



Ms Helen Minnican
Clerk of the Legislative Assembly
Parliament House
Macquarie Street
SYDNEY NSW 2000

Report of the Committee on the Independent Commission Against Corruption – Government response

Dear Ms Minnican

I refer to Report 4/56 of the Committee on the Independent Commission Against Corruption, 'Protections for People who make Voluntary Disclosures to the Independent Commission Against Corruption', of November 2017.

In accordance with Legislative Assembly Standing Order No. 303A, on behalf of the Premier of New South Wales, I present the **enclosed** Government response.

I have written separately to the Clerk of the Legislative Council to present the Government's response in accordance with Legislative Council Standing Order No. 233.

The contact officer for this matter in the Department of Premier and Cabinet is Matt Richards, Director (telephone: [REDACTED], email: [REDACTED]).

Yours sincerely

[REDACTED]

Mary Ann O'Loughlin AM
Acting Secretary

18 April 2018





Report of the Committee on the Independent Commission Against Corruption – Protections for People who make Voluntary Disclosures to the Independent Commission Against Corruption (Report 4/56 – November 2017)

Government Response

The report of the Committee on the Independent Commission Against Corruption (**Committee**) into Protections for People who make Voluntary Disclosures to the Independent Commission Against Corruption (**ICAC**) was released on 16 November 2017.

The Committee's recommendations are designed to: protect people who make voluntary disclosures to the ICAC against criminal, civil and disciplinary liability and reprisal action in relation to such disclosures; protect the identity of persons who make voluntary disclosures in certain circumstances; and provide a limited protection against self-incrimination for people who make voluntary disclosures to the ICAC.

The Government supports providing protections to people who make voluntary disclosures to the ICAC in appropriate circumstances. As the Committee notes, in doing so, it is important to continue to protect individuals from reputational damage arising from the public disclosure of vexatious and untrue corruption allegations.

The Committee has identified that some of its recommendations may lead to overlap with the public interest disclosures regime applying to public officials under the *Public Interest Disclosures Act 1994 (PID Act)*. This could lead to different treatment of a disclosure by a public official under the PID Act and the ICAC Act.

Following recommendations made by the Committee on the Ombudsman, the Law Enforcement Conduct Commission and the Crime Commission, the Government is currently reviewing the PID Act with a view to preparing a Bill to reform the State's public interest disclosures regime. The ICAC is being consulted on those reforms in its role as a member of the Public Interest Disclosures Steering Committee.

The Government will prepare a Bill in relation to voluntary disclosures to the ICAC, taking into consideration the Government's review of the public interest disclosures regime. In preparing the Bill, the Government will consult with, and consider the views of, the ICAC in relation to voluntary disclosures to the ICAC and their relationship with public interest disclosures.