

Ombudsman Tasmania



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3 March 2016

The Hon William Cox AC, RFD, ED, QC
Independent Reviewer
GPO Box 825
HOBART Tas 7001

By email: integrity.review@justice.tas.gov.au

Dear Sir

Re: Independent Review of the *Integrity Commission Act 2005*

Thank you for your invitation to make a written submission in relation to the above review.

The only submission I wish to make is that it is not appropriate for the Ombudsman to continue as an ex officio member of the Integrity Commission Board. It was perhaps appropriate when the Commission was first established and when the Board's ex officio members provided advice to the fledgling organisation, but that time has now passed. I have held the view that the Ombudsman should not be a member of the Board for some time, for a number of reasons, but primarily because of the potential for conflicts of interest.

The Commission's administrative actions come within my jurisdiction, and I come within the Commission's. The potential difficulties that this could give rise to, I respectfully submit, are clear. For example, this Office has received complaints concerning the Commission, and at least one complainant has cynically questioned whether I am competent to deal with the complaint objectively and impartially because of my position on the Board.

The Commission and my Office have complimentary but different functions, and our policies, methodology and procedures vary significantly. There have been occasions when I have not endorsed the findings of the Commission on particular matters, nor the manner in which it proposed to report those findings. Being in the minority, however, I could do no more than register my position.

I am concerned that some of the reports of the Commission which I have not endorsed, especially those which have received negative comment, have been assumed to have the imprimatur of this Office when they do not. This gives rise to a further concern as to the possible ramifications for the reputation and standing of the Office and of me as Ombudsman.

I acknowledge that the Commission is now differently constituted, but in my submission, the potential for conflict remains.

Once again, thank you for the opportunity to make this submission. I also thank you for the invitation to consider whether I would like to make an oral submission but do not believe that that is necessary.

Yours sincerely

Richard Connock
OMBUDSMAN