

Public Accounts and Estimates Committee

2011-12 Budget Estimates Hearing

Mr Andrew McIntosh MP

Minister Responsible for the Establishment of an Anti-Corruption Commission

Election Commitments

- The Government committed to:
 - establishing an independent broad-based anti-corruption commission
 - subsuming the OPI and its functions and resources into the new Commission
 - appointing a single Commissioner who will head the Commission
- Legislation will be introduced into the Parliament later this year

Anti corruption policy

- The Government has set out a detailed model for the establishment of an anti-corruption commission in Victoria.
- The Government intends to establish a best-practice anti-corruption commission, to prevent and expose corruption in the public sector.
- The Commission will:
 - have extensive powers to investigate and uncover corruption across the entire public sector; and
 - be responsible for educating public officers and the Victorian community on the effects of corruption and ways to prevent it from happening in the future.

Powers and oversight

- The Commission will have significant powers to investigate and uncover corruption, including the power to:
 - compel the testimony of witnesses, documents or other evidence;
 - carry out covert surveillance, controlled operations and telecommunication interceptions, subject to Commonwealth approval; and
 - hold public hearings, where appropriate.
- The Commission's powers will be balanced by robust oversight arrangements, including:
 - a cross-Party Parliamentary Committee; and
 - an Inspector empowered to investigate complaints against the Commission and monitor the commission's compliance with the law.

Who can be investigated?

- The Commission will oversee the whole of the public sector, including:
 - Members of Parliament and their publicly funded staff
 - Ministers and their staff
 - Judges, Magistrates and judicial staff
 - Local councillors and council officers
 - Sworn and unsworn members of Victoria Police
 - Public servants
- This will be the first time in Victoria that an anti-corruption commission will oversee the whole public sector, following the establishment of similar commissions in New South Wales in 1989, Queensland in 2002, Western Australia in 2004 and Tasmania in 2010.

Consultation

- In developing the legislation for the Commission, the Government has identified certain policy issues on which it wishes to conduct further targeted consultation prior to finalising the legislation.
- A consultation panel has been engaged to assist with ensuring appropriate consultation occurs with stakeholders on these consultation issues.
- This will help to ensure a well-developed and uniquely Victorian Commission.
- The Consultation Panel will:
 - conduct consultation with stakeholders on the consultation issues;
 - consider verbal and written submissions from stakeholders and submissions received from the public;
 - prepare and deliver options on these issues for the Government's consideration.

Consultation Panel

- The Government has engaged a panel for this purpose. The Panel comprises:
 - The Honourable Stephen Charles QC (Chair), Former Justice of the Victorian Court of Appeal;
 - His Honour Gordon Lewis AM (Deputy Chair), Former Judge of the County Court of Victoria;
 - Peter Harmsworth AO, former Secretary, Victorian Department of Justice;
 - Ms Gail Owen OAM, Commissioner for the Victorian Commission for Gambling Regulation and former President of the Law Institute of Victoria.

Consultation issues

- The consultation issues are:
 - the scope of the definition of the “public sector” (beyond those groups already listed - public servants, Victoria Police, the judiciary, local government, Members of Parliament, Ministers and staff). For example, the Panel may consider the extent to which the definition includes contractors;
 - the scope of coercive powers of the Commission to require evidence including key issues such as when public hearings should be held;
 - protections and privileges available to persons who are asked to provide evidence to the Commission; and
 - the specific functions and powers of the Parliamentary Committee and Inspector that will oversee the Commission.

Budget Outcomes

- Almost \$170 million over 4 years for the establishment of the Independent Broad-based Anti-Corruption Commission to investigate, expose and prevent corruption in the public sector
 - \$19 million in 2011-12 (\$14 million output; \$5 million asset) for establishment and capital funding
 - Increasing to \$26 million for 2014-15
 - \$20 million per year in re-prioritised funding from the Office of Police Integrity

Implementation

- An implementation project team has been established in the Department of Justice
- An Executive Director with experience in driving organisational change will provide strategic direction and oversight
- Team members have skills and experience in project management, change management and the practical delivery of policy, programs and projects
- The team will also access the Department's specialist corporate resources

Implementation plan

- The implementation process will follow a detailed implementation plan
- The plan includes change management, infrastructure, information technology and business system needs, organisational vision and design, processes and procedures, recruitment and training, negotiations with the Commonwealth Government on telecommunications interception

Implementation

- The implementation team will follow project management methodology
- The team will work closely, and communicate effectively, with key stakeholders
- The plan includes specific work packages required to deliver Victoria's first comprehensive anti-corruption commission