing in the last two years. In fact, there is nothing in the last three financial years as being actually upheld but matters referred to heads of jurisdiction come the years before that. Unfortunately I do not have that detail with me.

MR BRADDOCK: A question about the OPCAT NPM: what functions or activities have you been undertaking since that went live?

Mr Anderson: Certainly. Well one of the functions—together with the Commonwealth Ombudsman—we have undertaken is inspections of ACT Policing places of detention. We do that in both capacities with staff from both ACT Ombudsman and the Commonwealth Ombudsman just to be very clear that we have the power and authority to inspect AFP facilities. So we have conducted those reviews. That was a major activity for us. Otherwise, we have been engaging with the other two members of the ACT National Preventative Mechanism and we have collectively been involved in making some public statements as part of the Australian National Preventative Mechanisms Network.

MR BRADDOCK: What were your findings in terms of your investigation of ACT Policing places of detention?

Mr Anderson: I do not think we have finalised the post visit summaries yet of those. I should say that with post visit summaries we are now looking to publish our post visit summary after each visit we do. Those ones, I am not sure if we will be publishing because they were, I think, visits carried out in the last financial year, which was before we decided to publish them. Unsurprisingly perhaps, the ACTs facilities could all be renovated or overhauled, and so that will largely be the tenor of the findings that we have.

THE CHAIR: Regarding FOI decisions: how frequently do you overturn decisions by agencies and directorates who deny or redact FOI requests? I note that in previous years the Ombudsman has hired a surge team to support FOI request processing to meet statutory timeframes. How have you handled complaints over the 2022-23 financial year?

Mr Anderson: On the first question, there were 41 reviews that were decided in the last financial year. Of those, I think some 21 were resolved informally. Either they were withdrawn, or the agency provided material. So they were resolved without me needing to make a decision. Twenty were resolved by my decision, or a decision of a delegate of mine. For 15 of those 20, the agency decision was varied or stepped aside. So that was quite a high rate.

In terms of the second part of the question, we have been looking at our processes for handling FOI matters. We have been having some internal discussions about where there might be ways we can improve those. We removed one step, which was a procedural fairness step because we have two other procedural fairness steps so we thought we could simplify our process slightly to save a bit of time but without any disadvantage to any of the parties. We have not needed to supplement, but we do have the ability to move staff onto FOI processing if that was becoming a problem. I will see if Mr Fintan wants to add anything to that last part.

Mr Fintan: Well I think that is right; that we have been looking at anything we can do to simplify the process and make it move faster. I mean, it usually depends on the volume and complexity of the information involved and taking submissions from the various parties. We obviously do not want to do away with that, but we are looking to

do it as quickly as we can.

THE CHAIR: I note on page 12 of your report, the average processing time in responding to FOI requests increased in working days across directorates, from 2021-22 to 2022-23. For example, it took on average, 131 days for CSD to provide an FOI response. Do you believe that is a reasonable response time?

Mr Anderson: If you take CSD out of the equation, you get quite a different figure. So, 98 per cent of applications to agencies were resolved within statutory timeframes. Of those, 70 per cent were resolved within the timeframe set by the act; 28 per cent were resolved within timeframes that had been extended; 27 per cent of those, I think, were resolved by agreement of the applicant; and some one per cent were where we agreed to an extension. So, the vast majority of applications are being resolved within the appropriate timeframes.

CSD is an exception and I think there is more that CSD can do to look at its own internal processes. In fairness to CSD, I will say that they are frequently dealing with applications that cover very large volumes of documents. We are talking 7,000-8,000 pages or more. Often it is documents which involve a lot of personal information of a range of people, so there is a complicated consultation process there. Often the documents themselves are held in paper form and they could be going back many years. So all that adds to the timeframes. From discussions I have had with the Director-General of CSD, they are well aware of these challenges and they are exploring how they can do it quicker and better in future.

THE CHAIR: Do you think that there is a resourcing issue for CSD to make them the standout?

Mr Anderson: My understanding is CSD has been given some additional resources, relatively recently, to assist them with FOI processing.

DR PATERSON: Reportable conduct again. In your outcomes table on page 29, it says you have a not-reportable conduct, so 23 per cent of reports were deemed not-reportable conduct. Does that mean there needs to be more education around reportable conduct? Or do you see that as the scheme working very effectively, that people are providing lots of information about complaints? Just wondering how you view that number?

Mr Anderson: I might open and then pass to Mr Fintan. If the scheme works well, it should involve people raising any concerns they have as soon as they have concerns and it should involve institutions being open to receiving and considering those concerns. I am certainly not concerned if institutions then work through those concerns properly but say at the end of the day, “no it does not actually reach the threshold.” I think the worst outcome would be if individuals were dissuaded from raising concerns and if institutions were actively dissuading individuals from raising concerns. Institutions should receive the concerns, work through them and only then say whether they do or do not think that it actually reaches the threshold. I will see if Mr Fintan wants to add anything to that.

Mr Fintan: I would just add that it is an allegations based scheme. So I think the idea

PROOF

that there would be a proportion that once investigated are not sustained is not unsurprising and probably a healthy thing. We have certainly had discussions with various designated entities over the years since the introduction of the scheme to clarify that, because during some of the early stages of the scheme we found that where allegations looked unlikely to be proven, an entity might decide on that basis it really did not have to be reported to us. One of the things I think we have made progress on, over the last few years, is confirming that because it is allegation based, that allegation must be reported. Then there is that second step of looking at whether it was investigated, how it was done and if it is done properly and then not sustained.

Ms Ramsay: I also think it is reflective in the fact that the notifications have gone up by nearly 50 per cent. It shows a healthy reporting style so we welcome that.

THE CHAIR: I think we have come to the close of our session. I would like to thank the witnesses for your attendance today. If you have taken questions on notice, please provide your answers to the committee secretary within five business days of receiving the uncorrected proof transcript from Hansard. Thank you again for your time.

Short suspension.

ACT Integrity Commission

Adams KC, The Hon. Michael, Commissioner, ACT Integrity Commission
Lind, Ms Judy, Chief Executive Officer, ACT Integrity Commission
Hickey, Mr Scott, Chief Financial Officer, ACT Integrity Commission

THE CHAIR: We now welcome witnesses from the ACT Integrity Commission. I remind witnesses of the protections and obligations afforded by parliamentary privilege and draw attention to the privilege statement. Witnesses must tell the truth. Giving false or misleading evidence will be treated as a serious matter and may be considered contempt of the Assembly. Please, could you each confirm that you understand the implications of the privilege statement and you agree to comply with it.

Mr Adams: I do.

Ms Lind: I do.

THE CHAIR: Thank you both. We will move straight to questions.

Mr Adams: Just before you do, can I just inform the committee of a recent development?

THE CHAIR: Yes.

Mr Adams: I have made public statements about the CIT investigation and stated that I was hoping to issue an interim report on Thursday or Friday last week. That interim report has now gone to the persons required. It is circulated under the act for procedural fairness reasons. It has to remain confidential for obvious reasons, because the findings must necessarily remain tentative until procedural fairness is completed. I thought I should let the committee know. I will be releasing a press release this afternoon to inform Canberrans that at least that stage has now been reached.

THE CHAIR: It would not surprise anyone here if that were the source of a question anyway, but thank you for that background. I will start with something slightly different. Last week, as you are aware, a report was circulated in the Assembly entitled *Investigation into the dismissal of corruption reports by the ACT Integrity Commission*.

Mr Adams: Indeed.

THE CHAIR: The report was prompted by a former employee of the commission who “observed corruption reports not being properly assessed in accordance with the act and raised concerns regarding the commission’s governance and procedures”. That is the claim. Could you provide the committee with your perspective on the findings and also the observation that was provided with respect to the Integrity Commissioner?

Mr Adams: Certainly. First of all, as to the findings, they were helpful and focused on shortcomings in process—that is, in reporting of steps taken for the decision to be made. But the complaint misunderstood, I think, the process. There is an assessment panel that comprises the CEO, the Director of Investigations, the Director of

PROOF

Assessments, me and the community education area—the executive, essentially, of the commission. They do not make any decisions. They make recommendations and assist me when I want information. All the relevant decisions were made by me, and I can tell you I applied the act strictly.

I think what has happened is that, because the assessment documentation did not state what the other persons who I have mentioned said about matters, it was therefore inferred that the assessment process was not appropriate. I think that was a misunderstanding. Whether it was or not, the fact is I informed myself of all the facts and I gave answers in accordance with my judgement of the legislative requirements. On the other hand, I entirely understand the need for recording processes so that they can be examined and procedures can be understood. But, in the end, the decisions are mine. You will not be surprised to hear that I do not write or make a judgement in relation to each. That is simply impractical. I briefly mentioned my reasons in the meeting. They would usually be along the lines recommended and I would usually do it in a very shorthand way.

At this stage, because of the inexperience of particularly assessment staff, I was a bit more forthcoming so they would understand how the criteria operated. It was very much a learning process for them. We did not have time for any usefully formal information for them, and they were guided by the act and conversations by me when they had a problem and conversations with the director and the CEO. Most use comes when you are actually dealing with a particular matter and saying, “That’s how this section works.” That was a learning process. Not surprisingly, that is not mentioned in the minutes. I did not think of it as being part of that process. That is fundamentally what occurred.

Ms Lind: I might make just a couple of key points. The sample of records that the inspector did as part of his investigation relate back to early 2021 and early 2022. Those processes do not reflect the processes and the changes that we have made since then. Those changes include standing up a director of assessments. Previously, in 2021 that role was being covered by a director who also was in charge of investigations. We have recognised the importance of the assessment function. We have a director in place. We have a team of four assessment officers in place now. I think there was one or 1½ FTE applied in 2021. We have formal terms of reference for the assessment panel, including the formal agenda and minutes. We have a substantial suite of assessment policies that have been completed in the last six to nine months.

In relation to a couple of the recommendations of the inspector, including recommendation 5 that talks about section 196 and relates to section 107, those are issues where we have looked at, recorded and established an internal policy on when those particular provisions should be used. That has been documented for the guidance of assessment officers. As part of the process, we invited the inspector to take a tranche of more contemporaneous records. We provided those records to him. They were outside the scope of what he is reporting on here. If or when he does a further audit, I am very confident that the issues to do with the recording of decisions and recordkeeping will have been ameliorated.

THE CHAIR: Is the output that you are able to produce hindered by resourcing

issues or funding issues?

Mr Adams: We are coping in the assessments field reasonably well. We still have a backlog, but we have only been fully resourced in that area for the last three or four months, really. Every complaint is a matter of judgement. As you know, you receive complaints from your constituents and others all the time. Some of them are hundreds of pages. It is massive amounts of work. But, as our assessment staff grow more experienced, they also are much quicker at assessing that material. I would not be putting more staff in that area at present. I think there is a good balance, and I would see a continuing reduction of our backlog.

Ms Lind: I think there is much stronger oversight. We put some new tables in our annual report this year to inform on the stock on hand. Figure 8 shows that, at the start of last financial year, we had 93. We received 148. We have shown the number that we have assessed, both the ones we have received in the current year and the backlog, and then what is left over. We have a clearer and stronger management oversight in terms of the aged matters—getting through those with a desire to reduce the backlog—and obviously assessing matters that we are getting more quickly. That shows in the average assessment time frame. There is a significant reduction in the matters received and assessed in the current year as opposed to the aged matters. That will be a continuing and strong focus on managing this particular workflow going forward.

DR PATERSON: Going back to your opening comments about the CIT investigation, you said you made comments last week. What were your comments?

Mr Adams: No. I am sorry—I may have been unclear. What I think I mentioned the last time I appeared—I think it was in the estimates committee—is that I was hoping to produce an interim report, and this is the report. “Interim” is lay language. It is not legally an interim report. Under the act, it is a special report, but it is a proposed special report. It goes before the Assembly, but the act requires that I give notice to all related and interested persons. On this, I have to say there are about 35 of them. It is a big list. They have six weeks in which to comment. It is a report of over 200 pages and it has over 2,500 pages of material attached to it, so it is a big task. I am hoping six weeks is long enough, but I am just bound by the act. I have to give procedural fairness. It is proper that I do. Six weeks is the minimum period that I can allow. The issues, as you would appreciate just from the general publicity, are substantial.

DR PATERSON: This will be the final report?

Mr Adams: No. What happened was—I think I can say this—that, as we went through the material with our general investigation, having in mind where it would go, it became clear that a particular area could be focused on and could hopefully be the subject of a report before the much lengthier process of looking at all the material. It enabled me, by focusing on that, to at least get this particular work completed early.

DR PATERSON: Is that because this particular work is the priority and urgency is needed to investigate this particular aspect?

Mr Adams: I think so. Yes.

DR PATERSON: There will be this special report and then, after that, what would be the process of finalisation of that inquiry?

Mr Adams: This is selective material from a wider investigation with a focus on the subject matter of the report. There has already been a great deal of work on what I will call the wider investigation, but much work still has to be done in that area, and that raises different but important questions which I do not want to go into.

THE CHAIR: Is it too early to say whether the CEO of the CIT is on paid leave and whether their future depends on the publication of this interim report?

Mr Adams: I do not think I should disclose that one way or another, I am afraid.

THE CHAIR: Thank you. Mr Braddock?

MR BRADDOCK: Going to Operation Kingfisher, noting there are limitations to what you can say, first of all I would just like to ask in terms of that being the first series of public hearings that you held. Have there been any sorts of learnings identified from that process or from the conduct of those hearings?

Mr Adams: There have actually, mainly of a procedural kind. These are always complicated. This is the practice for integrity commissions throughout the country: you invariably have private examinations before you have public examinations. You know, more or less, what the public examinations produce, but I can tell you that they produce different things. That complicates what information you give the witnesses to enable them to deal fairly with the questions. There has been quite a dynamic tension between what I am prepared to expose and what they want me to expose. I am thinking about ways in which I can perhaps formalise that more transparently. There are other issues about the extent of cross-examinations. They may be procedural but important. I thought things would go a certain way, and I have realised my own view was somewhat impractical and needed to be adjusted. In that sense, yes, there has been learning.

My next tranche of public hearings—we resume in early December for, I think, three or four days—will be somewhat differently processed.

MR BRADDOCK: Will that be the final tranche of public hearings on that operation?

Mr Adams: I expect so, unless there are issues of fairness. Because some allegations are made in the public area, although I might form the view that I have enough evidence, interests of fairness might mean that I should allow affected witnesses to respond in public to those allegations. Subject to considerations of that kind, I think I will finish the public hearings. There are some private examinations which have become necessary because of fresh evidence that has come out during the public examination, but they are in relation to limited issues and I do not think need to be public. I am rather hoping the examination part of this investigation will be completed by the first week of December.

MR BRADDOCK: What will be the process and time line for that process post those periods?

Mr Adams: There is still some documentary work to be done, although the bulk of it has now been performed. Then I think we will have Counsel Assisting preparing submissions. Whether those submissions are given in public or private is a matter that I have not determined yet. Then, following submissions, so that everybody has a fair go to answer the potential findings, I will write a report.

MR BRADDOCK: Are we likely to have a report, given there have been political implications from that investigation, before the election?

Mr Adams: How long is a piece of string?

MR BRADDOCK: Sorry! Thank you.

Mr Adams: I do not mean to be impertinent. What I mean is that, when I get to writing and I have other work, I cannot just drop everything. I just cannot predict. I am sorry.

MR BRADDOCK: That is all right.

THE CHAIR: I have a supplementary on that theme. Has the lack of telecommunications interception powers, in your opinion, slowed you down, in that you have to seek information through other ways, whereas it might be more directly available through those powers?

Mr Adams: I am not sure that it has slowed me down. There are the investigative tools I have used. But it would have assisted to clarify certain aspects which I have to leave inferentially rather than having what I would have hoped might have been direct evidence.

THE CHAIR: But it would speed things up, surely, if you found that information.

Mr Adams: It certainly crystallises issues, by all means. Yes.

THE CHAIR: You would not have to spend time—

Mr Adams: It can have that effect.

THE CHAIR: trying to link up other sources of information.

Mr Adams: No. Quite.

Ms Lind: It is important to note that, with use of TIA powers, there needs to be a criminal offence on foot, if I use that terminology. TIA powers will not be able to be exercised in all Integrity Commission investigations. We have to get to the point of saying that there might be a criminal offence on foot that then triggers the use of the various powers under the TIA Act.

Mr Adams: Yes. They have to be justifiably investigated—that is, there is enough material suggesting the commission of a criminal offence that would justify an investigation.

THE CHAIR: That decision is made by yourself?

Mr Adams: Me.

Ms Lind: There is an independent decision authority as it comes to warrants and telecoms, so that is a magistrate or an AAT.

Mr Adams: You have to get a warrant, and that means you have to persuade either a member of the AAT or a magistrate in order to get that warrant. So, in that sense, I am properly corrected. It is ultimately not my decision.

THE CHAIR: But obviously there does not need to be a criminal investigation at the time; it just has to be you applying for a warrant with that strong suspicion.

Mr Adams: That is right.

Ms Lind: Reasonable suspicion that a criminal offence, which has to be specified, may have occurred.

Mr Adams: But it obviously needs some material. It is more than speculative.

THE CHAIR: Obviously you have not been able to do that just yet.

Mr Adams: No.

THE CHAIR: I will go to my next substantive. Within the bounds of what you are able to disclose, could you provide the committee with an update on Operation Athena, which is listed on page 38 of your report and states “Mismanagement of a conflict of interest”? What can you tell us that is about, without providing names and dates?

Mr Adams: I am sorry—I am not very good with names. I understand the facts, but—

THE CHAIR: Athena.

Ms Lind: We are investigating it. We have not made any other commentary on Athena. It is underway. It is close to being finalised.

THE CHAIR: Are you able to even just say what the nature of the conflict is?

Ms Lind: Yes. It relates to allegations of inappropriate or lack of appropriate management of a conflict of interest. Our investigation looks at what disclosures have been made in terms of a conflict of interest and how that conflict of interest has been managed and documented.

THE CHAIR: Are you able to say whether it is to do with financial gain or protection

of a personal relationship or some other type of conflict?

Mr Adams: I do not think we should, I am afraid.

Ms Lind: No.

THE CHAIR: You have quite a list of things that are being investigated, on page 38. On the particular one that we have been talking about, Athena, you have 135 days to a decision. Could you tell me when those 135 days started and when it closes? Does that mean just your own internal decision?

Ms Lind: Yes. We are required under the provision of the act. That is one of the stats that we are required to disclose. What it means is the date of receipt of the corruption report.

THE CHAIR: Are you able to say when that was?

Ms Lind: It is within the 2022-23 financial year. Sorry, but I do not have the actual date in front of me. I can take that on notice. The 135 days refers to the number of working days it has taken us to actually assess the matter and make a decision as to whether we are going to dismiss, investigate or refer. In this matter, we have made a decision to investigate the matter.

THE CHAIR: You have already made that decision?

Mr Adams: Yes.

Ms Lind: Correct, and the investigation is underway.

THE CHAIR: So, regarding the days to decision, you have already done that? Is that what you are saying?

Ms Lind: Correct.

THE CHAIR: That is already accomplished?

Ms Lind: Yes. That counts the date of receipt, which would have been somewhere from 1 July 2022, to the date we made a decision to do something with it, which in this case was a decision to investigate. The investigation is well underway and will be completed pretty shortly.

THE CHAIR: Sorry. I probably misinterpreted the numbers a bit.

Ms Lind: That is alright.

THE CHAIR: When do you think that investigation will be completed? Will it require an interim report? Are you doing public hearings?

Mr Adams: I think we are obliged under the act to give a report even when we dismiss, but naturally it is very much likely to be in a shorter compass.

Ms Lind: Correct. It would be within the next three months. The act requires a minimum of six weeks for the natural justice process of any proposed report. It has to go to impacted parties.

Mr Adams: That immediately adds a month and a half automatically to the reporting time.

Ms Lind: But it is well in progress.

THE CHAIR: Are you saying you have been working on it for a month and a half?

Mr Adams: No. What I am saying is that, when you have a draft report, you then have to serve it on people and give them notice. The act requires six weeks, so that automatically adds pretty well a month and a half to the publication date after you have finished it, and of course, if you need to make adjustments, that would add more time.

THE CHAIR: Are you able to say when you would like to issue that draft report—in a month or two months or three months?

Mr Adams: I think in a month or so.

Ms Lind: The investigation has been substantially completed, and the commissioner has to consider the findings of that process.

THE CHAIR: Does the conflict relate to a senior public servant?

Ms Lind: Yes.

THE CHAIR: Is it to do with a domestic relationship involving that senior public servant?

Ms Lind: We are not going to make any further comment.

Mr Adams: I do not think we can, properly.

THE CHAIR: I make reference again to the investigation into the dismissal of corruption report by the ACT Integrity Commission. There was a comment made about R21/0065, which was also bannered “conflict of interest”. We heard from the Inspector of the Integrity Commission in the session just prior to yours, and I asked similar questions. With the R21/0065 “conflict of interest”, can you confirm whether that is something that you are investigating?

Ms Lind: That was dismissed.

THE CHAIR: Is that dismissal report available?

Mr Adams: We would usually not.

THE CHAIR: This one was dismissed, so you do not publish—

Mr Adams: The difficulty is that, where you have dismissed an allegation, what do you make public that is fair to the reputations of the individuals? Sometimes they are matters of general public interest or raise general questions of policy. I do not think in this case that would be justified.

THE CHAIR: There was no need to do a draft—

Ms Lind: As a matter of course, we do not publish, in a public way, matters that have come through the assessment process that have been dismissed.

THE CHAIR: I wonder whether you are able to say what—

Mr Adams: Did we actually conduct an investigation as distinct from an assessment?

Ms Lind: We did further inquiries within the use—

Mr Adams: On the crucial question from the investigation, which is the use of compulsory powers, you have to have a reasonable suspicion that corrupt conduct has occurred. To arrive at that, you do what we call an assessment. That assessment can be just on paper, but you can also make inquiries. I think that in this case we made inquiries. I do not think we ever got to the investigation stage—

Ms Lind: That is correct.

Mr Adams: so we dismissed the complaint without moving to an investigation.

THE CHAIR: So you did an assessment, which led to a dismissal?

Mr Adams: That is right.

THE CHAIR: Does that mean you just write back to the complainant?

Ms Lind: I will take this on notice, but I think this was an anonymous complainant, in which case we have no-one to write back to.

THE CHAIR: Are you able to describe the nature of the conflict of interest at all, or the alleged conflict of interest?

Ms Lind: The allegation, again, was an allegation of an inappropriate relationship between a public official and somebody else, with the flow-on allegation that that then had influenced the decision-making of the public official.

THE CHAIR: Do you mean a public servant or someone with another public role?

Ms Lind: No, a public servant.

Mr Adams: I would like to raise a matter, if I may—a matter of clarification.

THE CHAIR: Sure.

Mr Adams: The inspector made reference to my recommendation to have considered a person who happened to be a personal friend for a consultation. The consulting work involved an employee of the commission. The person whom I recommended was, for at least two decades, a Deputy President of Fair Work Australia and also Integrity Commissioner of the Law Enforcement Conduct Commission.

The matter was, to my mind—and I do not want to go into detail—a matter of serious risk that needed very careful and authoritative treatment. I said to the CEO, declaring my conflict of interest, that she was a close personal friend that should go onto a list of people whom we should consider for the purpose of employing as a consultant to deal with the industrial issue.

THE CHAIR: Just to clarify, when you say you referred to the CEO, do you mean to Ms Lind?

Mr Adams: No, it was to the previous CEO. I said, “I will have nothing further to do with it. The decision is a matter for you.” I declared my interest and separated myself from the matter.

THE CHAIR: Can I clarify a point?

Mr Adams: Yes.

THE CHAIR: Do you have officers who have your full delegative powers if you are unable to be involved in decisions?

Mr Adams: No. I do not think this called for the exercise of a delegated power. This was, hopefully, a one-off, where we had an industrial problem with a staff member. The CEO would usually handle it and, if I needed a formal delegation, I would give it. It was a matter, of course, of great concern and discussion as to how we would best deal with this particular matter, which was quite sensitive, and a staff member who was also fragile in a number of ways. I suggested this particular individual, but then separated myself from whether she should or should not be used or someone from a panel should be used.

I told the inspector that I regarded her collection of experience and skills in this area as fairly well unique. There are very few people out there who are available for this work with that kind of experience—the experience with Fair Work Australia and the experience with an integrity commission. I therefore thought I was justified in doing that.

The inspector found my view that her skills were unique and desirable unconvincing. I want to point out that I found them very convincing and, upon this matter, I would do the same again tomorrow. I regarded that as a proper and appropriate judgement. I respect the inspector’s view but I do not share it.

DR PATERSON: Commissioner, do you think you have a standard that you must adhere to that sits at the highest level in terms of conflicts of interest and potential

conflicts of interest?

Mr Adams: I do.

DR PATERSON: Can you understand how perhaps it may look like that higher standard was not being—

Mr Adams: Can I put it like this? I think this is a matter upon which reasonable minds might differ. I understand that there may be a sensitivity, but if one applies the legal test as distinct from—and I do not mean this in a negative way—the political test, it requires someone of a reasonable cast of mind who knows the relevant facts. The relevant facts then come to: how important was it that someone like this be considered for that particular problem?

I have been dealing with it for a time. I had a fundamental basis of knowledge, not available to the inspector. I understand why from the outside he had that view and, in the end, he was unconvinced. In the end, I am responsible for the operations of the commission, and you make judgement calls. You have to say to people who are minded to criticise, “These are the reasons, 1, 2, 3 and 4,” and you expect people to respond reasonably. I do not see how else you can actually make judgement calls. You cannot be forever defensive. One has to do the best one can with the responsibilities one has.

DR PATERSON: I am concerned that a declaration of a conflict of interest does not negate the conflict of interest.

Mr Adams: What I did then was to remove myself from all decision-making. I did not decide that she should be retained. The CEO is an independent statutory officer—in a sense, under my control. But when I say to the CEO, “I’m not exercising any decision-making here; you make your own evaluation,” that is the way in which you manage the conflict.

DR PATERSON: But do you think perhaps the CEO may have felt some pressure?

Mr Adams: I do not. People who get employed as CEOs, I have found, are of independent frames of mind.

DR PATERSON: What is concerning is that you are relying on individuals’ frames of mind as opposed to proper process.

Mr Adams: But this is not an improper process. You declare a conflict; you manage the conflict. The question is: did you manage it reasonably? I can understand saying, “Well, I’m uncomfortable with that,” but, ultimately, sometimes you have to put up with discomfort because of a decision which you considered to be a right decision.

It can’t be gainsaid that her experience was unmatched. You would not find, on any panel of experts, that level of directly relevant experience. Plainly, the CEO formed the same view because he did in fact retain her. If there was nothing to separate her, if I can say, from the general herd, it is a distinctly unconvincing case. It is only because of her special and unusual experience.

For the inspector, he did not think that was enough. I did think it was enough, and it was my judgement call.

DR PATERSON: Do you think that, given your personal relationship with this woman, it opens up allegations or potential that the report was not independent?

Mr Adams: In the result, she did not make a report. She acted for the commission in relation to potential litigation, so no question of a report was involved. She was like any solicitor, counsel or industrial expert acting for the commission. I might say that I have absolutely no doubt that she would have exercised her independent view, and the end result was a very satisfactory solution to what I regarded as a very delicate and difficult situation. I am not saying no-one else could have done it. There are professionals around.

THE CHAIR: Noting that you have raised this yourself—

Mr Adams: Yes, I did.

THE CHAIR: not in response to questioning from us.

Mr Adams: No.

THE CHAIR: You disclosed this yourself.

Mr Adams: I disclosed it because of what is in a public report.

THE CHAIR: Just to make it very simple and in order to understand the time line, there was a subject matter expert being considered to be involved in one of your matters. You declared a conflict of interest because of a personal relationship. You handed that responsibility over to the CEO.

Ms Lind: Former CEO.

THE CHAIR: The former CEO. A decision was made and the matter proceeded without any involvement from you?

Mr Adams: That is correct.

Ms Lind: It was a staffing matter; it had nothing to do with a corruption report. It was an internal staffing issue—

THE CHAIR: Internal staffing matter? Okay, it is good to clarify that.

Ms Lind: that led to the need for an external expert. That is my understanding.

Mr Adams: Yes.

Ms Lind: It was not handling a corruption report.

THE CHAIR: Obviously, we have found ourselves in a situation where the inspector of your role—just to clarify, what was the inspector’s position?

Mr Adams: I said I did it because of the need, in substance, and he found that unconvincing. In other words, I think he was saying that anyone else could have done that job.

THE CHAIR: Even though you had not decided to take on that particular subject matter expert?

Mr Adams: I did not make that decision.

THE CHAIR: The former CEO did?

Mr Adams: Exactly.

DR PATERSON: Do you think, though, that, given it was an internal staffing matter, the advice provided by the expert may have perhaps been seen to favour your position in the matter, and that is why it is problematic that, particularly for an internal staff matter, you did have a personal relationship with this particular—

Mr Adams: No, but that is not the function. In a sense, anyone I employed or anyone retained was there to advance the interests of the commission. They were not, as it were, an independent referee. That was not their task. Their task was to represent the commission in relation to the negotiations with this particular employee; therefore there was no question of objectivity. I am saying that, knowing her background, I have no doubt she would have exercised an independent view about what was appropriate.

DR PATERSON: We have processes here and record things in minutes around conflicts of interest. Is it recorded in meeting minutes?

Mr Adams: Yes.

Ms Lind: We have a conflict of interest register which the inspector, under the act, views every six months, as part of their ongoing processes of oversight of the commission.

DR PATERSON: This was registered on that?

Mr Adams: Yes.

THE CHAIR: If we have further questions on this, and again noting that you brought this to the attention of the committee, members can provide those. We offer an apology from Mr Braddock. Unfortunately, he was called out for an 11.30 appointment and will not be joining us.

Touching on something that was lightly mentioned, what is your understanding of the progress of the telecommunications interception powers? In particular, have you been consulted on or involved in what is going on there?

Ms Lind: Yes, the ACT—

Mr Adams: It is a very complicated process.

Ms Lind: The ACT Chief Minister wrote to the federal Attorney-General at about this time last year, around November. We then got a letter from the federal Attorney-General around February-March, essentially giving his in-principle approval for the Integrity Commission to get powers under chapters 3 and 4, which is access to telecommunications data and access to stored communications, subject to the commission providing advice or assuring the federal Attorney-General that we were an appropriate agency to have those powers in terms of complying with the privacy principles. The things he needs to take into account are set out in section 110 of the TIA Act, which is about 400 pages long; I know this off the top of my head.

The ball is back in our court at the moment. We have to develop a privacy impact assessment, which is quite an extensive document, and that is the document that highlights the matters to people like the Australian Information Commissioner, and we have been consulting with the Commonwealth Ombudsman. They oversight all agencies' use of the TIA powers, so they are a stakeholder here. We have also written to and consulted with the Ombudsman, wearing his hat as the ACT Inspector of the Integrity Commission. That work is substantially complete.

The Commonwealth Ombudsman needs to come into the organisation and carry out what is called a health check process. They sit down and do a review of all of our processes and procedures, how we will store and manage the data and how we will get it from the telcos. Once that is done, all of the output from those processes then goes back to the federal Attorney-General for him to make his final decision and then declare, because this is an interim declaration at this point.

The health check is scheduled for January next year. It is outside our control then, as to what the time frame is for the federal Attorney-General to make his decision, but we would be hoping for that to take place in the first half of next year.

Mr Adams: Although this is aimed at the interim position, it would all be necessary work, anyway, for the full tranche of interception powers.

THE CHAIR: Do you have any role in the commonwealth Attorney-General's consideration of—

Mr Adams: No.

Ms Lind: Only to provide the documentation that we have been asked to provide. My understanding of the process is that they then formally seek the views of the stakeholders they think are relevant, which I understand are the Australian Information Commissioner and the Commonwealth Ombudsman. They will then put that into a brief to the attorney, and he will make his decision.

THE CHAIR: I have a question about the statutory review of the Integrity Commission. Obviously, we might be able to ask others about this. What is your

understanding of the status of that?

Ms Lind: I understand that the reviewer's report is due for public release shortly, but that is a matter between the reviewer, Mr Govey, and the government.

Mr Adams: The Chief Minister, or CMTEEDD, anyway. We have not seen the final proposal.

THE CHAIR: Are you aware of whether you will be provided with a draft of that document?

Ms Lind: No, I understand that we will not be.

THE CHAIR: You will not be?

Ms Lind: That is my understanding.

THE CHAIR: You will be or you will not be?

Ms Lind: My understanding, from my conversations with officials in CMTEEDD, is that we will not be provided with a copy of the reviewer's report prior to its publication.

Mr Adams: But we then get an opportunity, of course, to respond.

THE CHAIR: You received 148 reports in 2022-23. How are you trending? Are you getting more reports over the term of your appointment?

Ms Lind: No. It is there or thereabouts. We look like we have stabilised at around 150-odd, most of which are reports from members of the public. The mandatory reports required from people within the service are sitting at, I think, 22 in the last financial year, which is relatively consistent with prior years.

Mr Adams: I said that we are good in the assessment area, but we will probably be looking at expanding our investigative resources somewhat.

THE CHAIR: That is a budgeted commitment from the government?

Mr Adams: No. We would need to be seeking a budget allocation for that purpose.

THE CHAIR: Touching on that very matter, I do note, in a recent *Canberra Times* article—again, you can confirm more than I can—you were quoted as saying, “Other investigations were temporarily put on hold pending resources becoming available.”

Mr Adams: Yes, that is correct.

THE CHAIR: Can you elaborate on that? What areas of your operation are affected?

Mr Adams: Mr Chair, what happens is this: you have a flow of work. You get something and you think, “This justifies the use of our compulsory powers and the use

of our investigative resources.” You say, “Right, we’re going to investigate this matter.” You commence that process. You may issue summonses for documents and things of that kind, to start with; then you get CIT or the Campbell school—massively bigger, and that come along afterwards. You have to ask yourself, “What do we do with this relatively minor investigation when we have this massive investigation? What are the relevant priorities?”

We have had to say, “This one is less important. We focus on the CIT or on the Campbell school.” In that sense you have to focus your resources on what investigations have major public interest. With the investigation that you have started, and look as though you may not be able to actually get back to, the answer is that you do some work, if you possibly can. But we are thinking more and more. We now have an investigative group at executive level that will look at these priorities, and what we may need to do when this kind of thing occurs is to move those investigations—say, refer them to another public entity or refer them to the public service commissioner, so that they do not just sit there with nothing happening. At least someone can start looking at them and doing something about the issue.

Realistically, you will never have enough resources to do everything you want. The problem is: say I get another 10 investigators, and I have no work for them. It is always a matter of testing, and that is all I meant. When bigger matters come on, you have to prioritise and change your priorities. I meant nothing else.

Ms Lind: Just recently, with the current director, investigation, who is relatively new in the role, I have asked him to do a comprehensive review of every open matter and to come back and provide his report to the executive in terms of where they are at and what has happened, how old they are, what were the fundamental issues and how we should be managing those going forward.

THE CHAIR: Touching on all of that, Commissioner, are you confident that there are no serious matters—for example, abuse of office or criminal conduct—that you are not able to progress due to lack of resources?

Mr Adams: No, I do not think so. I might say that there is another aspect of the work. For example, I would like to start some real work in relation to lobbying, which has never been done in the ACT, and is a constant matter of public comment. But I do not have the space for it. There are other projects which you would like to undertake in the corruption space.

THE CHAIR: Are you able to provide us with an update on the Campbell Primary School modernisation project investigation?

Mr Adams: As I said, that is subject to further public hearings in the first week of December. For all practical purposes, unless something happens that I am not yet aware of, that will close the investigative phase. We will then do the submission phase and report writing phase. That is the stage it has reached.

THE CHAIR: Following that hearing week in December, what is the likely time frame for the draft report to go to stakeholders?

Mr Adams: We have to have submissions. Counsel assisting make submissions as to findings. That is a massive amount of work. Those submissions then have to go to all of the interested parties—probably two or three in particular, and perhaps another five or six that are less focused on. They have to get their counsel availability to do that work, because it will be a substantial amount of work. We then have to decide whether I have a public hearing of submissions or just deal with it in writing. Once that process is finished then I have to write a report. Once that report is done, it has to be distributed again.

THE CHAIR: With six weeks notice, with six weeks opportunity?

Mr Adams: A minimum of six weeks. Depending on the scope, it may be difficult to resist some expansion of that time, if that is reasonable.

THE CHAIR: That is something that you decide, though.

Mr Adams: Something that I decide, yes.

THE CHAIR: You might say that it should be two months or three months.

Mr Adams: Quite possibly. Right now, I do not see it, because the direction of the work is clear. Everyone should be working. In the end you have to be fair to people whose reputations may be affected.

THE CHAIR: Do you have an estimation at all of when—

Mr Adams: I am hoping in the first half of the year.

THE CHAIR: That is for the draft report, is it?

Mr Adams: That is for the draft report.

THE CHAIR: Do you want to add anything, in closing?

Mr Adams: No; thank you very much.

THE CHAIR: On behalf of the committee, thank you both for attending. If you have taken questions on notice, please provide your answers to the committee secretary within five business days of receiving the uncorrected proof *Hansard*.

On behalf of the committee, I would like to thank all witnesses who have assisted us this morning. Thank you, broadcasting and Hansard, for your support. If a member wishes to ask a question on notice, they need to be uploaded to the parliamentary portal no later than five business days after the hearing. This meeting is now adjourned.

The committee adjourned at 11.59 am.