

**INDEPENDENT COMMISSION AGAINST CORRUPTION AMENDMENT BILL  
2011**

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**Second Reading**

**The Hon. MICHAEL GALLACHER** (Minister for Police and Emergency Services, Minister for the Hunter, and Vice-President of the Executive Council) [3.35 p.m.]: I move:  
That this bill be now read a second time.

This bill is a further step in the series of measures that the Government is taking to restore confidence in public administration in New South Wales. The New South Wales Liberal-Nationals Government is committed to improving accountability and ethical standards in public administration. As part of that commitment, our 100 Day Action Plan promises to introduce legislation to strengthen the Independent Commission Against Corruption. A strong Independent Commission Against Corruption will proactively work to prevent corruption and fearlessly investigate allegations when they are made. The Independent Commission Against Corruption Amendment Bill 2011 will strengthen both the Independent Commission Against Corruption and the Inspector of the Independent Commission Against Corruption. The bill implements the recommendations from two reports released in 2010 by the Committee on the Independent Commission Against Corruption and which are supported by the Commissioner of the Independent Commission Against Corruption, as well as two more recent requests for amendments by the commissioner.

The bill amends section 14 of the Independent Commission Against Corruption Act to clarify the Independent Commission Against Corruption's powers to gather and assemble admissible evidence for the prosecution of a person for criminal offences in connection with corrupt conduct. This will facilitate the assembly of comprehensive briefs of evidence for the Director of Public Prosecutions to support prosecutions arising from corruption investigations. Amendments to sections 35 and 37 of the Act will streamline the process for the production of privileged documents to the Independent Commission Against Corruption, so that it is not always necessary for the person producing the documents to appear in person at the Independent Commission Against Corruption.

The bill will insert a new subsection into section 57B of the Act to permit the reports and findings of the Inspector of the Independent Commission Against Corruption to be published more broadly. These amendments will clarify that the inspector may communicate his findings and recommendations to the Commissioner of the Independent Commission Against Corruption, Independent Commission Against Corruption officers, complainants and any other affected parties, for the purpose of resolving a complaint, or dealing with a matter. The Inspector will also have broader powers to report on his activities to Parliament, under amendments the bill will make to section 77A.

The bill also provides that section 40 of the Surveillance Devices Act 2007 does not prevent the Independent Commission Against Corruption from providing information about its use of covert surveillance to the Inspector of the Independent Commission Against Corruption. The bill's amendment to section 104 of the Independent Commission Against Corruption Act will ensure that the original intent of subsection 104 (11) is preserved. Originally, the section provided that decisions of the Independent Commission Against Corruption Commissioner relating to the appointment, discipline and removal of staff of the Independent Commission Against Corruption may not be appealed to the Industrial Relations Commission.

It is important that the Independent Commission Against Corruption Commissioner have control over the appointment, discipline and removal of staff. Given the nature of the work of the Independent Commission Against Corruption, it should not be placed in the position of having to maintain the employment of a person in whom the commissioner has lost confidence. As part of our strategy to improve honesty and integrity in New South Wales, this bill will strengthen the Independent Commission Against Corruption. It is part of a series of measures that we are taking not only in the area of anti-corruption but also in other areas to restore public confidence in the administration of government and to deliver openness and transparency. I commend the bill to the House.