



**POLICE
ASSOCIATION
OF
TASMANIA**

Founded 1923

Unity

Equity

Friendship

All correspondence to
be addressed to:

The General Secretary
Mark Kadziolka

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4 December 2015

The Honourable William Cox
Independent Reviewer
GPO Box825
HOBART 7001

Dear Sir,

INDEPENDENT REVIEW OF THE INTEGRITY COMMISSION ACT 2009

I thank for your letter addressed to the General Secretary of the Police Association of Tasmania (PAT) in relation to the independent review of the Integrity Commission Act 2009 received at this office on 1 February 2016. I am responding as President of the PAT.

The response of the PAT is limited to matters affecting our membership.

In 2014 the PAT made a written submission to the Joint Standing Committee (JSC) on Integrity. On 30 September 2014 I formally addressed a hearing before the JSC at their request. Following my attendance at the hearing I received formal correspondence from the JSC requesting the PAT to answer two questions by correspondence. I forwarded a response to those questions on 22 October 2014.

Our responses at that time take into account the matters you are to review as listed in the copy of the public notice attached to your correspondence. The PAT has no comment regarding the operation of the Parliamentary Standards Commissioner.

I have attached to this correspondence three documents;

- A The submission supplied to the JSC three year review by the PAT in January 2014;
- B The letter forwarded from the JSC to the PAT on 30 September 2014 with questions arising from my attendance at the hearing that day;
- C The response to those questions forwarded by the PAT to the JSC on 22 October 2014.

The submissions made to the JSC in 2014 adequately sums up the position of the PAT and its members regarding the objectives, powers and functions of the Integrity Commission.

The PAT believes that the Act (including the orders and regulations made under the Act) adequately supports and outlines the powers and functions of the Integrity Commission and supports the objectives of the Commission based on the intention of the Parliament of the day as outlined in the 2nd reading speech of the then Attorney-General (Lara Giddings) in 2009 regarding the Integrity Commission Bill (*see section 4 of the attached 2014 submission by the PAT to the JSC 'Role of the Integrity Commission' and section 5 'Extending the Powers of the Integrity Commission'.*)

Having stated the above regarding the Act, I must point out that there is a growing view amongst the membership that funding for the Integrity Commission could be better utilised in other areas of Government, particular in expanding the role of the Ombudsman's Office to be able handle the very few matters being investigated by the Integrity Commission, and to expand the role of Professional Standards within Tasmania Police to allow for completion of investigations in a timely manner.

In the letter dated 22 October 2014 to the JSC responded "No" to the question, *"Does the PAT believe that an Integrity Commission with investigative powers/roles is required in Tasmania?"*

Based on the 2014-2015 annual report of the Integrity Commission, particularly relating to a single own motion investigation as well as the number complaints received balanced against the number of complaints actually investigated the PAT now questions the relevance of an Integrity Commission in this State.

I thank you on behalf of the members and executive of the PAT for the opportunity to provide a written submission.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Pat Allen', with a long horizontal line extending to the right.

Pat Allen
PRESIDENT



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**The General Secretary
Mark Kadziolka**

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17 January 2014

Hon. Dr. Vanessa Goodwin MLC
Chair
Joint Standing Committee on Integrity
Parliament House
HOBART 7000

Dear Chair,

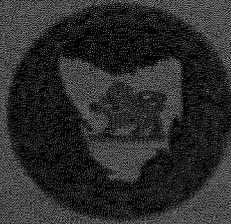
SUBMISSION BY THE POLICE ASSOCIATION OF TASMANIA

Please find attached the submission of the Police Association of Tasmania (PAT) to the Joint Standing Committee on Integrity regarding the functions, powers and operations of the Integrity Commission.

On behalf of the PAT, I thank you for the opportunity to make submissions.

Yours Sincerely,


Pat Allen
PRESIDENT



**Submission by the Police
Association of Tasmania to the
Joint Standing Committee on
Integrity**

January 2014

I. The Police Association of Tasmania

The Police Association of Tasmania (PAT) is a registered industrial union under the Trade Unions Act, 1898 and is affiliated with, and a Branch of the Police Federation of Australia. The PAT only represents sworn members of Tasmania Police (Including Officers of Police) who are financial members of the organisation. At this time the membership consists of 99% of sworn police throughout the State, and is the only union in Tasmania that represents this State's police.

The role of the PAT is to represent the membership on a broad range of matters, not limited to but including-

- Award negotiations
- Political issues
- Industrial issues and disputes
- Work, Health & Safety issues
- Workers Compensation matters
- Workplace disputes
- Any other matter that affects, or is likely to affect the welfare and safety of members

The PAT offers services to members that include, but are not limited to -

- A Welfare Assistance Scheme
- A Sick leave Bank Scheme
- A Death Benefits Scheme
- A legal Assistance Scheme

It is a common misconception outside Government and Police circles that the PAT is a section of the Police Service, or a part of the public service. The PAT is a member of Unions Tasmania, but unlike some other affiliates, the PAT remains free of any ideological ties to any political entities but will obviously support those who support our members.

The PAT is not a power seeking organisation (contrary again to the assertions of some), and when it comes to 'industrial muscle' it is fair to say that the organisation is at a clear disadvantage in that the vast majority of members are conservative by nature, extremely reticent to take industrial action, and will never consider calling a 'strike' to achieve their goals, simply because the members of this organisation believe with passion that their role is to protect and serve the community of Tasmania.

In relation to this submission, the PAT will be confining comments to matters that directly affect our members.

2 *Relevant Legislation/Policy Governing Conduct*

As Tasmania Police Officers, members of the PAT work for a disciplined and structured organisation. Without exception, police officers are subjected to rigorous scrutiny on a daily basis, more so than any other group of employees in the State. They are also subject to highest standards of ethical conduct.

The conduct of the members of the PAT is governed by -

- The Constable's Oath of Office
- The National Police Code of Ethics
- The National Police Guidelines for the Use of Force
- Tasmania Police Policy Documents
- The Police Service Act, 2003
- The Tasmania Police Manual
- Powers conferred upon them under various Acts of Parliament (Local, State and Federal)

The Police Service Act, 2003 provides for governance of the Police Service. The sections quoted on pages 8-10 of this submission are those relevant to the powers of the Commissioner of Police to control conduct.

3. *Tasmania Police Submission*

As with normal employer/union relationships, the PAT often finds that it can be in conflict with Tasmania Police due to some of the policies and procedures that are in place. Whilst not rare, it is also not a common occurrence that the PAT would be in agreement with the Police Service on all issues. At the request of the President of the PAT, the Deputy Commissioner of Police provided a full briefing in relation to the position of Tasmania Police and their submissions to the Joint Standing Committee.

The PAT supports the submission of Tasmania Police.

4. *Role of the Integrity Commission*

It is clear to the PAT that it was the intention of Parliament at the outset to create an Integrity Commission based upon the requirements of this State, not based on other Integrity Commissions or similar style bodies that appeared over time throughout Australia. This is evident in the second reading speech in 2009 by the then Attorney General and Deputy Premier, Lara Giddings.

In that speech, the Attorney General referred to, "*A set of principles to underpin its model of an ethics commission,*" developed by the Government. Those principles were -

- *recognition that prevention is as important as dealing with allegations of unethical behaviour;*
- ▮ *the need to build on existing structures and mechanisms;*
- *the need for proportionality;*
- *a cautious approach to strong investigative or coercive powers;*
- e *clarity and consistency about which public bodies are to be covered; and*
- *independence from the Government of the day.*

When speaking about the 'current mechanisms and arrangements' the Attorney General noted that, *"It was the Government's view that there is already a strong accountability framework in place in Tasmania."* Whilst it could be taken that this comment was made in relation to Government accountability, it is the submission of the PAT that the comment is more general in nature, and refers to other organisations within the Public Service as well as the Police Service.

Reference is made later by the Attorney General to the Police Service and the role of the Integrity Commission. It was stated, *"The Bill doesn't give away all investigations of police misconduct to the Integrity Commission - that would be overkill - but it recognises the special place of police in the community by allowing the Commission to oversee or audit the way police investigate alleged Police Service code of conduct violations."*

The Attorney General also referred to the Police Service Act, stating, *"For the information of Members who may not have done the comparison the Police Service Act contains stronger powers in some respects than the Integrity Commission Bill."* A fact, in our submission, that is self-evident.

The Integrity Commission's own website describes the role of the Commission, and it is the view of the PAT that's exactly how it was set up to function. The objectives of the Commission are-

- ▮ *improve the standard of conduct, propriety & ethics in public authorities;*
- ▮ *enhance public confidence that misconduct by public officers will be appropriately investigated and dealt with; and*
- ▮ *enhance quality of, and commitment to, ethical conduct through a strong educative, preventative and advisory role.*

It is the submission of the PAT that the Integrity Commission's annual reports clearly show that the organisation is effectively meeting its own objectives, alongside the principles laid down by Parliament which underpinned the formation of the Commission.

It is further submitted that the Parliament of the day clearly accepted that the role of the Integrity Commission did not include the fact that it would be another large scale investigative agency. That was on the basis that there was no demonstrated need for an entity that mirrored similar Commissions/organisations in any other State.

5. Extending the Powers of the Integrity Commission

There appears to be a concerted effort on the part of the Integrity Commission to show that extra powers are needed to investigate Tasmania Police (therefore members of this organisation}. Reference has been made to 'Case Studies' in an attempt to bolster those claims.

Before making comment on those matters, It is important that comment is made on the second reading of the Integrity Commission Amendment Bill in 2011 the Attorney General made the following observation, "*What is pleasing is the view taken by the Honourable Murray Kellam the Chairperson of the Commission.*"

He then quotes the Chairperson from the 2010-2011 Integrity Commission annual Report, "*The Commission has seen no evidence of any systemic corruption in any part of the public sector. Rather, the evidence before the Commission is that most complainants have concern relating to perception of misconduct by individuals in the public sector. Unfortunately 'corruption' is a word that is too often used.*"

It is clear that a considerable number of complaints relate to a perception of conflict of interest on the part of those complained about. It is inevitable in a state with a population the size of Tasmania that conflict of interest will arise regularly in the course of decision-making. However, the fact of a conflict of interest arising does not, by itself, demonstrate the existence of misconduct.

What is necessary is an understanding throughout the public sector of what conflict of interest is, and what appropriate and transparent processes are necessary to deal with conflict of interest when it is reasonably perceived to arise. The misconduct education and prevention functions of the Commission proved assistance to public sector agencies in relation to appropriate strategies and processes to ensure public confidence in terms of this issue.»

The above comments were made along with references to Tasmania Police. Those references included the Chairperson's concern about the legislation being 'not sufficiently clear' as to the precise role that the Commission is to play in respect of oversight and monitoring of Tasmania Police. The Chairperson then makes the following comment, "Notwithstanding this, I wish to record my appreciation of the contribution made by the Commissioner and Deputy Commissioner of Tasmania Police, and the Commander in Charge of Professional Standards, in providing cooperation, assistance and support to the Commission in a difficult legislative environment."

Tasmania Police has entered into a Memorandum of Understanding (MOU) with the Integrity Commission in relation to notifications. Whilst the PAT does not necessarily support that memorandum, the fact that it exists clearly exceeds any requirements placed on Tasmania Police, and shows a commitment to transparency and accountability.

The Integrity Commission states that it has the power to commence '*Own Motion Investigations*' under Section 45 of the Act in relation to alleged matters of misconduct by

Tasmania Police. According to the Commission's submission, only 1 such investigation has taken place.

In relation to the case studies that have been mentioned, the Police Service are in the best position to comment as the PAT has no valid reason to access information on those matters. The PAT is aware that the Police Service is of the opinion that the Integrity Commission has at times exceeded its powers, and has published erroneous reports.

The PAT does want to comment on, and has knowledge of the incident involving the strip searches of a 12 year old girl in the course of executing a search warrant as part of a drug-related investigation. No drugs were located on the girl.

In paragraph 8.1.4 of the submission to the JSC by the Integrity Commission (pages 109-110), it is stated that the incident was the subject of media and public comment by the Deputy Commissioner of Police. As there was only a review by Tasmania Police of the incident, and no complaint was made to the Integrity Commission, the matter did not fall within the Integrity Commission's jurisdiction. A complaint was made by a third party at a later date, allowing the Integrity Commission to become involved.

It is the view of the PAT that the Deputy Commissioner of Police had taken the correct approach by ordering a review. From the outset, it was obvious that there had been no breach of any statute in relation to the searches, and there had been no breach of police procedure. There was no complaint made to Tasmania Police in relation to any police officer. The fact that the media decide they can get mileage out of a story is hardly the basis for launching an internal investigation. The media even conceded that the police were acting within the law, and had not breached any police procedures.

In relation to this matter, the PAT is sceptical about the complaint being made to the Integrity Commission from a lawyer who happens to be the Lawyers Alliance President and a media commentator with a regular column in the Mercury Newspaper. Be that as it may, the Integrity Commission was conveniently given the reason to become involved. The matter occurred in January 2012, and over 2 years later there is still no result or report from the Commission

The investigation cannot possibly be that difficult as there are full admissions by the police attending the incident that the matter occurred. There are no allegations that a breach of law or police procedure occurred. What possible reason could there be that members of this organisation are still waiting for a result? What is the alleged 'misconduct'? Another layer has effectively been added that drags the matter out for an excessive amount of time, whilst not providing any tangible benefit or a result.

The whole thrust of the media in relation to this matter was police powers (with the complainant to the Commission being a part of the media). These are powers that have been conferred upon police through legislation by Parliament, the same Parliament that can amend or repeal legislation. This is simply a matter for a debate on the floor of Parliament in relation to legislative change, not some protracted inquiry by a Commission attempting to demonstrate and justify a need for expansion.

It is the submission of the PAT that the aise studies quoted by the Integrity Commission do not support any notion that their powers should be extended. The one aise study commented upon by this organisation hghllghts the nqatlve aspects of the Involvement of the Integrity Commission in a matter that is relatively straight forward, particularly when the emotion is removed.

Comments made by the Chairperson of the Integrity Commission. are supportive of the cooperation that is provided by Tasmania Pollice. Other comments made by the Chairperson also show that there is no belief that systemic corruption exists within Tasmania Pollice. The MOU between the two agencies dearly demonstrates the commitment of Tasmania Police to transparency and accountability.

It is further submitted that the lack of 'Own Motion Investigation' is evidence in itself that the Commission does not need any further powers as major issues inside Tasmania Police do not exist.

6 *Access to Tasmania Police Data*

If requested, the Integrity Commission is provided with information from Tasmania Police database systems. The Commission states that difficulties are experienced with that approach, mainly that Tasmania Police will always be aware of the Information the Commission is seeking. The PAT has been informed that information requested is provided in a timely manner.

The Commission states that they are restricted to responding to complaints, and that access would allow the Commission to independently analyse information, and to cross reference checks undertaken by Tasmania Police when the Commission audits or monitors a matter. The Commission also believes that it would make audits of Tasmania Police Complaints much easier.

Unlimited access is not possible as it would be a breach of the Personal Information Protection Act 2004. The Commission is also unable to access Telecommunications data under the Telecommunicatlons (Interception and Access) Act 1979, and cannot consider any such data on files of Tasmania Police. The Commission does not have the status of being a 'Law Enforcement Agency'.

Professional Standards, which encompasses Internal Investigations, would have most, if not all dealings with the Integrity Commission on behalf of Tasmania Police. It is the understanding of the PAT that there has never been any breach of confidentiality in those dealings. There have been some disagreements about matters, but nothing that has caused the professional relationship to fall part.

It is the PAT's submission that there is no demonstrated need or requirement to go beyond the MOU that exists between the agencies. Tasmania Police data-bases are subject to strict controls and all persons using the systems are subject audit. Even with direct access,

Tasmania Police will still know who is accessing what systems, and the exact information that is being accessed and extracted.

It is further submitted that there was never any intention to set up the Integrity Commission as a law enforcement agency, with all the access and powers that come with that role. Reference to other such organisations and Commissions throughout Australia has no meaning or weight when each of those have been set up as a result of issues pertinent to their respective States and all operate at different levels. The Integrity Commission in this State operates at a standard which the Parliament of Tasmania intended.

7. *Accountability, Scrutiny & Oversight*

As mentioned earlier, members of the PAT are subject to the most scrutiny and oversight of any other employee in this State. Every decision that is made can be scrutinised by any one or more of the following areas-

- Supervisors (from direct Supervisor all the way up through the rank structure to Commissioner)
- Professional Standards (Internal Investigations)
- Parliamentary Inquiries
- Commission of Inquiry/Royal Commission
- Magistrates Court
- Supreme Court (Civil & Criminal)
- Coroners Court
- Director of Public Prosecutions
- Auditor General
- Ombudsman
- Workplace standards
- Integrity Commission
- Media

With the responsibilities and powers that are entrusted to our members, accountability and transparency are accepted principles in maintaining public confidence. Police however can be the easiest of all public entities to target for close scrutiny. Most of the work is already done by police themselves when it comes to investigations, thus leaving other entities as much time as they need to dissect decisions that have been made in seconds (or less). Whilst this has negative effects, it is generally accepted by members that this is just the way of things.

This is a small State, where even going from one end to the other you are more than likely going to come across someone you know in the street. Systemic and institutionalised corruption on the part of police does not exist. Individuals do make mistakes, errors of judgement (both minor and profound), and some have made incredibly bad choices. Matters of outright corruption and deliberate misconduct have been few and far between over many

years. Society, and therefore the Police Service have both advanced beyond the infamous 'boot up the backside' style of policing from years ago.

Never in history has the Police Service come under the amount of scrutiny than It does at this point in time. In relation to the investigations of complaints against police, not at any other point in time has the scrutiny been greater, with the Integrity Commission reviewing every single complaint against police in the last calendar year.

The Integrity Commission has found very few issues with Tasmania Police and how business is conducted. This is supported by the Commission's own submission. There are points of contention between Tasmania Police and the Commission, but they are more procedural and the PAT has been informed that the Commission has admitted that some their reports have been erroneous.

It is the submission of the PAT that there is no demonstrated need in Tasmania for yet another level of scrutiny to be applied to the Police Service by additional powers being granted to the Integrity Commission. The Integrity Commission with the focus on education and the ability to audit/review complaints against police is fulfilling the requirements of the role intended by the Parliament of Tasmania.

B. Authority to Direct Action on an Outcome

The sections quoted below are from the *Police Service Act 2003*, and are those relevant to the powers of the Commissioner of Police to control conduct;

Responsibilities of Commissioner

Section 7

(1) - The Commissioner, under the direction of the Minister; is responsible for the efficient, effective, and economic management and superintendence of the Police Service.

(2) - Matters for which the Commissioner is responsible include, but are not limited to, the following:

(e) discipline within the Police Service.

Termination or demotion of commissioned police officers

Section 30 (1) - The Commissioner may recommend to the Minister that the appointment of a commissioned police officer as a police officer be terminated or that commissioned police officer be demoted if the Commissioner does not have confidence in that police officer's suitability to continue as a police officer or at his or her rank having regard to -

(a) the police officer's competence, integrity, performance, or conduct; or

(b) the loss of community confidence in the Police Service if the police officer were to continue as a police officer or at his or her rank.

Termination or demotion of non-commissioned police officers

Section 31 (1) - The Commissioner may terminate the appointment of a non-commissioned police officer or demote the non-commissioned police officer if the Commissioner does not have confidence in that police officer's suitability to continue as a police officer or at his or her rank having regard to -

- (a)** the police officer's competence, integrity, performance, or conduct; or
- (b)** the loss of community confidence in the Police Service if the police officer were to continue as a police officer or at his or her rank.

Stand-down

Section 38 (1) - The Commissioner may stand down a police officer from duty for any reason and for any period not exceeding 7 days the Commissioner considers appropriate.

Suspension

Section 40 (1) - After a police officer has been stood down under section 38, the Commissioner may suspend the police officer from duty for any reason and for any period the Commissioner considers appropriate.

Code of conduct

Section 42

- (1)** A police officer must behave honestly and with integrity in the course of his or her duties in the Police Service.
- (2)** A police officer must act with care and diligence in the course of his or her duties in the Police Service
- (3)** A police officer must comply with -
 - (a)** all orders in the Police Manual; and
 - (b)** any lawful direction or lawful order given by a senior officer.
- (4)** A police officer must maintain appropriate confidentiality about any dealing made and information gained in the course of his or her duties in the police service.
- (5)** A police officer must disclose, and take reasonable steps to avoid, any conflict of interest in connection with his or her duties in the Police Service.
- (6)** A police officer must use the resources of the Police Service in a proper manner.
- (7)** A police officer, in connection with his or her duties in the Police Service, must not -
 - (a)** knowingly provide false or misleading information; or
 - (b)** omit to provide any matter knowing that without that matter the information is misleading.
- (8)** A police officer must not make improper use of -
 - (a)** information gained in the course of his or her duties in the Police Service; or
 - (b)** the duties, status, power or authority of the police officer -in order to gain, or seek to gain, a gift benefit or advantage for the police officer or for any other person.
- (9)** A police officer must not access any information to which the police officer is not entitled to have access.
- (10)** A police officer must not destroy, damage, alter or erase any official document, record or entry without the approval of the Commissioner.
- (11)** A police officer must not, at any time, conduct himself or herself or act in any manner that is likely -

- (a) to be prejudicial to the Police Service; or*
- (b) to bring discredit on the Police Service.*

(12) A po/lce officer must not victimise or discriminate against another police officer because that other po/lce officer has reported a breach of a provision of the code of conduct.

(13) A police officer must comply with any other prescribed conduct.

Actions In relation to breaches of code of conduct

Section 43

(1) The Commissioner must establish procedures for investigation into any alleged breach of a provision of the code of conduct by a po/lce officer.

(2) After considering the results of an investigation, the Commissioner must determine whether or not the police officer has breached a provision of the code of conduct.

(3) If the Commissioner determines that a police officer has breached a provision of the code of conduct the Commissioner may take one or more of the following actions in relation to the police officer;

(a) direct that appropriate counselling be provided to the police officer;

(b) reprimand the police officer;

(c) impose a fine not exceeding 20 penalty units;

(d) direct that the remuneration of the police officer be reduced within the range of remuneration applicable to the police officer;

(e) reassign the duties of the police officer;

(f) transfer the police officer;

(g) in the case of a non-commissioned police officer, place that police officer on probation

for any specified period the Commissioner deems appropriate;

(h) in the case of a non-commissioned police officer, demote the police officer;

(i) in the case of a non-commissioned police officer, terminate the appointment of that police officer;

Or in the case of a commissioned police officer, recommend to the Minister that the appointment of the police officer be terminated or that the police officer be demoted or placed on probation for any specified period the Commissioner deems appropriate.

A short summary of other relevant sections to consider in relation to the Police Service Act are the following -

- Section 44 - Making complaints;
- Section 45 - Registration of complaints;
- Section 46 - Investigating complaints;
- Section 47 - Determination of complaints;
- Section 48 - Integrity testing;
- Section 49 - Financial statements;
- Section 50 - Testing for alcohol and drugs.

The Commission wants the power to direct action on an outcome. In the second reading speech in 2009 this matter was covered, and it was not the intention to give the Commission

the role of judge, jury and executioner. The Attorney General stated, *'With few exceptions there are already processes and sanctions for dealing with misconduct such as those that are set out in the State Service Act. These will continue to operate.*

The Integrity Commission can make and publish a finding of misconduct but it can't impose a sanction for misconduct. That task will be left to the relevant 'Principal Officer.

The Integrity Commission Bill does not create new sanctions or change the sanctions that already exist in other legislation or in employment arrangements."

She further went on to state that the bill does not take away any appeal rights which currently exist in relation to these sanctions.

In the case of the Police Service, we are governed by a similar act to the State Service, and the Principal Officer is the Commissioner of Police. As can be seen, the Police Service Act is a powerful piece of legislation that fully encompasses all matters relating to code of conduct issues (Sect. 42), and allows the Commissioner a broad range of sanctions that he can apply to members breaching that code (Sect. 43). The Commissioner may impose one, or a number of those sanctions.

In addition, the Commissioner has the ability to terminate employment for his loss of confidence in members as police officers (Sect. 30 & 31).

The Commissioner of Police is best placed to make such decisions. He can refer to historical conduct of the member (both positive and negative); he also has the knowledge of past penalties handed out for previous similar matters. He is able to take into account the effects on the reputation of the Police Service, issues of fairness, character evidence, mitigating factors, industrial principles, and any other matters deemed relevant at the time.

There is also a set process to be followed before such a decision is made which allows procedural fairness for the member involved, part of which is allowing the member to 'show cause' as to why a certain action should not be taken.

The Commissioner does not rush decisions, and the PAT is aware of the seriousness with which he takes his responsibilities to both the member and to the reputation of the Police Service. Should the member be aggrieved by the higher range of penalties (termination, fine, reduction in remuneration etc.) the member has a review right to the Police Disciplinary Tribunal. There are no appeal rights for a counselling, reprimand, reassignment of duties or disciplinary transfer.

Recent history shows that the Commissioner of Police is more than capable of making the hard decisions when it comes to disciplinary matters involving the code of conduct.

It is the submission of the PAT that there is no demonstrated need for the Integrity Commission to have the authority to direct action on an outcome. There are no historical grounds to do so, and that was clearly not the intention of Parliament when the Integrity

Commission Bill was passed. The Commissioner of Police is better placed to make such decisions.



Joint Standing Committee on Integrity

30 September 2014

Mr Pat Allen
President
The Police Association
By Email: [pat.allen@p_atas_11.mj](mailto:pat.allen@p_atas.tas.gov.au)

Dear Mr Allen,

JOINT STANDING COMMITTEE ON INTEGRITY - THREE YEAR REVIEW

I refer to your attendance before the Committee today.

I advise that the Committee today ordered as follows:-

Ordered, that the Committee write to the Police Association of Tasmania requesting that they address the following:

- (1) The Police Association of Tasmania's view on the Government's submission (available on the Committee's website);
- (2) Do the Police Association of Tasmania believe that an Integrity Commission with investigative powers/role is required in Tasmania?

I confirm that the Committee is next meeting on 22 October 2014, and accordingly your response before that date would be appreciated.

Yours sincerely,

lfr, cr
Laura Ross
Secretary



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be addressed to:

The General Secretary
Mark Kadziolka

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ABN: 37 480634459

22 October 2014

Ms Laura Ross
Secretary
Joint Standing Committee on Integrity
House of Assembly
Parliament House
HOBART 7000

Dear Ms Ross,

JOINT STANDING COMMITTEE ON INTEGRITY - THREE YEAR REVIEW

I am responding on behalf of the Police Association of Tasmania (PAT) in relation to your letter dated 30 September, **2014** and the questions posed therein.

In line with what was stated to the Committee, I attended 5 Branch meetings state wide from **1 to 8 October 2014**, and presided over an Executive (Board of Management) meeting on **16 October 2014** where the matter was addressed. The following is our position;

1. The PAT's view on the Government's submission?

The PAT acknowledges the whole of Government submission made by the Secretary of the Department of Justice, Mr Simon Overland. The PAT fundamentally agrees with that submission and supports the recommendations therein should the Integrity Commission continue as an entity.

2. Does the PAT believe that an Integrity Commission with investigative powers/role is required in Tasmania?

The overwhelming response of members has been 'No'. The PAT originally supported the introduction of the Integrity Commission, and based its support on the 2nd reading speech of the then Attorney General, Ms Lara Giddings. The PAT has already supplied a submission to the JSC on Integrity and I have appeared before that body.

As a result of the recent meetings and the response of members to this question the PAT is of the view that an Integrity Commission with investigative powers/role is NOT required in Tasmania.

I thank you, the Chairperson and the members of the JSC for the opportunity to address this issue.

Yours sincerely,

y; J----
Pat Allen
PRESIDENT