

## INDEPENDENT COMMISSION AGAINST CORRUPTION AMENDMENT (REPORTING CORRUPT CONDUCT) BILL 2008

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**Bill introduced on motion by Mr Barry O'Farrell.**

### Agreement in Principle

**Mr BARRY O'FARRELL** (Ku-ring-gai—Leader of the Opposition) [10.26 a.m.]: I move:

That this bill be now agreed to in principle.

There seems to be a misunderstanding by Ministers within the lemma Government about their obligations under the Independent Commission Against Corruption Act 1988. There is no legal obligation under the current Act for Ministers of the Crown to report corrupt conduct to that commission. There is certainly a legal obligation upon director generals of departments and the heads of agencies to do so, but there is no such legal requirement upon Ministers of the Crown, despite their being at the very heart of Executive Government in New South Wales. That is what the Independent Commission Against Corruption Amendment (Reporting Corrupt Conduct) Bill 2008 seeks to overcome.

Time and again over the past 13 years, Premiers—and the current Premier as recently as a month or so ago—and Ministers have repeatedly said that if someone has evidence of corruption or allegations of corruption, that person should take it to the Independent Commission Against Corruption [ICAC]. That is simply not good enough. A director general of a department cannot say to a bureaucrat who raises such an issue that if that person has evidence of corruption he should take it to the ICAC. The head of the New South Wales Fire Brigades cannot take that action; the head of the Premier's Department cannot take that action. However, in this State it is permissible for a Minister of the Crown to receive information about allegedly corrupt conduct and do nothing about it, except to say that the onus rests with the person who brings forward the allegation.

That is what this bill seeks to clarify; that is what it seeks to address. The bill seeks to ensure that Ministers of the Crown in New South Wales can no longer play political games when it comes to allegations of corruption that they receive. The bill will ensure that when a Minister of the Crown has information relating to allegations of corruption within his or her department of the Government, of which the Minister is a member, that there be a requirement for the Minister to refer the matter to the ICAC. The ICAC was established in 1989 by the former Coalition Government in recognition that, regrettably, corruption in New South Wales can reach the very highest level of government.

Referring to our political history, prior to 1988 a Labor Minister of the Crown was sent to jail for selling early releases from prisons in order to feed a gambling habit. That, and other episodes in New South Wales over those 12 dark years under Labor, are the reasons that the ICAC was established. The Government that established the commission had great respect that the institution would ensure that legislation was complied with, not just to the letter of the law but also to the spirit of the law. Over the past 13 years we have seen a moving away from any attempt to embrace the spirit of the ICAC. We have moved to a strict legal interpretation. Regrettably, that strict interpretation is that Ministers do not have an obligation to take potentially corrupt issues to the ICAC. However, the Act states that it might be appropriate for departmental heads to do so, but they are under no obligation to do so.