



Inner South Canberra Community Council

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Submission on review of Integrity Commission legislation

Introduction

1. The Inner South Canberra Community Council (ISCCC) is a voluntary, not for profit, community-based association operating in the inner south of Canberra. The ISCCC's objects are:
 - To protect and enhance the amenity and environmental well-being of Inner South Canberra residents and the broader community.
 - To engage, inform, listen to, and represent Inner South Canberra residents, including the vulnerable.
 - To actively promote communication and cooperation among residents, local community groups and other stakeholders.
 - To contribute to high quality, sustainable planning and design of Inner South Canberra.
2. The ISCCC is the peak body for eight inner south residents' groups.¹
3. The ISCCC welcomes this review of the ACT Integrity Commission. The interests of our community are protected by having an effective Integrity Commission.
4. The ISCCC supports the submission of one of its member groups, the Griffith Narrabundah Community Association, which goes into more detail in response to this Review.

ISCCC perspectives on this inquiry

5. The ISCCC sees the general need for an effective ACT Integrity Commission but it regards the need as particularly acute at present. The ACT planning framework is about to be changed and many decisions on development applications (DAs) will be made by applying greater discretion than at present. The move to "outcomes based"

¹ Old Narrabundah Community Council, Griffith Narrabundah Community Association, Yarralumla Residents Association Inc, Deakin Residents Association, Red Hill Residents Group, Kingston and Barton Residents Group, Oaks Estate Residents Association and Forrest Residents Group

decision making has the potential to provide fertile ground for corruption. This is a concern raised by an evaluation of Queensland's outcomes-based planning system.²

6. The ACT government is the largest land developer in the ACT and derives much of its revenue from land sales. ACT government officials who manage the development of ACT land should clearly be subject to the Integrity Commission Act.
7. A key question is whether actions of a planner exercising discretion in a questionable manner comes within the definition of corrupt conduct. The ACT *Public Sector Management Act* 1994 does not define serious misconduct. Section 9(3) of that Act provides that misconduct is set out in industrial instruments or prescribed in regulations. There are no links to public service regulations. Reg 1.07 of the Fair Work Regulations 2009 appears to be inapplicable. This makes it difficult to assess whether there has been a serious disciplinary offence or serious misconduct by a planner applying their discretion improperly.
8. The current integrity arrangements are inadequate for responding to the proposed changes to the Planning Framework in the ACT.

Recommendations

9. We note the detailed responses by the Griffith Narrabundah Community Association in answering the questions in the table, and supports their recommendations to:
 - I. Include planning in the list in s.18(4)
 - II. Provide more clarity in s.10(1)(a) and s.10(3) on serious disciplinary offence.
 - III. Provide more clarity in s.10(1)(a) on the rules governing dismissal, dispensing with the services of, or terminating a public servant
 - IV. Include a function of the Integrity Commission to advise, and train, on conflict of interest in decision making by ACT government employees.
 - V. Make it explicit in the Integrity Commission Act that an ACT government employee, including a planner, improperly exercising their discretion would face a serious disciplinary offence or dismissal etc for serious misconduct.



Marea Fatseas
Chair

2 June 2023

² <https://www.planning.org.au/documents/item/7429> accessed 2 June 2023