**Summary**

What I propose is:

1. The Integrity Commission Act needs a clear definition of corruption, as in the ICAC Act in NSW for example.
2. The term corruption should be used to describe unacceptable behaviour by public servants – it should not be watered down to less forceful terms.
3. There needs to be severe penalties imposed for corrupt activities including jail or termination of employment.
4. Penalties should be able to be imposed on corrupt public servants but also on the receivers of benefits from those public servants, who may have encouraged those public servants to act corruptly.
5. The Integrity Commission needs to be properly resourced to be able to investigate complaints to determine if there has been corrupt activity.
6. The Integrity Commission should have more control and should investigate all allegations of corruption. There needs to be a zero tolerance approach to corruption, agencies shouldn’t be able to produce their own ‘watered down’ rules of conduct, and assess behaviour of public servants against these weaker guidelines.
7. When these changes are included in the Integrity Commission Act there should be an amnesty period built in which allows public servants (and possibly the receivers of inappropriate benefits outside the public service) to adjust to the new rules and self-report past corrupt behaviour, which can go unpunished during the amnesty period by the grant of immunity from the Integrity Commission.
8. Once the amnesty period is over there should be no limitation on the time to make a complaint. All complaints should be investigated regardless of when the alleged corrupt behaviour occurred.
9. A person who suffers financial disadvantage due to corrupt behaviour should have some avenue to seek compensation.

Tasmania is open for (corrupt!!) business and corruption is thriving.

Tasmania is the only state that doesn't have a strong independent non political anti corruption/misconduct unit.

We have an Integrity Commission that doesn't have sufficient power to do its job.

As I understand the Government has not responded (replied or actioned) reports from parliament committee reviewing the Integrity Commission.

The Integrity Commission has completed a report and recommended more power be given to the Commission. See Operation Kilo report on the Integrity Commission web site.

There are many problems but here are some to start with:

. *Corruption is not defined* as by say ICAC of NSW.

A clear definition is a must be the starting point.

. Because there is no definition, Public Servants are not sure what corruption is and it has turned into a very grey area. *There must be no misunderstandings*.

. If Tasmania is to have any creditability there must be *zero tolerance* for corruption or any other form of misconduct within the Public Service.

. The Public do not have any adequate forum to raise their concerns. The Integrity Commission is a toothless tiger that does not have the power or resources to do its work. The Integrity Commission must be non political and independent and have the resources to do its work.

. The approach to corruption must be consistent across all areas of Government. Individual units/departments must not have the ability to modify or change the approach to corruption or misconduct within their unit because this will only result in an inconsistent approach between Units/Departments.

. The Government in response have said that the Integrity Commission has not proved that there is any corruption. *Correction,* the Integrity Commission interviewed employees for their report who state a number of reasons why "external" payments should be allowed e.g. they work hard and therefore deserve the extra payments or gifts! See report on Operation Kilo. It is also a good example of what happens when corruption and misconduct is not adequately defined.

. Some of the declared gifts are huge, and so are the financial benefits to the Receiver of Favours, so what has not been declared!

. A weak, very aggressive, response was made on TV news by the Premier and his Chief of Staff in late September when the Integrity Commission report was released.

. The Greens appear to be the only party prepared to argue against the Government but their lack of numbers mean that they cannot achieve very much. See Hansard

The Integrity Commission has done a great job with the resources they have but they need the support of both the Government and Opposition to be set up as an independent body. Tasmania is always seen as “being slow (and worse)” and this is just another example of us being behind the rest of Australia.

Another problem is that the public offices (Departments, Councils etc.) are decentralised which means that each unit make up their own rules.

e.g. If corruption is reported to the Integrity Commission, the Integrity Commission goes to the Unit involved and are told either that it's within their rules or that they will deal with it (corruption) internally. Uniform rules need to apply across the State.

Ordinary people cannot do anything to change the system and I'm begging you to start the change process.

**What needs to be done**.

*There must be zero tolerance when it comes to corruption. There is no place for corrupt Public Servants in Government employment.* These people have a good, well paid, secure job with good working conditions and by all accounts do not have to work as hard as their counterparts in the private sector. There are many Tasmanians who have to wait for a phone call to see if they will get some work for the day. These Tasmanians have to suffer the indignity of not having enough money to live a basic life. On the other hand we have some Public servants who are receiving (demanding) extra "corrupt" payments on top of their already generous pay and conditions.

Members of the Public deserve to have the Public Servants treat all members of the Public equally and without favour. We do not want a system that revolves around who you know or how much you are prepared to pay a Public Servant as a gift or favour.

The Public servants are protected by a large and strong union that provides a large voting block that if mobilised could change the Government or keep an opposition out of Government for a long time. The effect is that the major parties will not risk upsetting the union. Therefore the Politicians and their parties must agree to the need to eliminate corruption or be shamed for their views.

Public servants do not understand/acknowledge what corruption is.

**What is the problem? :**

1. A clear definition of corruption is required e.g. I.C.A.C. of N.S.W

2. The Integrity Commission must be given more power and budget in order to be a strong, non-political and independent watchdog.

3. Public servants do not believe/acknowledge that what they are engaging in is corrupt practices. They hide behind the weak rules set up by their employer over time that encourage, turn a blind eye and by the weak rules that do not acknowledge corruption. Rules that have been set up by senior staff to give themselves some "wriggle room" for their own actions but at the same time appearing to address corruption. Point 1. above will help here.

4. The Public have not had an adequate forum to make complaints. The Integrity Commission is perceived as weak with little or no chance of a complaint being prosecuted thus leaving the Public member exposed to action from the Public Service. (The Integrity Commission admit that they don't have adequate independent power or budget to do their work). The effect is that complaints are not being made.

**What needs to be done.**

1. Severe penalties are required - mandatory jail, loss of job and no employment in the Public sector again for the Public Servant and similar harsh penalties are required for the Receiver of any favours.

Severe penalties are required to break the culture. Slap on the wrist type penalties will only encourage some corrupt Public Servants to take the risk and/or drive the practice underground.

2. Because this would be a major change, an amnesty period should be given to both the corrupt Public Servant and the Receiver of favours to seek immunity for their actions. Misunderstandings could result from inadequate definition of corruption in their workplace. The immunity would only apply to investigation by the Integrity Commission and the resulting penalties.

3. The Receiver of benefits cannot take legal action against a Public Authority for corrupt benefits that cannot be delivered even if immunity has been granted. They may be able to take action against the corrupt Public Servant but the outcome could be uncertain. (i.e. One bad guy taking action against another bad guy for illegal services that can't be delivered!).

4. A member of the public, who has suffered a loss of some sort, should be able to take legal action against a corrupt Public Servant or the Receiver of favours (even if that person has been granted immunity from Integrity Commission investigation).

5. There is to be no statue of limitation because the Public have not had an adequate forum where complaints could be heard.

6. Brief details of immunity granted by the Integrity Commission should be available to the public.

**Transition period.**

**Amnesty period.**

Because the penalties are harsh and it is a new system both the corrupt Public Servants and the Receivers of favours should be given the chance to claim immunity during an amnesty period.

After the amnesty period has expired there will be no statue of limitation, all complaints can and should be investigated regardless of when they occurred. The reason for this is that the Public have not had an adequate forum in which to lodge a complaint and have it investigated.

To receive immunity the Public Servants are to detail all gifts, payments or benefits (as defined in the defination) received or given as part of their employment. (These payments should already be declared). These payments should be referred to as "corrupt" payments whether they were condoned by their employer or not. The Receiver can also claim immunity during the amnesty period. The Public Servant or the Receiver will not be prosecuted if the corrupt payments/benefits/favours are declared and an amnesty has been granted.

Statements like "numerous payments" should not be accepted. Payments/gifts/favours must be identifiable and applied to a particular corrupt act to eliminate the possibility of one statement being used to gain immunity for multiple corrupt actions.

The purpose of this is to reinforce on the Public Servants and the Receivers that what they have been doing is corrupt behaviour. The Public Servants who will have the most trouble seeking amnesty will be the ones who need the most education. By calling their actions for what they are i.e. corrupt, will help with their education.

After the amnesty period for the public servants has expired an amnesty period will be given for the Receiver of any "favoured" treatment.

It will be up to the Integrity Commission to decide if enough information has been given in order to gain immunity and they may need to seek additional information from the Provider before immunity can be granted.

Once Public Servants and the Receivers of favours have been given the chance to wipe their slate clean i.e. after both the amnesty periods have expired, any complaints can and would be investigated by the Integrity Commission provided they are not covered by immunity. Members of the Public who have not been game to speak up should be encouraged to come forward with their complaints.

Public Servants who help people in emergencies e.g. Ambos, Fire Officers etc. would not be required to seek amnesty because generally the Receiver does not want to see the Public Servant again in their professionally capacity (e.g. at an accident or fire) and no corruption is sought or expected. (The "thanks is enough rule" should apply for any future incident).

This is a fair system *provided* the Integrity Commission is given more power.

Public Servants and Receivers can claim immunity from Integrity Commission investigation and members of the Public who have not been game enough to speak up can now have their say confidant that there will be a strong independent Integrity Commission to investigate and correct any misconduct. Complaints not covered by immunity can and should be investigated and prosecuted by the Integrity Commission regardless of when the offences occurred.

The Integrity Commission must be non-political and have sufficient power and funding to do their job.

The aim should be to eliminate corruption largely by education and self-regulation (fear of being caught and heavy penalties).

The Integrity Commission must be strong (and be seen as strong by the public). As it stands the Integrity Commission is perceived as being so weak that complaints are not made because there is no guarantee that satisfactory action can be taken on a complaint. Basically the Public have no confidence that the Integrity Commission is capable of taking action in the cases of corruption and misconduct. This then leaves anybody making the complaint "exposed" to action by the Public Service.

 I make no apology for demanding strong action because I like many other Tasmanians have had enough of the corruption and misconduct in the public sector. I often hear the term minor or low-level corruption, there is no such thing. Corruption is Corruption! It’s a bit like pregnancy, you are or you aren't, and it starts small but grows.

If this review is done correctly and supported by all Politicians, long term the Integrity Commission would be reduced to the occasional investigation but mainly educational.

A B Cook