

APPENDIX TWO

Minutes of the Proceedings of the Committee

PARLIAMENT OF NEW SOUTH WALES

MINUTES OF PROCEEDINGS

OF THE COMMITTEE ON THE INDEPENDENT COMMISSION AGAINST CORRUPTION

THURSDAY 12 DECEMBER 1991

AT PARLIAMENT HOUSE, SYDNEY AT 9.30 AM

MEMBERS PRESENT

Legislative Council

The Hon J C Burnswoods
The Hon D J Gay
The Hon S B Mutch

Legislative Assembly

Mr Gaudry
Mr Hatton
Mr Kerr
Mr Nagle

Apologies were received from Mr Tink and Mr Turner.

The Minutes of the meeting held on 02 December 1991, as circulated, were confirmed.

The Committee noted the correspondence received from Mr Barry O'Keefe AM, QC; dated 02 December 1991.

Resolved on the motion of Mr Hatton, seconded by Mr Gay:

That Mr O'Keefe's letter and the attached complaint be referred to the ICAC for comment and response.

Resolved on the motion of Mr Mutch, seconded by Mr Nagle:

That the Chairman write to the Minister for Justice drawing his attention to the complaint, specifically the alleged "heavy discriminatory pressure" being experienced by the complainant.

The Committee deliberated upon the reference from Parliament on pecuniary interest provisions and a code of conduct for Members of Parliament.

Meeting of the Committee on the ICAC
12 December 1991

The Committee then deliberated upon arrangements for the visit of inspection to the Hong Kong ICAC and the Fifth International Anti-Corruption Conference.

Resolved on the motion of Mr Nagle, seconded by Mr Hatton:

That the Committee visit the Hong Kong ICAC between 11 - 18 April 1992.

Resolved on the motion of Mr Nagle, seconded by Mr Gay:

That arrangements for the Committee to be represented at the Fifth International Anti-Corruption Conference be made by the Project Officer.

The Committee then deliberated on future inquiries concerning Mr Roden's evidence before the Committee on 06 November 1991 and the Operations Review Committee.

The Committee adjourned at 9.55 am, sine die.


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Chairman

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Clerk

FRIDAY 07 FEBRUARY 1991

AT PARLIAMENT HOUSE, SYDNEY AT 10 AM

MEMBERS PRESENT

Legislative Council

The Hon J C Burnswoods
The Hon S B Mutch

Legislative Assembly

Mr Gaudry
Mr Kerr
Mr Tink
Mr Turner

Apologies were received from Mr Gay, Mr Hatton and Mr Nagle.

The Committee deliberated.

The Minutes of the meeting held on 12 December 1991, as circulated, were confirmed.

The Committee noted the correspondence from Ian Temby QC, dated 16 December 1991; Deborah Sweeney, dated 18 December 1991; Bryce Fardell, dated 05 January 1992; J H Tuckfield QC, dated 07 January 1992; Peter Allan, dated 09 January 1992; Deborah Sweeney, dated 14 January 1992; Ian Temby QC, dated 17 January 1992; and Tom Hogan, dated 17 January 1992.

Resolved on the motion of Mr Gaudry, seconded by Mr Turner:

- 1 That the complaints from Mr Fardell and Mr Hogan be referred to the ICAC for comment and response;
- 2 That the ICAC's response to the complaints from Mr Unicomb, Hastings Municipal Council, and Mr James be conveyed to the complainants; and
- 3 That the Chairman write to the Attorney-General expressing concern about the delay in the finalisation of Bradshaw Waste Industries application for financial assistance, discussed in the correspondence for Mr Tuckfield QC.

The Committee considered the submissions received in relation to its inquiry into Pecuniary Interest Provisions and a Code of Conduct for Members of Parliament.

Meeting of the Committee on the ICAC
07 February 1992

Resolved on the motion of Mr Mutch, seconded by Ms Burnswoods:

That the deadline for submissions be extended to 31 March 1992.

The Committee considered the issues outstanding from the "Inquiry into Matters Raised by Paul Gibson MP". The Committee noted the witnesses to appear at its public hearing on 11 February 1992.

Resolved on the motion of Ms Burnswoods, seconded by Mr Turner:

That Tuesday 31 March be set aside for the next public hearing with Mr Temby.

The Committee then noted the briefing notes from the Project Officer on the "Recent Reports of the Committee on the NCA and the NCA and the Queensland Parliamentary Criminal Justice Committee".

The Committee considered the letter from Mr Peter Allan, Commissioner of the Hong Kong ICAC, dated 09 January 1992, concerning the Committee's proposed visit.

Resolved on the motion of Mr Mutch, seconded by Ms Burnswoods:

That the 11 - 18 April 1992 be reaffirmed as the dates for this visit.

Members and staff of the Western Australian Select Committee on the Official Corruption Commission Act were then admitted. The two Committees discussed the inquiry being conducted by the WA Select Committee and matters of mutual interest. Members of the Committee on the ICAC answered questions from the WA Select Committee in relation to the ICAC and the Committee's role.

The Committee adjourned at 12.00 noon.

The Committee reconvened at 1.00 pm.

Members of the Operations Review Committee were admitted.

The two Committee's discussed their functions and roles, and issues arising from the "Report of an Inquiry into Matters Raised by Paul Gibson MP".

Meeting of the Committee on the ICAC
07 February 1992

The Committee adjourned at 2.20 pm until 10.00 am Tuesday 11
February 1992.


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Chairman

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Clerk

NO 17

TUESDAY 11 FEBRUARY 1991

AT PARLIAMENT HOUSE, SYDNEY AT 10 AM

MEMBERS PRESENT

Legislative Council

The Hon D J Gay

Legislative Assembly

Mr Gaudry
Mr Kerr
Mr Nagle
Mr Tink
Mr Turner

Apologies were received from Ms Burnswoods, Mr Hatton and Mr Mutch.

The Committee deliberated.

The Committee then went into a public hearing concerning matters raised in the Gibson inquiry by Mr Adrian Roden QC.

The witness was admitted.

The Clerk read the Legislative Assembly Standing Order No.362 relating to the examination of witnesses.

Deborah Anne Sweeney, Solicitor, Independent Commission Against Corruption, under previous oath was examined. Evidence concluded and the witness withdrew.

Meeting of the Committee on the ICAC
11 February 1992

The witness was admitted.

The Clerk read the Legislative Assembly Standing Order No.362 relating to the examination of witnesses.

Pierre Mark Le Grand, Director, Official Misconduct Division, Queensland Criminal Justice Commission, was sworn and examined.

Evidence concluded and the witness withdrew.

The witness was admitted.

The Clerk read the Legislative Assembly Standing Order No.362 relating to the examination of witnesses.

Michael Charles Bersten, Solicitor, was sworn and examined.
Evidence concluded and the witness withdrew.

The witness was admitted.

The Clerk read the Legislative Assembly Standing Order No.362 relating to the examination of witnesses.

Athol Randolph Moffitt, retired Supreme Court Judge, was sworn and examined.
Evidence concluded and the witness withdrew.

The witness was admitted.

The Clerk read the Legislative Assembly Standing Order No.362 relating to the examination of witnesses.

Warren Brent Fisse, Professor of Law, Law School, University of Sydney, was sworn and examined.
Evidence concluded and the witness withdrew.

The witness was admitted.

The Clerk read the Legislative Assembly Standing Order No.362 relating to the examination of witnesses.

Michael Manifold Helsham, retired, was sworn and examined.
Evidence concluded and the witness withdrew.

The witness was admitted.

The Clerk read the Legislative Assembly Standing Order No.362 relating to the examination of witnesses.

Phillip Alexander Bradley, Member, NSW Crime Commission, was sworn and examined.
Evidence concluded and the witness withdrew.

Meeting of the Committee on the ICAC
11 February 1992

The Committee adjourned at 3.28 pm until 27 February 1991.


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Chairman

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Clerk

NO 18

THURSDAY 27 FEBRUARY 1991

AT PARLIAMENT HOUSE, SYDNEY AT 10 AM

MEMBERS PRESENT

Legislative Council

The Hon J C Burnswoods MLC
The Hon D J Gay MLC
The Hon S B Mutch MLC

Legislative Assembly

Mr Hatton
Mr Kerr
Mr Tink
Mr Turner

Apologies were received from Mr Nagle and Mr Gaudry.


The Committee then went into a public hearing concerning matters raised in the Gibson inquiry.

The media and the public were admitted.

The witness was admitted.

The Hon Adrian Roden QC, under previous oath, was examined. Evidence concluded and the witness withdrew.

The Committee adjourned at 2.10 pm until 6.00 pm, Tuesday 03 March 1992.


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Chairman

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Clerk

TUESDAY 03 MARCH 1992

AT PARLIAMENT HOUSE, SYDNEY AT 6.00 PM

MEMBERS PRESENT

Legislative Council

The Hon J C Burnswoods
The Hon D J Gay
The Hon S B Mutch

Legislative Assembly

Mr Gaudry
Mr Hatton
Mr Kerr
Mr Nagle
Mr Turner

The Committee deliberated.

The Minutes of the meeting held on Friday 07, Tuesday 11 and Thursday 27 1992, as circulated, were confirmed.

The Committee noted the correspondence from Mrs Narelle Horiatopoulos, dated 04 February 1992; Ms Deborah Sweeney, dated 17 February 1992; Mr Tom Hogan, 14 February 1992; Mr I D Thompson MLA, 17 February 1992; Mr John Turner, dated 19 February 1992; Mr Bryce Gaudry MP, dated 24 February 1992; Mr Tom Sherman, dated 02 March 1992; and Ms Deborah Sweeney, dated 24 February 1992.

Resolved on the motion of Mr Hatton, seconded by Mr Gay:

- 1 That Mr Sander's letter be referred to both the ICAC and the Minister for Planning for comment and response and that, in the meantime, Mr Sanders be provided with copies of the Reports of the previous committee on its "Inquiry into Commission Procedures and the Rights of Witnesses".
- 2 That Mr Hogan's further correspondence be referred to the ICAC for comment and response.
- 3 That Mrs Horiatopoulos and the President of the NSW Bar Association be advised of the response received from the ICAC regarding their complaints.

The Committee then discussed the forthcoming public hearing with Mr Temby and the draft questions on notice.

Meeting of the Committee on the ICAC
03 March 1992

Resolved on the motion of Mr Turner, seconded by Mr Hatton:

That the questions on notice be adopted by the Committee and sent to Mr Temby.

The Committee adjourned at 6.30 pm until Tuesday 31 March 1992.


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Chairman

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Clerk

NO 20

TUESDAY 31 MARCH 1992

AT PARLIAMENT HOUSE, SYDNEY AT 10.00 AM

MEMBERS PRESENT

Legislative Council

The Hon J C Burnswoods
The Hon D J Gay
The Hon S B Mutch

Legislative Assembly

Mr Gaudry
Mr Hatton
Mr Kerr
Mr Nagle
Mr Tink
Mr Turner

The Committee deliberated.

The Committee then went into a public hearing concerning the Independent Commission Against Corruption.


The media and public were admitted.

Ian Douglas Temby, Commissioner of the Independent Commission Against Corruption, under previous oath was examined.
Deborah Anne Sweeney, Solicitor to the Independent Commission Against Corruption, under previous oath was examined.
Evidence concluded and the witnesses withdrew.

Meeting of the Committee on the ICAC
31 March 1992

The media and public withdrew.

The Committee adjourned at 1.15 pm until Tuesday 07 April 1992.


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Chairman

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Clerk

NO 21

TUESDAY 05 MAY 1992

AT PARLIAMENT HOUSE, SYDNEY AT 7.00 PM

MEMBERS PRESENT

Legislative Council

The Hon J C Burnswoods
The Hon D J Gay
The Hon S B Mutch

Legislative Assembly

Mr Gaudry
Mr Kerr
Mr Nagle
Mr Tink
Mr Turner

An apology was received from Mr Hatton.

The Minutes of the meeting held on 03 and 31 March 1992, as circulated, were confirmed.

The Committee noted the correspondence received from: Mr Terry Shepherd, dated 03 February 1992; Ms Deborah Sweeney, dated 24 March 1992; Ms Deborah Sweeney, dated 23 March 1992; The Hon Robert Webster MLC, dated 20 March 1992; Ms Deborah Sweeney, dated 31 March 1992; Mr Peter Hamilton, dated 31 March 1992; Mr Tom Hogan, dated 15 and 16 March 1992; Ms Deborah Sweeney, 01 April 1992; Mr Ian Temby, dated 09 April 1992; Mr Bill Rixon MP, dated 10 April 1992; Mr Patrick Knight, dated 10 March 1992; Ms Deborah Sweeney, dated 16 April 1992; and Mr Keith Johnson, dated 30 April 1992.

Meeting of the Committee on the ICAC
05 May 1992

Resolved, on the motion of Ms Burnswoods, seconded by Mr Gaudry:

- 1 That Mr Shepherd be advised of the functions of the Parliamentary Joint Committee and Operations Review Committee and that his attention be drawn to the terms of reference of the ICAC's trackfast inquiry;
- 2 That Mr Sanders be advised of the responses to his concerns received from the ICAC and Minister for Planning;
- 3 That Mrs Horiatopoulos and Mr Fardell be advised of the responses to their complaints received from the ICAC;
- 4 That the letters from Mr Hamilton, Mr Rixon MP, Mr Knight and Mr Johnson be referred to the ICAC for comment and response;
- 5 That the possibility of a visit to Kyogle and Ballina to hear from those with concerns about the ICAC be investigated by the Project Officer; and
- 6 That, in relation to the response to Mr Fardell's complaint, the Chairman write to the ICAC regarding the Committee's concern about the safeguards for protecting a persons privacy where they are under investigation by the ICAC.

The Committee considered a letter received from Mr Peter Manning, dated 04 May 1992, concerning a proposal for televising the ICAC's Metherell hearings.

Resolved on the motion of Mr Tink, seconded by Mr Nagle:

That the Chairman write back to Mr Manning indicating that the Committee reaffirms the views of the former Committee in its "Report of an Inquiry into a Proposal for the Televising of Public Hearings of the Independent Commission Against Corruption", dated June 1990, that ICAC hearings should not be televised.

The Committee endorsed the tabling of the Collation of Evidence from the public hearing with Mr Temby on 31 March 1992.

The Committee noted that the Chairman is preparing draft reports on the Operations Review Committee and Assistant/Deputy Commissioners, and also on the Fifth International Anti-Corruption Conference and Hong Kong Study Tour.

Meeting of the Committee on the ICAC
05 May 1992

The Committee noted the most recent submissions to the Code of Conduct inquiry and deferred any hearings until the end of June.

The Committee adjourned at 7.50 pm until 3.15 pm, Friday 08 May 1992.


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Chairman

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Clerk

NO 22

FRIDAY 08 MAY 1992

AT PARLIAMENT HOUSE, SYDNEY AT 3.15 PM

MEMBERS PRESENT

Legislative Council

The Hon J C Burnswoods

Legislative Assembly

Mr Kerr
Mr Nagle
Mr Tink
Mr Turner

Apologies were received from Mr Gaudry, Mr Gay, Mr Hatton, and Mr Mutch

Resolved, on the motion of Mr Nagle, seconded by Mr Tink:

- 1 That the Committee agree to the Attorney-General's request contained in his letter dated 07 May 1992 to review the provisions s.52 of the ICAC Act 1988 concerning the provision of legal or financial assistance to witnesses appearing or about to appear before the Commission.
- 2 That the Committee also examine proposals for mechanisms to reduce the cost of legal representation before the ICAC.
- 3 That the Committee approve the draft advertisement and draft terms of reference for this inquiry.

Meeting of the Committee on the ICAC
08 May 1992

- 4 That the Committee write to the Premier and Attorney-General seeking information on the criteria used in assessing applications for legal aid or financial assistance and the number of successful and unsuccessful applications.
- 5 That the Committee write to the Commissioner of the ICAC to obtain details of the number of people who have appeared unrepresented before the ICAC and such other matters as may be appropriate.

The Committee adjourned at 3.25 pm sine die.


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Chairman

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Clerk

TUESDAY 30 JUNE 1992

AT PARLIAMENT HOUSE, SYDNEY AT 6.30 PM

MEMBERS PRESENT

Legislative Council

The Hon J C Burnswoods
The Hon D J Gay
The Hon S B Mutch

Legislative Assembly

Mr Kerr
Mr Nagle
Mr Tink
Mr Turner

Apologies were received from Mr Gaudry and Mr Hatton.

The Committee then deliberated on the draft report on the Fifth International Anti-Corruption Conference and Hong Kong Study Tour.

Part One read and amended.

Resolved, on the motion of Mr Nagle, seconded by Mr Kerr:

That page 65, paragraph 4 of the draft report on the Fifth International Anti-Corruption Conference and Hong Kong Study Tour be amended to read;

"Mr Kerr and Mr Nagle thought this Code of Conduct worthy of consideration in relation to the Committee's current inquiry into a Code of Conduct for MPs in NSW."

Part One, as amended, agreed to. Part Two read and agreed to.

The Committee then deliberated on the draft report on the Operations Review Committee and Assistant/Deputy Commissioners.

Findings and Recommendations read and amended.

Resolved, on the motion of Mr Tink, seconded by Mr Turner:

That paragraph 3.4.2 of the draft report on the Operations Review Committee and Assistant/Deputy Commissioners be amended to draw attention to the ICAC's own comments on the importance of the appearance of impartiality being as important as impartiality in fact.

The Committee notes Ms Burnswood's objection to this resolution.

Meeting of the Committee on the ICAC
30 June 1992

Paragraph 3.4.2 as amended, agreed to. Part One read and agreed to. Part Two read and agreed to.

Resolved, on the motion of Mr Mutch, seconded by Mr Gay:

- 1 That the Report on the Fifth International Anti-Conference and Hong Kong Study Tour and the Report on the Operations Review Committee and Assistant/Deputy Commissioners, as amended, be adopted and tabled by the Chairman as the Committee's reports.
- 2 That the Chairman and Project Officer be authorised to correct minor grammatical and typographical errors.

The Committee then discussed the general correspondence.

Resolved, on the motion of Mr Gay, seconded by Mr Turner:

That the Chairman deal with correspondence in accordance with the briefing notes provided unless Committee members advise otherwise within 14 days.

The Project Officer advised the Committee of a proposed visit to Sydney by the Queensland Parliamentary Criminal Justice Committee on Monday 20 July 1992.

The Committee adjourned at 7.05 pm sine die.

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 Chairman

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 Clerk