

AN 'INTEGRITY' BRANCH

*Robin Creyke**

Common lawyers are familiar with the division of legal and political power between the parliament, the executive and the courts. However, some bodies such as Auditors-General, or tribunals never fitted happily within that structure and, with the expansion of the public sector and the increasing tendency for government to provide services through private sector bodies or non-central government agencies, that tripartite division has been under strain. This has forced a rethink of our foundational beliefs about the optimum structure of government. It is in that context that the notion of an integrity branch of government has emerged.

The role of the integrity branch is to enforce standards of integrity within public administration, that is, the broader integrity system. What are integrity standards, which bodies comprise the integrity branch and the wider integrity system, all require an understanding of what is meant by 'integrity'. That appreciation in turn enables the identification of which bodies or individuals within government are integral to government's integrity performance; and which institutions monitor whether the system is working with integrity.

What is 'integrity'?

'Integrity' is a commonly encountered word but the term is often used loosely. As Steve Harris, a journalist colourfully put it, 'integrity' is 'a slightly old-fashioned word that has come roaring back into vogue as the *lingua franca*, measure of debate and verbal weapon of choice to extol or excoriate the quality of people and organisations in all fields of human endeavour'. But, as he went on, 'the word itself is often used in an incomplete, contradictory, inconsistent, unprincipled, unmeasured, dishonest manner. In other words, the antithesis of what integrity actually means'.¹

This failure to use 'integrity' with sufficient particularity is regularly encountered in the literature. The term has been used to mean 'accountability',² professionalism/acting properly,³ 'honesty',⁴ 'good reputation',⁵ 'ethics',⁶ 'trust',⁷ and it is commonly used to mean incorruptibility. All these descriptions, when applied to the public sector contain shades of the sense in which integrity is used. But, integrity is not synonymous with accountability, ethics, or notions akin to the public trust; nor is integrity solely the opposite of corruption.

The word is based on the Latin *integritas* meaning 'whole, entire'⁸ and 'complete'.⁹ Hence, an integer means a whole number. So the predominant meaning of integrity is something which is whole and healthy, that is functioning well, as intended. In this sense the word applies in its holistic sense to the integrity system as a whole - its systemic meaning.¹⁰ However, the term has a related meaning, namely, the quality of being honest, uncorrupted and having strong moral principles, the focus in this sense being on the behaviour of individuals within the integrity system.¹¹

* *Professor Robin Creyke is Senior Member Administrative Appeals Tribunal. This paper was presented at the AIAL 2012 National Administrative Law Conference, Adelaide, 19 July 2012.*

The two meanings are interconnected in that unless you have honest, trustworthy, responsible members of public sector organisations, who comply with laws, procedures, policies and relevant codes of conduct, the healthy operation of the institutions are at risk. But they are also different in significant ways and that difference broadly speaking can be related to the two elements of the integrity system - the operation of the system as a whole, and that part of it which performs the monitoring function, the integrity branch.

This difference is understood by leading Australian writers and researchers in the field, such as Professor AJ Brown and Professor Charles Sampford, who published the seminal *National Integrity System Assessment Report*, (the NISA report).¹² However, the understanding is not apparent in most publications on the topic. There is no definition of integrity in the 320 pages of the Australian Law Reform Commission report *Integrity: but not by trust alone*,¹³ nor in the Acts or potential Acts dealing with integrity,¹⁴ in most media articles on the topic of integrity,¹⁵ or in the first annual reports by integrity commissioners, which might have been expected to contain a definition of integrity as a key descriptor of their role.¹⁶

Where a definition is provided, it focuses on the second, behavioural aspect of the meaning, rather than on its systemic meaning.¹⁷ That is true outside Australia as well. Both the OECD, in a key report on public sector integrity in 2005¹⁸ and the UN,¹⁹ in describing the need for integrity in its institutions, in effect defined integrity as the antithesis of corruption. That is, the emphasis in the discussion of integrity is on the individual's honesty or conduct, not on how well the system as a whole is functioning.

The reason for this failure to define integrity may be due to an assumption that the meaning of integrity is so well understood that to define it would insult the readership. Given the two senses in which the word is used - the first describing the overall integrity system, the second to what individual officers must do to contribute to the effective functioning of their specific agency and its programs or policy functions, the assumption is surprising. A system, including the integrity system, cannot be honest or have strong moral principles. In that sense the second meaning can only be applied to individuals. By contrast, a system can be healthy and operate as intended, that is, can exhibit integrity overall.

Does this definitional gap or myopia matter? The authors of the NISA report believe so. As they said of this issue: 'How we assess an integrity system depends to a significant degree on how we define 'integrity', not just in relation to the personal integrity of individuals but also in relation to the institutions through which most political and economic power is exercised'.²⁰ Assessment implies measures or standards against which the level of integrity of the system can be gauged. However, the measures to assess whether the system as a whole is operating with integrity must, logically, be different from those which determine whether individuals are behaving honestly, ethically and from a morally defensible standpoint. So the failure to differentiate may well cloud the integrity measures identification task.

An illustration of the distinction in meanings which does recognise the distinction in performance measures is seen in the different approaches to measurement of integrity adopted by Transparency International and by Australian public sector commissions.²¹ The assessment of a nation's level of integrity, the task performed annually by Transparency International in its comparison of national levels of corruption, involves an overview and summation of the performance of that system against global measures testing the system as a whole. By contrast, the tools for assessment of the integrity of individuals or particular institutions, as reported annually, for example, by the Australian Public Service Commissioner's *State of the Service* report, has set performance standards for testing the behaviour of individual APS officers. The two approaches illustrate the distinct meanings of integrity, the one institutional and the other behavioural.

Another problem which can arise from a failure to distinguish the two meanings of integrity is the elision of the two distinct elements of the integrity system, namely, the public institutions the operations of which are integral to the ability of government as a whole to operate with integrity, and the supervision or integrity branch. This means that it is often not clear whether the author is writing about the integrity system or that element of the system which is the integrity branch. In turn, that leads to confusion about what standards, institutions, individuals or bodies are being discussed. This too has clouded the debate.

This failure to differentiate the two arms of an integrity system, its monitoring and its operational arm, is illustrated by considering descriptions of the integrity system by some of the leading authors:

- *'[T]he totality of institutions, laws, procedures, practices and attitudes that encourage and support integrity in the exercise of power, and how they operate together.'*²² (Transparency International Australia)
- *'[O]ur society's means – be they institutions, laws, procedures, practices or attitudes – of pursuing integrity in daily public life.'*²³ (NISA Study)
- *'...the interconnecting institutions, laws, procedures, practices and attitudes that promote integrity and reduce the likelihood of corruption in public life.'*²⁴ (C Sampford)
- *'...a collection of institutions, laws, procedures, practices and attitudes that promote and encourage integrity in the exercise of power in [a] society.'*²⁵ (McMillan)

What is striking about these descriptions is the multiple strands of an integrity system: people, law, procedures and institutions. What is not overt in any of those statements is that achievement of the goal requires there to be some body or bodies the functions of which are to supervise those in the system, to educate and to set standards for the system in order that that goal can be met. It is implicit that there must be standards and they must be determined. However, there is no explicit recognition in these descriptions of the distinct elements - monitoring and performance - involved in the system, nor of the need for oversight institutions to perform the standard setting and monitoring tasks.

An illustration of this failure is provided by a consideration of the two familiar metaphors which have come to be associated with integrity systems: the Greek temple used by the OECD in its 2005 study,²⁶ and the bird's nest,²⁷ the image devised by Sampford and Brown to capture the findings of their NISA project. What these descriptions of the integrity system do is indicate that the 'coherence' of public institutions, that is, how well they interact and support each other, determines how well the structure works.

That supportive role of the elements of the integrity system was graphically described in this comparison between the two main descriptive images - the Greek temple and the bird's nest:

The birds nest lacks the majesty and coordination of a classic Greek Temple, and the geometric simplicity of a three-cornered separation of powers. However, in a well-constructed birds nest, single twigs that are individually frail can support more than their own weight and withstand turbulence that would destroy any one of the twigs. The strength of the structure comes not from its individual parts, but from their interrelationship. A weakness in any one integrity institution does not necessarily weaken the whole structure. Equally, the structure is stronger when all the pieces are interrelated.²⁸

What the descriptions do not do is separately identify and describe the role of the guardians of the system. A description of the Greek temple illustrates this failure to differentiate the distinct roles.

The roof of the Temple is the fundamental objective: national integrity in all areas of government business. Eleven columns in the Temple support a civilised system that conforms to that objective and upholds the rule of law. Three ancient columns - the legislature, executive and judiciary - are joined by the Auditor-General, Ombudsman, anti-corruption agencies, the media, the public service, civil society, private sector and international organisations.²⁹

The Temple is clearly a combination of an integrity system and the integrity branch: the overall integrity objective is the roof. However, the pillars are a combination of the institutions which make up the system as a whole, with the institutions such as the Auditor-General, the Ombudsman and the anti-corruption agencies which perform the oversight function. In other words, this description of the integrity system fails to distinguish the different perspectives - behavioural versus systemic - which are at play; nor does it explicitly identify the role of the institutions required to monitor and, if necessary, improve, the level of integrity within the integrity system.

Integrity branch

The concept of an integrity branch or arm of government is often said to have originated in a paper by Professor Bruce Ackerman, a US academic, at the turn of this century.³⁰ However, another Bruce, Bruce Topperwein, an Australian and a respected member of the Australian Public Service, had developed the notion in an article in 1999.³¹

The idea was then promoted in Australia by the Honourable James Spigelman, then Chief Justice of the NSW Supreme Court, and publicised in the *AIAL National Lectures* he presented in 2004.³² At the same time, AJ Brown and his NISA team³³ and more recently McMillan³⁴ injected a new sophistication into the debate.

In Spigelman's view the key institutions comprising the integrity branch were, 'the three recognised branches of government including the Parliament, the head of state, various executive agencies and the superior courts'.³⁵ McMillan expanded on that set of institutions to include not only Auditors-General and ombudsmen but also administrative tribunals, independent crime commissions, military disciplinary bodies, inspectors-general of taxation and of security intelligence, and a plethora of commissioners - dealing with privacy, information access, human rights and anti-discrimination, and public service standards.³⁶

Although these authors did not explicitly emphasise the distinction made in this paper between the oversight and the integrity performance functions, they did acknowledge that there is a spectrum of integrity bodies, and that it is the core institutions which undertake the watchdog function.

All Australian jurisdictions have institutions which comprise the integrity branch. They are not always identified as such, as is illustrated by the following list taken from publications listing their core public sector supervision bodies:

- *Commonwealth*: the Auditor-General, Ombudsman, Office of the Information Commissioner, security and anti-corruption bodies.³⁷
- *New South Wales*: a 2004 survey of an initial list of 130 agencies or institutions identified the Independent Commission Against Corruption, the Ombudsman and the Audit Office as the top three, with the Premier's Department, the courts, parliamentary committees and the police force as the next most important.³⁸
- *Queensland*: the Auditor-General, the Ombudsman's Office, the Crime and Misconduct Commission, Queensland Police Service, individual agencies to the extent that they manage disciplinary matters and deal with whistleblowers, along with

several parliamentary committees which monitor key integrity bodies such as the Crime and Misconduct Commission, and action within the parliament itself.³⁹

- *Tasmania*: the Integrity Commission, and the Ombudsman.⁴⁰
- *Victoria*: the Ombudsman, the Auditor-General, the Office of Police Integrity, the Local Government Investigations and Compliance Inspectorate, the Public Sector Standards Commissioner, Victoria Police, to the extent of their function relating to public sector misconduct, and the Special Investigations Monitor.⁴¹
- *Western Australia*: the state's Integrity Co-ordinating Group comprises the Auditor General, the Public Sector Commission, the Corruption and Crime Commissioner, the Western Australian Ombudsman, and the Office of the Information Commissioner.⁴²

As this survey indicates, some institutions are common to most lists. They are the Ombudsman, the Auditor-General, and intelligence and security bodies, including the police. Variations beyond this inner core reflect the existence of eponymous integrity bodies, and a recognition that information commissioners, public service commissions or specific parliamentary oversight committees have a key role to play in maintaining integrity.

What is striking about these institutions within the integrity branch is the absence of reference to courts or tribunals - the adjudicative arm of government. Their omission has not been universally accepted. Not surprisingly, Spigelman included the superior courts in his list and McMillan added tribunals. The failure to mention the adjudicative bodies is explicable since, although clothed with one of the key indicators of an oversight body, namely, independence, the courts and tribunals lack another of the essential features of the bodies in the integrity branch, namely, the authority to initiate action of their own motion.

In addition, the courts and tribunals are essentially reactive and although their output is influential in that they do set standards for the executive branch, that influence is generally achieved co-operatively, rather than through coercive means. This gap in their powers is the reason they are not generally acknowledged to have an oversight role akin to other institutions in the integrity branch.

Their omission, however, highlights the awkwardness of the place of the institutions within the integrity branch more generally, in a political environment which has historically embraced a tripartite system of government. Whether the courts should be included is debatable since they are set securely in a recognised branch of government. The situation is, however, particularly acute for tribunals, existing as they do somewhere in a no-man's land between the judiciary and the executive. This anomalous position of tribunals makes them vulnerable to challenges based on their status, as recent cases turning on whether a tribunal is, or is not, a court illustrate.⁴³ However, the uncertainty surrounding their position is shared, if perhaps to a lesser extent, by all the core institutions of the integrity branch.

This issue aside, the survey also illustrates another feature of the integrity branch, namely, that although there is an inner core of oversight bodies, there is a tiered or graduated system of such bodies, each of which is performing some monitoring function. Whether a body is to be placed in the top or a second or lower tier depends on their functions and the degree to which they possess the essential criteria for a fully-fledged supervision body. The graduated system explains why bodies like tribunals are not placed among the key and primary monitoring institutions.

The function and rationale of the integrity branch

As the earlier discussion illustrates, the principal function of the integrity branch is an examination and assessment of the integrity levels of government. The function discharged by the integrity branch 'embraces legal compliance, good decision-making and improved public administration'.⁴⁴ In other words the oversight bodies are to monitor and, if necessary, suggest ways to improve, public sector institutions WHEN measured against standards provided by law and by good public administration.

The goal of the integrity system is the exercise of public power within legal limits, but superimposed on that minimal requirement is the honest, incorruptible exercise of that power by individuals and institutions for the public good. As Spigelman said of this rationale:

[T]he integrity branch or function of government is concerned to ensure that each governmental institution exercises the powers conferred on it in the manner in which it is expected and/or required to do so and for the purposes for which those powers were conferred, and for no other purpose.⁴⁵

As he said, the integrity branch was to ensure standards for and compliance with the accepted concepts of how mechanisms of governance should operate, namely, in a healthy or unimpaired, and particularly in an uncorrupted, state.⁴⁶

A key OECD publication has described the rationale thus:

Assessing measures for promoting integrity and preventing corruption is a technical exercise but the reason for doing it is profoundly political. Assessment makes it possible for public officials and governments to demonstrate whether they achieve agreed policy objectives and contribute to outcomes that matter to their managers and to citizens.⁴⁷

Compliance with and the nature of the legal standards are uncontroversial. However, it is the measures which go beyond those legal standards - the notions of ethics, the public trust, and honest and trustworthy behaviour as found, for example, in Codes or Charters of Conduct, which inject that additional integrity requirement.

Clearly there is a spectrum of institutions and of conduct to which the standards allied to notions of integrity can attach.⁴⁸ The focus in much of the literature is on integrity as the antithesis of corruption. That focus also permeates the suite of integrity legislation throughout Australia which is designed to combat the high or corruption end of the spectrum, dealing as it does with conduct within the criminal sphere such as theft, fraud (including identity fraud) and misappropriation of funds.⁴⁹ However, lack of integrity can be evident within the public sector in breaches of codes of conduct, misconduct, or matters attracting disciplinary sanctions. These are properly within the purview of administrative law.

Each of the core institutions has a part to play in this monitoring process. Whether it be the financial probity and performance which is the province of Auditors-General, good public administration as assessed by the Ombudsman, or the balance between transparency and privacy as decided by information and privacy commissioners, each is examining the health of the system from a particular vantage point.

Although their roles may be different, each of the guardians of the system faces a challenge in common, and that is how to set the standards and to measure the achievement of compliance. As two OECD researchers expressed it: 'Assessment of integrity and corruption prevention policies poses special challenges for policy makers and managers, in particular that of determining what is measurable'.⁵⁰ As they went on: 'Assessment makes it possible for public officials and governments to demonstrate whether they achieve agreed policy objectives and contribute to outcomes that matter to their managers and to citizens'.⁵¹

It is in that context, that mention should be made of the role of the successive Integrity Advisers in the Australian Taxation Office (ATO). Their role is to assess the integrity of the multi-faceted taxation system, and their work in establishing integrity standards for that Office has gone a considerable way towards assessing how best to operationalize the monitoring and correction function of the integrity branch.

In doing so they have identified a number of essential steps for an effective integrity monitor. The first of those steps is to decide on the activities which provide a litmus test of the health of the system;⁵² the second is to establish measures or standards which are indicative of effective operation;⁵³ the third, is to set up an effective system for reporting against those measures; finally there is a need to ensure that there is evidentiary support for claimed achievements against those standards. As others have noted '... assessment in this field raises specific challenges, in particular the definition of a thorough and objective methodology that supports evidence-based policy making'.⁵⁴ These objectives pose challenges for integrity supervisory bodies and for the policy makers.

Collectively they have created a reasonably robust system of monitoring the multiple activities conducted under the auspices of the ATO. However, like the integrity system as a whole, it requires constant monitoring to cater for the regular changes and developments occurring within the agency or within the system as a whole.

Conclusion

This description of the integrity system and its guardians, the integrity branch, illustrates that citizens have come to expect more of governments than compliance with laws, policies and procedures. This is where the twin facets of integrity, the health and wholeness of the system, which in turn is dependent on the honesty, incorruptibility and morality of individual officers, comes in. It is only by injecting a further element into the system - integrity - that those aspirations will be met. And it is only through the presence of an active and sensitive integrity branch to supervise and monitor the system, that integrity and the aspirations of citizens can be assured.

Endnotes

- 1 Steve Harris 'Integrity Deserves Much More than Lip Service' *Weekend Australian* 21-22 July 2012, 19.
- 2 Australian Law Reform Commission *Integrity - but not by Trust Alone: Australian Federal Police and National Crime Authority Complaints and Disciplinary Systems* Report No 82 (1996) [9.12], [9.49]. [9.73]; Premier's foreword to Queensland Government Response to the report *Integrity and Accountability in Queensland* (2009) 5.
- 3 Rony Thomas 'The Integrity of the Australian Academy of Science' *Quadrant* Vol LVI No 6 (June 2012), accessed via *Quadrant Online* at www.quadrant.org.au/magazine/issue/2012 (4 July 2012), 1.
- 4 Australian Public Service (APS) *Code of Conduct* Item 1; *Media Release - 'Government Proposes Integrity Testing'* (accessed at www.afpa.org.au/read/517.html, 23 June 2012).
- 5 APS Code of Conduct Item 11.
- 6 Australian Government *State of the Service Report* (2011) 59, 64; The Hon Justice JRT Wood *Report of the Royal Commission into the NSW Police Service* (1997) [2.49], [2.51].
- 7 ALRC *Integrity: but not by Trust Alone: AFP & NCA Complaints and Disciplinary Systems* (1996).
- 8 *The Macquarie Dictionary* (2nd rev, 1987, with appendices to 2009), 907.
- 9 *Oxford English Dictionary* accessed at www.oed.com/view/Entry/97366, 5 July 2012.
- 10 AJ Brown, C Sampford et al *National Integrity Systems Assessment (NISA) project Chaos or Coherence? Strengths, Opportunities and Challenges for Australian's Integrity Systems, Final Report* (2005); OECD *Public Sector Integrity: A Framework for Assessment* (2005).
- 11 *Oxford English Dictionary* 'Integrity' n. 'chastity, purity'; 2. The condition of not being marred or violated; unimpaired or uncorrupted condition' (accessed at www.oed.com/view/Entry/97366, 5 July 2012); AJ Brown, C Sampford et al *National Integrity Systems Assessment (NISA) project Chaos or Coherence? Strengths, Opportunities and Challenges for Australia's Integrity Systems, Final Report* (2005), 10.
- 12 AJ Brown, C Sampford et al *National Integrity Systems Assessment (NISA) project Chaos or Coherence? Strengths, Opportunities and Challenges for Australia's Integrity Systems, Final Report* (2005), C Sampford 'Parliament, Political Ethics and National Integrity Systems' (2011) *Papers on Parliament* No 55, 6.
- 13 ALRC *Integrity: but not by Trust Alone: AFP & NCA Complaints and Disciplinary Systems* (1996).

- 14 For example, Cth: *Law Enforcement Integrity Commission Act 2006*; National Integrity Commissioner Bill 2012 (a private member's Bill); NSW: *Police Integrity Commission Act 1996*; NT: *Fiscal Integrity and Transparency Act 2001*; Qld: *Integrity Act 2009*; Tas: *Integrity Commission Act 2009*; Vic: *Police Integrity Act 2008*.
- 15 eg Mike Pottinger 'Corrupting Influences: Does Australia need a National Integrity Commissioner?' *PSnews*, Issue Number 315, 29 May 2012; cf Steve Harris 'Integrity Deserves Much More than Lip Service' *Weekend Australian* 21-22 July 2012, 19.
- 16 eg Cth: *Annual Report of the Integrity Commissioner 2006-07*; ACT: *Annual Report Ethics and Integrity Adviser 2008-2009*; NSW *Annual Report Police Integrity Commission 1996-1997*; cf *Queensland Integrity Commission Annual Report 2005-2006*, 4.
- 17 State Services Authority *Review of Victoria's Integrity and Anti-Corruption System* (Proust Review) (2010), 3; *Queensland Integrity Commission Annual Report 2005-2006*, 4; C Sampford 'Parliament, Political Ethics and National Integrity Systems' *Papers on Parliament No 55*, (2011) 6.
- 18 OECD *Public Sector Integrity: A Framework for Assessment* (2005) 13.
- 19 UN Staff Regulations 1.2(b), cited in Ella Armstrong 'Integrity, Transparency and Accountability in *Public Administration: Recent Trends, Regional and International Developments and Emerging Issues* (2005) 1.
- 20 AJ Brown & C Sampford et al *National Integrity Systems Assessment* (NISA) project *Chaos or Coherence? Strengths, Opportunities and Challenges for Australian's Integrity Systems, Final Report* (2005), 9.
- 21 *Commonwealth v Wood* (2006) 148 FCR 276; *Commonwealth v Anti-Discrimination Tribunal (Tas)* (2008) 169 FCR 85; *Owen v Menzies* [2012] QCA 170.
- 22 'A Ten-Point Integrity Plan for the Australian Government', submission by Transparency International Australia on the *Proposed National Anti-Corruption Plan*, (May 2012) 6.
- 23 AJ Brown & C Sampford et al *Chaos or Coherence? Strengths, Opportunities and Challenges for Australian's Integrity Systems, Final Report* (2005), the NISA (National Integrity Systems Assessment) report, 9.
- 24 C Sampford 'Parliament, Political Ethics and National Integrity Systems' *Papers on Parliament No 55*, (2011) 6.
- 25 J McMillan 'Re-thinking the Separation of Powers' (2010) 38 *Federal Law Review* 423, 438.
- 26 OECD *Public Sector Integrity: A Framework for Assessment* (2005).
- 27 *Chaos or Coherence? Strengths, Opportunities and Challenges for Australia's Integrity Systems National Integrity Systems Assessment (NISA) Final Report* (2005), 14.
- 28 *Ibid.*
- 29 J McMillan 'Re-thinking the Separation of Powers' (2010) 38 *Federal Law Review* 423, 439.
- 30 Bruce Ackerman 'The New Separation of Powers' (2000) 113 *Harvard Law Review* 633, 694-6.
- 31 B Toppervein 'Separation of Powers and the Status of Administrative Review' (1999) 20 *AIAL Forum* 1, 11-13.
- 32 The Hon James J Spigelman AC, 'The Integrity Branch of Government', Lecture 1, in *AIAL National Lecture Series on Administrative Law No 2* (2010) *AIAL Forum* 2-3. He also raised the concept in a speech 'Judicial Review and the Integrity Branch of Government' (speech delivered at the World Jurist Association Congress, Shanghai, 8 September 2005).
- 33 NISA report.
- 34 J McMillan 'Re-thinking the Separation of Powers' (2010) 38 *Federal Law Review* 423.
- 35 *Id* at 3.
- 36 J McMillan 'The Ombudsman and the Rule of Law' (2005) 44 *AIAL Forum* 1 at 11-12.
- 37 ACU 'Integrity Agencies in Australia and New Zealand': www.acu.edu.au/305333, last updated 14.1.2011.
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- 39 Queensland Government *Integrity and Accountability in Queensland, Discussion Paper* (2009) Part 4.
- 40 See at fn 36.
- 41 State Services Authority *Review of Victoria's Integrity and Anti-Corruption System* (Proust Review) (2010), Appendix G, 59-62; Parliamentary Library Research Service, Department of Parliamentary Services, Current Issues Brief, *Independent Broad-based Anti-corruption Commission Bill 2011* (2011), 5.
- 42 www.opssc.wa.gov.au/ICG/About_Us/Members. (accessed, 10 July 2012).
- 43 *Commonwealth v Wood* (2006) 148 FCR 276; *Commonwealth v Anti-Discrimination Tribunal (Tas)* (2008) 169 FCR 85; *Owen v Menzies* [2012] QCA 170.
- 44 J McMillan 'The Ombudsman and the Rule of Law' (2005) 44 *AIAL Forum* 1 at 12.
- 45 The Hon James J Spigelman AC, 'The Integrity Branch of Government', Lecture 1, in *AIAL National Lecture Series on Administrative Law No 2* (2010) 31 *AIAL Forum* 2-3.
- 46 *Id* at 2.
- 47 OECD *Public Sector Integrity: A Framework for Assessment* (2005) 26.
- 48 'A Ten-Point Integrity Plan for the Australian Government', submission by Transparency International Australia on the *Proposed National Anti-Corruption Plan*, (May 2012), 6.
- 49 eg *Integrity Commission Act 2009* (Tas) s 4(1) definition of 'misconduct' which excludes conduct relating to a 'proceeding in Parliament'; 'police misconduct', criminal conduct, or disciplinary offences which could result in termination. See also APSC *APS Code of Conduct Investigations 2009-10 and 2010-11* (2011).

- 50 OECD *Public Sector Integrity: A Framework for Assessment* (2005) 13.
51 Id at 26.
52 OECD *Public Sector Integrity: A Framework for Assessment* (2005) 13.
53 Marcia Neave 'In the Eye of the Beholder' in R Creyke, J McMillan (eds) *Administrative Justice - the Core and the Fringe* (AIAL, 2000) 124.
54 Elodie Beth and János Bertók *Integrity and Corruption Prevention Measures in the Public Service: Towards an Assessment Framework* Part 1, 19.