



PARLIAMENT OF NEW SOUTH WALES
COMMITTEE ON THE ICAC

COLLATION OF EVIDENCE
OF THE ACTING COMMISSIONER OF THE ICAC
MR JOHN MANT

ON GENERAL ASPECTS OF
THE COMMISSION'S OPERATIONS

WEDNESDAY, 3 AUGUST 1994
PARLIAMENT HOUSE, SYDNEY

COMMITTEE ON THE
INDEPENDENT COMMISSION AGAINST CORRUPTION

MEMBERS

Mr M J Kerr, MP (Chairman) (Lib)
The Hon D J Gay, MLC (Vice - Chairman) (Nat)
The Hon J C Burnswoods, MLC (ALP)
Mr B J Gaudry, MP (ALP)
Mr J E Hatton, MP (Ind)
The Hon S B Mutch, MLC (Lib)
Mr P R Nagle, MP (ALP)
Mr S M O'Doherty (Lib)
Mr J H Turner, MP (Nat)

STAFF

Ms R Miller, Clerk to the Committee
Mr D M Blunt, Project Officer
Ms L M Pallier, Assistant Committee Officer

FUNCTIONS OF THE COMMITTEE

Independent Commission Against Corruption Act 1988

- "64 (1) The functions of the joint Committee are as follows:
- (a) to monitor and to review the exercise by the Commission of its functions;
 - (b) to report to both Houses of Parliament, with such comments as it thinks fit, on any matter appertaining to the Commission or connected with the exercise of its functions to which, in the opinion of the Joint Committee, the attention of Parliament should be directed;
 - (c) to examine each annual and other report of the Commission and report to both Houses of Parliament on any matter appearing in, or arising out of, any such report;
 - (d) to examine trends and changes in corrupt conduct, and practices and methods relating to corrupt conduct, and report to both Houses of Parliament any change which the Joint Committee thinks desirable to the functions, structures and procedures of the Commission;
 - (e) to inquire into any question in connection with its functions which is referred to it by both Houses of Parliament, and report to both Houses on that question.
- (2) Nothing in this Part authorises the Joint Committee -
- (a) to investigate a matter relating to particular conduct; or
 - (b) to reconsider a decision to investigate, not to investigate or to discontinue investigation of a particular complaint; or
 - (c) to reconsider the findings, recommendations, determinations or other decisions of the Commission in relation to a particular investigation or complaint."

CHAIRMAN'S FOREWORD

As part of its role in monitoring and reviewing the exercise by the Commission of its functions, the former Committee established a regular pattern of public hearings with the Commissioner of the ICAC, Mr Ian Temby QC. On 4 March this year the current Committee conducted its last such public hearing with Mr Temby.

These hearings enable Committee members to question the Commissioner about matters of concern, issues arising from Commission reports and general aspects of the Commission's operations. By conducting these hearings in public and subsequently producing a Collation of the questions and answers, the Committee hopes to assist in informing the public about the ICAC.

In July the Committee resolved to conduct a hearing with the Acting Commissioner of the ICAC to enable the Committee to receive a briefing on the work of the ICAC since the end of Mr Temby's term of office and to allow Committee members to ask questions about a range of matters.

As with previous public hearings conducted by the Committee, with Mr Temby, the ICAC was provided with a series of questions on notice. The Committee received written answers to these questions in advance of the hearing. These written answers were tabled at the hearing and Committee members had the opportunity to ask questions without notice.

It should be noted that this Collation represents an edited version of the minutes of evidence of the hearing. In some cases the order in which questions were asked has been altered to enable the questions and answers to be categorised under appropriate subject headings, for easy reference. Furthermore, there have been some minor changes to the text to enable it to read more easily.



Malcolm J Kerr MP
Chairman.

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CHAIRMAN'S OPENING STATEMENT

CHAIRMAN: Today's hearing of the Parliamentary Joint Committee on the Independent Commission Against Corruption is being conducted pursuant to the Committee's function under the Independent Commission Against Corruption Act to monitor and review the exercise by the ICAC of its functions. The Committee has asked the Acting Commissioner of the Independent Commission Against Corruption, John Mant, to attend this hearing so that the Committee can be fully apprised of the work of the commission during his time as acting commissioner and so that Committee members can ask questions about various issues concerning the work of the ICAC.

As with similar hearings that have been conducted in the past, the Committee has supplied written questions on notice to the commission. Yesterday the Committee received written answers to those questions on notice and I would now like to table those written answers so that they can be made publicly available and be incorporated into the record of today's proceedings. That is all I wish to say by way of opening to set this hearing in its proper context. Mr Mant, late yesterday afternoon the Committee received from the ICAC a copy of a letter that you had written to the Australian Press Council. You may wish to speak to that letter, and I think you would have no objection if it were to be tabled.

Mr MANT: I have no objection.

CHAIRMAN: I should also say that last time the Speaker made an exception because it was Mr Temby's last appearance and proceedings were sound recorded. I understand that the ICAC does not wish to make an exception this time, and the Speaker has directed that the normal procedures apply on this occasion.

**MR MANT'S
OPENING STATEMENT**

CHAIRMAN: Is there anything you wish to put before the Committee?

Mr MANT: There are a few matters I should like to raise with the Committee at the outset. I express my disappointment that it has taken so long to appoint a permanent Commissioner of the Independent Commission Against Corruption. I can say that, despite the delays, the staff of the commission have worked as diligently and productively as ever. Indeed, it goes to the credit of the staff and the high quality of staff members that despite this uncertainty their morale has been high. Obviously, uncertainty is a problem for them all, but I have been most impressed by the spirit in the organisation and the enthusiasm of the staff.

During my time at the commission pioneering research has been launched by the commission into the perception of corruption by public servants. A report entitled "Unravelling Corruption—A Public Sector Perspective" is the first report to be published by the commission's research unit. The report is based on a survey of 1,313 New South Wales public service employees. The study was designed to improve understanding of certain types of conduct that people judge as corrupt and to identify factors that may hinder them in acting against such corruption. I commend the commission on producing such an excellent piece of research, the scope of which provides us all with an understanding of personal and social factors which affect the effectiveness of strategies established to fight corruption.

As Mr Temby mentioned last time he gave evidence before the Committee, the recommendations for change to bribery laws arising out of the commission's report on North Coast land development have yet to be implemented by the Government. I ask that the Committee take on board this issue and work towards the implementation of those recommendations. The process of negotiation towards an enterprise agreement was begun by Mr Temby about 12 months ago. I am very pleased to say that during my time the negotiations have concluded and that I am hopeful that a positive enterprise agreement will be entered into shortly. This is a most important document that will facilitate a more rapid move to generic job descriptions; mobility between tasks, skills development of individual officers; an increase in permanency of employment amongst staff, in that staff will have not to leave the organisation to gain further experience; greater use of multidisciplinary teams; and a flatter organisation structure. It is an excellent foundation for further organisational change.

The commission is currently reviewing all of its investigation reports to monitor the extent to which its recommendations for reform have been implemented. I am pleased to say that of the work done thus far most of the

recommendations have indeed been implemented. When this project is completed, in the latter part of this year, the commission will have more to report and, obviously, the Committee will get a copy of the final report. I advise the Committee that the Commissioner of Police and I have agreed on arrangements for monitoring the implementation of recommendations for systems improvement arising from the investigation into the relationship between police and criminals. A joint monitoring committee will review progress against 16 recommendations in the second Milloo report. The commission and the Police Service will report to both the Minister for Police and the public.

To assist the incoming commissioner with the setting of a strategic direction for the commission, I have instituted a review of the commission's holdings on various New South Wales government agencies. The first of these was the Police Service, with local government being the next. It has been a difficult period for us all, obviously. I am pleased to report that the commission is in as good a shape as it could be, having regard to the uncertainty of the times, and I am happy to answer any questions that you may wish to put to me.

ICAC

INDEPENDENT COMMISSION AGAINST CORRUPTION

1 August 1994

Professor David Flint,
Chairman,
Australian Press Council,
Level Three,
149 Castlereagh Street,
Sydney. 2000.

Dear Professor Flint,

The ICAC wishes to complain formally about the misrepresentation of a headline in a Sunday Telegraph story (attached) dated 31 July 1994. Attributed to me, via quote marks, in the headline is the comment "stale" about the current state of the Commission.

Firstly, I did not refer to the ICAC as "stale", something verifiable from a tape recording of the interview; secondly, the story does not even paraphrase me as saying this.

I also allegedly "admit" the Commission has "stagnated"; again, however, this word is not on the tape. The only comment remotely relating to such a claim is a statement that the ICAC had not followed the same path with an Acting Commissioner that it would have with a permanent head.

This is entirely different from what was attributed to me in the headline. The fact that the supposed reference to "stale" is made in the story's 16th paragraph is also unusual. Surely, if this was a major aspect, as a headline would suggest, it would have been placed higher in the story.

Such misrepresentation not only damages the Commission and myself but the credibility of the media, which is meant to accurately inform about newsworthy events. Therefore, I believe the Press Council should pursue this complaint with vigour.

Yours sincerely,


John Mant,
Acting Commissioner.

cc. Roy Miller, Editor, Sunday Telegraph.

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■ In its five years of life, the Independent Commission Against Corruption has spent \$60 million probing impropriety in the NSW public service. Last week the architect of ICAC, Gary Sturgess, said it 'didn't have enough to do'. MICHAEL WILKINS reports



10/2

John Mant: ICAC 'cost-effective but damaged'

ICAC 'stale' says Mant

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WHEN Ian Temby wrote the ICAC's second annual report in 1989 he said: "The Commission now has a record of achievement which is available for consideration: it is now a productive entity."

Then, it had concluded its first major formal investigation into North Coast land deals and employed 60 staff at its new Redfern offices.

Today, the ICAC is under fire for not fulfilling the charter it was given six years ago. It has been snubbed by many - on both sides of politics - as being a white elephant and incapable of conducting fair and factual investigations.

But five years after its opening the commission is still claiming an important role in NSW public life. Acting Commissioner John Mant says the body is the cheapest way of dealing with corruption issues.

"It makes a very cost-effective organisation," he said.

"It deals with a large number of complaints which would have to have been dealt with somewhere else."

Premier John Fahey agrees, saying the "standing royal commission" is vital to public accountability.

"It still has an important role to play and should be in a position to carry out those matters which are of importance to the State."

He blames any damage to the commission's reputation on the Opposition, which, he says, is seeking to reduce the ICAC's power.

But there is no doubt the ICAC's status has been damaged by the failure of the Government to install a permanent commissioner after Mr Temby's term expired in March this year and the usurping of its power by the Wood Royal Commission into the Police Service.

The royal commission, forced on the Government through a vote in Parliament, has put the ICAC on the back foot.

Mr Mant, who is anxiously awaiting approval to leave the ICAC when

newly appointed Commissioner Justice Barry O'Keefe arrives, says he does not believe the royal commission's creation will damage the ICAC - but agrees it should never have been necessary.

"All Parliament had to do was to give the reference to the ICAC and be satisfied they had appointed the right person... to head the commission.

"If Mr Justice Wood was sitting here, what would the difference be?"

But the royal commission aside, Mr Mant admits the ICAC has now stagnated as it waits for a new leader. While Justice O'Keefe is due to start in September, last-minute wrangling is further delaying the process.

"The period since the end of Mr Temby's term and now and the uncertainty about a new commissioner has meant we haven't necessarily taken dramatic new steps," he said.

But he says staff are "busy" and morale high despite the delay, and having the ICAC is much cheaper than setting up an inquiry every time an allegation of corruption is made.

But running the ICAC is not cheap. When the Government created the body, it leased the commission's building at Redfern for around \$900,000 per year - a reasonable slab out of ICAC's \$12.8 million annual budget.

Today it employs 140 staff, accounting for 30 per cent of total expenditure. Forty of those people are involved in the business end of the ICAC's work - investigations - while another 40 are in administration. The remaining 60 work in the areas of corruption prevention, education and media, operations, legal and policy work and the executive.

The commission spends around \$130,000 every year on consultancies and last year installed new computers at a cost of \$700,000.

In 1993 it also paid more than \$1 million for outside legal advice.

The number of investigations is certainly in decline, with the body last year conducting only 12 formal inquiries - two fewer than in its first year of operation.

20/2

Sunday Telegraph Article

Ms BURNSWOODS: Mr Mant, I notice your comment on the article that appeared in the *Sunday Telegraph*. You have made corrections to various words you were quoted as saying as opposed to what you did actually say. I note, however, that you did say that because there was not a permanent commissioner dramatic new steps had not been taken, and I think you just said something rather like that again. Does that mean you feel there would have been new hearings or other new investigations had a permanent commissioner been in place?

Mr MANT: It is difficult to answer that question, not being the new commissioner. One of the problems has been, of course, that my appointment initially was for two months—it was very much a matter of just sitting in the seat and signing the necessary documents. As it has turned out, my appointment will be for more than six months. Had I known at the beginning that my term in office would be so long, I would probably have done some things that have not been done.

Mr GAUDRY: On that point, are there specific inquiries, for example, that may have been initiated had you had the chance to do so and had you known that you would hold the position for such a length of time?

Mr MANT: There would have been some work probably in relation to the Police Service had I known that I was going to be in the position that long and, of course, had the royal commission not happened. I think that the combination of those two factors have meant that certain things which could have been done have had to be put on the backburner.

Mr GAUDRY: Gary Sturgess has been very critical of ICAC during your term and also previously. I think in that article he makes the comment that it does not have enough work to do now that the royal commission has taken over the investigation of the Police Service. Do you have a comment on the role and responsibility of ICAC now that the royal commission has been set up?

Mr MANT: Clearly, as one surveys the strategic scene, taking the Police Service from the commission's activities at least to some extent does mean that there is less total work to be done out there and that has required a shift in strategic thinking. I think there has been an emphasis on public hearings as a measure of the commission's activities. It is quite apparent to me that, after five years of operation, the focus of the commission's activity has to shift somewhat to the more systemic, educational, general public relationship activities rather than public hearings. I think there has been a tendency to say, "How many public hearings have you had; therefore, how busy are you?"

Mr GAUDRY: I call that the big bang theory of ICAC.

Mr MANT: Absolutely. Undoubtedly, it was necessary and demanded in the early years of the commission. In one sense you could say: perhaps the less need for big bangs the more the commission has been successful or is being successful. Major events of corruption may not be taking place because the systemic changes are being implemented. This is one of the reasons why I instituted this set of reviews of all the holdings that we have of various agencies to try to get a picture of the present state of what is happening out there, so that after five years the new commissioner would come in and survey the scene with a strong body of analysis and set the new strategic direction.

Mr GAY: Earlier Mr Gaudry referred to the big bang theory. Would I be wrong in assuming that some of the inquiries that were conducted publicly then would be conducted in private now?

Mr MANT: I would not go that far. Probably they would be done somewhat differently now. We are much better equipped on the corruption prevention end of the organisation. We are putting a much greater emphasis on building, from the beginning, multidisciplinary teams that bring to a problem the full range of expertise that we now have. Previously we were seen as a bit of a production line: investigations, findings and corruption prevention. With some of the work that we are doing we have created teams where all the skills are brought together right at the beginning. That may in itself mean that the public hearing aspects will be less necessary or will be different in nature. It is too early to tell yet.

Mr GAY: So it is a combination of the two? You have refined the process, but certainly in the beginning you needed the public hearings to establish a profile?

Mr MANT: I think at the beginning there was a large backlog of matters that were of a very serious nature and which required the public hearing process. That is not to say that there not still those matters and there will continue to be those matters, but I suspect they will be less frequent.

CHAIRMAN: Are you aware that Mr Peter McClellan Q.C., who subsequently became an Assistant Commissioner, was very critical of the treatment of a person named Preston in the North Coast inquiry public hearing? He gave evidence before this Committee on that aspect of it.

Mr MANT: I am not aware of the details of it. I remember the event.

INVESTIGATIONS

Questions on Notice

- 1.1 ***What new hearings have commenced during your period as Commissioner?***

Since March 14, 1994, no new public hearings have been held. The public hearings into the Randwick City Council investigation have continued.

- 1.2 ***Have any hearings been completed during your period as Commissioner? If so, are reports on these in preparation?***

No public hearings have yet been completed since March 14, 1994.

- 1.3 ***What investigations have been made public during your period as Commissioner?***

The Second Report into Relationships between Police and Criminals was published in April 1994. A report on the Commission's investigation into matters relating to police and confidential information was made public in June 1994.

- 1.4 ***How many complaints were received by ICAC during your term as Commissioner?***

During the period 1/3/94 - 30/6/94 the ICAC registered 433 potential complaints or reports of corrupt conduct. This figure includes 184 Section 10 complaints and 136 Section 11 reports, the balance being matters outside jurisdiction, matters classified as information and other correspondence.

These figures are consistent with normal monthly registrations which average approximately 100 per month.

In addition, the ICAC continues to receive reports by schedule under Section 11 from a number of public authorities including the Police Service, the Ombudsman and the RTA. Each schedule contains a large number of items (in the case of the Police Service on a weekly basis) which are not included in the figures quoted above. Each schedule is circulated to the investigations and corruption prevention departments and items of significance are identified for the creation of individual files.

1.5 ***Has the ICAC remained "on top" of its complaints backlog?***

On 26 March 1993 Commissioner Temby advised the Committee that in two separate projects during 1992 and 1993 the ICAC dealt with 1000 outstanding files. At the same time procedures were put in place to ensure that all files were referred to the ORC in a timely fashion and these procedures have proven to be effective.

Figures for the 12 months ending 30 June 1994 show that ICAC staff have processed to the point of closure 885 files out of 1303 registered (68%). Of files received prior to 31/12/93, 586 out of 686 (85%) have been closed. The balance are in different stages of assessment or investigation and are the subject of status reports to the ORC. A number of these relate to formal investigations (eg Randwick Council) and will be closed once the investigations are completed.

These figures indicate that despite reduced staff numbers during the year, the ICAC has kept up with the flow of complaints. New staff are currently being recruited for the Assessments Section which will assist in ensuring that the rate of file assessment will continue at the current satisfactory level.

1.6 ***Have you had discussions with the Government on the division of time spent by the Commission on investigations and education programs?***

No.

Questions Without Notice

Operation Milloo

Mr GAY: I congratulate you on investigating the police system, with the Commissioner of Police. As you well know, I have an interest in that area. Are you working on the computer systems as well as other systems?

Mr MANT: There are a number of recommendations in the second Milloo report and the committee is monitoring the implementation of all of those. A couple of my officers who have done the work on preparing those recommendations and drafting them have been working with the Police Service. I cannot say much more, other than that the reports I get of the work being done with the Police Service are that it is being done in a very good atmosphere of co-operation and support and that everyone is pleased with the results. It has not been something that I have followed very closely because I am getting nothing but good returns from those whose responsibility it is.

Mr GAY: So we can expect the computers to be backed up from now on. It really was not a matter of corruption; it was one of office management.

Mr MANT: Yes, that is right. As I read the Milloo report—and I was not involved—it was very much about management systems, and if you do not have the right management systems in any organisation, and particularly that one, opportunities for corruption obviously are there. It is absolutely crucial that all of that work be done and be monitored if you are then going to be successful in seeking out anyone else who might have been guilty of corrupt conduct. But I think, as Mr Temby said, getting scalps might be satisfying for everyone but unless you fix the underlying system it is a bit like a Chinese meal—it is not very satisfying for very long.

* * * * *

Paedophile Report

Mr GAY: Is there any expected date of completion of the paedophile report?

Mr MANT: We are obligated by the reference from Parliament to do a preliminary report by October. Obviously that will be ready. I would hope that that would be more than a report which states that we are working on it and that it would have some substance, set a framework and describe the things we are up to.

Clearly, as I think the written answers note, there will then need to be a consideration by Parliament, the royal commission and ourselves as to who carries forward the further work on that because the royal commission also has a reference in its terms of reference to the paedophile issues.

Mr GAY: Would this research be brought out in conjunction with or would there be a separate report from the international research?

Mr MANT: That is not determined yet. All that has happened is that the research people are working as part of the team that we put together on this reference. The preliminary report I would guess, I do not know, will say what type of research will be done and for what reason. As to how it is going to be reported, I do not think that has been decided.

* * * * *

Terry Griffith's Office

Ms BURNSWOODS: Could I return to my question concerning a review of the Act? Earlier I raised my concern about section 9 and the problem, which has existed for a couple of years now, concerning whether ICAC can effectively look into conduct by Ministers and members of Parliament? I was going to ask you separately, but I will raise it now. You are conducting an inquiry into certain aspects of Terry Griffiths' resignation?

Mr MANT: Yes.

Ms BURNSWOODS: I gather that is specifically the issue of whether staff in his office were offered inducements not to make complaints?

Mr MANT: Yes.

Ms BURNSWOODS: Even within those limited parameters if, for instance, there was a suggestion that a Minister or a member of Parliament had been involved in offering inducements, the commission would be in a situation where a failure to review the Act would make it exceedingly difficult for it to make a determination.

Mr MANT: It could not make a finding about the Minister perhaps, but it would not necessarily mean that it could not do a useful investigation. It is a hypothetical question.

Ms BURNSWOODS: It is hypothetical, but you are conducting a investigation into at least one aspect of the Terry Griffiths affair?

Mr MANT: We have conducted an investigation.

Ms BURNSWOODS: It is completed?

Mr MANT: Yes. It is completed to the extent that it is a matter which we will be getting advice on.

Ms BURNSWOODS: I noticed in a newspaper cutting on 25 July that you said you hoped to have it concluded in about a week. It seems to me that at least in part the Premier's decision to get Carmel Niland to investigate other aspects of the Griffiths affair arises from the fact that the commission is effectively prevented in this State from investigating matters surrounding the behaviour of a Minister because, as has now been obvious for two years, the Act needs amending.

Mr MANT: I cannot say. I cannot really respond to that, I am sorry.

Ms BURNSWOODS: Because of the inquiry you have conducted, no matter how limited, you must have been aware of problems in relation to the conclusions that could be drawn?

Mr MANT: The complaint we received did not relate to the Minister's conduct; it related merely to the possible conduct of public servants. That was what we limited our inquiry to.

Ms BURNSWOODS: But you could not really have received and dealt with a complaint directly related to the Minister's conduct because we are still in the situation that the Supreme Court put us in two years ago?

Mr MANT: That could be.

Mr NAGLE: I thought the Supreme Court said that you could not have a finding of corrupt conduct, but it did not stop you from investigating a Minister?

Mr MANT: That is right.

Mr NAGLE: With a member of Parliament you can have a finding of corrupt conduct?

Mr MANT: I do not think it excludes us from investigations. Ministers are not excluded from investigations from ICAC. It is a question of the range of the possible findings and the matters you have to have regard to in coming to a conclusion.

Mr NAGLE: Nothing can stop you, except for the decision in relation to Metherell and Greiner, from saying that there would have been corrupt conduct, but the Supreme Court has held that we cannot have that finding.

Mr MANT: I am not sure whether I would put it quite in those terms, but had the Act been changed this could have been dealt with.

Mr NAGLE: It would have been easier.

Ms BURNSWOODS: There is clearly a reason for a government not to change the Act. The delay has enabled the Government in fact to avoid—

Mr MANT: I cannot comment on motivation. May I say I do not know what the motivation is. There may be very good reasons for not amending the Act.

CHAIRMAN: Has the inquiry been completed into whether inducements were held out?

Mr MANT: We have completed work at the moment, yes.

CHAIRMAN: The existing legislation was satisfactory in that regard; it did not form an impediment?

Mr MANT: No.

Ms BURNSWOODS: Are the results of that inquiry about to go to the Government?

Mr MANT: I would rather not make any more comment about it. It is an operational matter.

CHAIRMAN: If a Minister or any member of Parliament breaks the law, a finding can be established against them?

Mr MANT: Yes.

CHAIRMAN: You are entitled to expose the facts to an investigation, under the decision of the Court of Criminal Appeal or the Court of Appeal? Members of the public are still entitled to facts?

Mr MANT: Yes.

Mr NAGLE: If you found that the conduct of a Minister were corrupt and also breached the Crimes Act, you would refer it to the Director of Public Prosecutions for a decision about whether to prosecute?

Mr MANT: Yes. We are not excluded from investigating Ministers.

Ms BURNSWOODS: It is interesting that the Premier did not invite you to investigate; he invited Carmel Niland to investigate. She is a member of the ORC as well, which makes it more confusing.

CHAIRMAN: Are you directed by the Premier as to what you investigate?

Mr MANT: No, not at all. I suppose he could have made a complaint. I really should not comment, but I will. It would seem that the particular matters that have been referred to Ms Niland are of wider scope than our commission would normally deal with and would deal with even if the legislation had been amended.

* * * * *

Randwick Council

Ms BURNSWOODS: Can you tell the Committee how long the Randwick Council matter will take to complete and therefore how long it will be before a new commissioner is appointed?

Mr MANT: Yes. That inquiry is assuming greater importance in my mind. I am very anxious to be freed of all other responsibilities so I can concentrate on completing the report. We have one or two days more of hearings that have to be completed. They have been delayed because counsel for one of the witnesses is overseas. I expect to finish those hearings within the next week or so and I would hope then that the report would not take more than a maximum of two months.

CORRUPTION PREVENTION

Questions on Notice

2.1 *What corruption prevention projects were set up or completed during your term of office?*

No new projects have commenced since March. The project on Accountability for Government Grants was completed in April. Eight other generic projects are currently in progress including Aboriginal Lands Councils, Contracting Services, Code of Conduct of Former Public Officials and Internal Reporting Systems.

Projects which arise in conjunction with the Commission's formal investigations ensure that corruption prevention input is incorporated from the outset of investigations; this accords with the Commission's objective of ensuring more integrated strategic outcomes. Weaknesses in policies, procedures and practices can be identified through the course of the inquiry in parallel with investigative work. Recommendations can then be made in the final report that address system weaknesses as well as the conduct of individuals. This approach has been adopted with investigations into Randwick and Port Stephens Councils, the Relationship between Police and Criminals and Alleged Protection of Paedophiles by Police or Other Public Servants.

2.2 *Do you have any comment to make on the effectiveness of the corruption prevention programs?*

The client focus in corruption prevention work is being increased to ensure its effectiveness. To be effective, outputs must be relevant, useful and timely. To facilitate this improvement process, a guarantee of service has been developed. Also, new approaches to work including more face to face contact with clients is helping ensure quality outputs.

- In **project** work, the recent distributions of 3000 copies in the report *Taken for Granted - Better Management of Government Grants* and 5000 copies of *Trips and Traps - Travel in the NSW Public Sector* have been favourably received by Departments and agencies.
- Numerous advice matter have been completed, involving over 50 agencies, since March. The majority of these were initiated by the

agency receiving the advice. This contrasts with previous years in which the majority of corruption prevention advice was initiated by the Commission based on analysis of complaints received. The Commission now has a good working relationship with a substantial number of public sector organisations so there is a growing tendency for organisations to seek advice at the outset before problems emerge. This can be taken as an indication that the advice given is useful.

- Since March the Commission has been involved in presentations on corruption prevention issues through participation in **conferences and seminars** at a rate of one per week. Audiences at these presentations varied greatly in both size and makeup and included participants from both public and private organisations. Topics covered were also quite diverse, including tendering, creating an ethical environment and codes of conduct.

The majority of presentations were given in response to specific requests for ICAC participation. Of significant interest is the Commission's involvement in recent CEO and SES seminars. Presentations continue to provide the Commission with valuable opportunities to effectively spread corruption minimisation messages. Feedback from participants and organisers suggests that presentations are generally well received.

Questions Without Notice

Ms BURNSWOODS: I would like to know a little more about the eight other projects which you say are in progress, for instance, the contracting services. Is that basically the use of consultants by government?

Mr MANT: I will ask Mr Seshold to reply. He is responsible for this.

Mr SESHOLD: This is an adjunct to the work that was published last year in Pitfalls and Probity, which included services, but tended to focus particularly on tangible products. The commission found over a number of years that purchasing services gives rise to some particular difficulties that are not present when organisations are purchasing widgets or steel girders, or something. Those difficulties include evaluation criteria being set in the tender process and things of that kind. This project is designed to look at services in the broadest possible sense. It is not referring particularly to contracting out. It is not referring particularly to consultants. It is generically focusing on services, whether legal, medical, environmental, or whatever.

Ms BURNSWOODS: Computing services would be a large part, I imagine.

Mr SESHOLD: Indeed.

Ms BURNSWOODS: Has that arisen out of perceived problems in the public sector or particular complaints, getting back to the point you were making earlier about the tendency to merge?

Mr SESHOLD: There certainly have been complaints over the years in the general area of services and we have identified some of the particular difficulties which occur in services as opposed to other areas. The response has been to go for the preventive approach rather than the investigative approach. It is probably worth stressing that this project is not being conducted by the commission in isolation. Again, it is part of a more developed thrust in the way this work is done. We are working very closely with others and have a joint steering committee which comprises the commission, the Attorney General's Department and the Property Services Group because of the skills and experience that those groups can bring on the question of acquisition of services. We are looking at it at a very practical level and we are trying to encompass user needs.

Mr GAUDRY: There is a second project, the code of conduct of former public officials. Could you expand on that?

Mr SESHOLD: The Committee will recall that last year we undertook some work on codes of conduct and review of the usefulness of codes of conduct. What has been taking place this year is a follow-up survey on codes of conduct, a project we are doing in conjunction with the Premier's Department. On the question of code of conduct of former public officials, as Mr Mant mentioned earlier, we have been addressing the question of what is unfortunately labelled post-separation employment, which is a particularly difficult term but means basically people who have left the public sector. In recent months we have held a discussion group with other public sector agencies trying to draw out what are the issues of concern in that area and therefore what work could the commission sensibly be doing with such people in order to look at the possibility of code of conduct or whatever other measures might be necessary.

Mr GAUDRY: A conflict of interest or confidentiality?

Mr SESHOLD: It could include that, yes, but it is not limited to it. Initially we were trying to understand from public sector organisations what they perceived the potential difficulties were and where the commission could make a contribution to try to find some guidelines which would assist to deal with those.

CHAIRMAN: Mr Mant, that accountability which is very much what the ICAC is concerned about is a bit like motherhood, no one could really object to it if it is done properly. Of course the ends of government are to provide services to people. If accountability becomes an end in itself it can become an impediment to delivering those services. Do you agree?

Mr MANT: Yes, it can, Mr Chairman. The public sector is not the private sector! Some people have an expectation that it should be possible to operate in the public sector the way that the private sector operates. My opinion is that that is really not possible. There are extra accountability mechanisms in the public sector and we have to recognise that and live with it and not become frustrated by it. We need to recognise that properly done the measures which are put in place by bodies such as the Auditor-General and ourselves not only keep you out of trouble but also get value for money. We have to recognise that no matter how far away from government your organisation may seem to be, if ultimately it is responsible to a Minister there will be questions in the House. Private companies do not have that problem and that makes a huge difference. I do think there is a lot of comment about these impediments to decision-making

coming from places such as ourselves and the Auditor-General, from people who really have not come to terms with the fact that they are in the public sector.

Mr GAUDRY: One of the most stringent critics is, once again, Mr Sturgess.

Mr MANT: Yes.

Mr GAUDRY: In his report to the Public Accounts Committee, he said that one of the difficulties of bodies such as the ICAC and their insistence on accountability was leading to "a trail of paper and arse-covering", if you would excuse the expression. I take that as being a misreading of the role that the ICAC was undertaking.

Mr MANT: It can be characterised in those terms, but wrongly so. I wrote a letter to the paper about this, actually. Public servants can make decisions provided they use the right processes and they should not use the Auditor-General's procedures and our own as an excuse for failing to make proper decisions. We are sometimes used in that way. Having said that, as Mr Seshold was saying, it is important that our work in this area is done with the people at the coalface. Increasingly that is the case and will be the case in the future, I am sure. We will work together with those bodies that have to sign the contracts and review the tenders so we can be quite sure that our advice is practical and helpful. But, at the end of the day, this is the public sector.

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Airport Link

CHAIRMAN: One of the projects that the ICAC looked at was the airport link proposal. There was no suggestion of any departure from proper conduct in the dealings between the parties. It was developed in accordance with the New South Wales guidelines for private sector participation in the infrastructure provision. Would that be correct?

Mr NAGLE: Is that question on notice?

CHAIRMAN: No. It is arising under corruption prevention.

Mr MANT: My understanding is that the process changed somewhat. We had a view that because the process had changed it might be appropriate for it to

be retendered. It would be appropriate for it to be retendered, although there were other ways of dealing with the assessment of the project. Ultimately, a way of dealing with the assessment of the project was arrived at by the Government and the parties and we played a role in providing some advice on that.

CHAIRMAN: Do you think that the ICAC's role was beneficial?

Mr MANT: It is hard to say, Mr Chairman. Certainly we did our best to seek out some means of proceeding that complied with our principles. It is hard to say whether it was beneficial because, really, we would never know. Had the project proceeded as it was about to proceed, perhaps, but who knows whether there may not have been a major scandal. There may have been a challenge by a disappointed tenderer. One cannot tell whether there may have been a problem.

CHAIRMAN: In the light of what you know now, would there ever have been a basis for any scandal?

Mr MANT: No. I could not say that there was anything scandalous about it. In fact, on the contrary, by saying there might be a legal challenge or a scandal, someone may allege a scandal.

CHAIRMAN: That is always possible.

Mr MANT: Exactly. It happens regularly and it must be expected. Because it is the public sector, therefore things have to be done in a certain way. I am satisfied that the process that has been adopted is satisfactory. I think we played an important part in achieving that.

CHAIRMAN: Would you have played it in the same way if you had to do it over again?

Mr MANT: I assume so. If presented with the same set of facts, yes.

CHAIRMAN: I was asking in the light of what you know now.

Mr MANT: I think that everyone has learned from those types of projects and they are extremely difficult projects. Let us face it, they are very difficult. What you are doing is developing a proposal as you go, necessarily, and of course you have to be sure. How do you determine whether you are getting best value in a project which is being developed rather than where you had fixed plans already drawn up and you put it out to tender?

CHAIRMAN: What lesson has the ICAC learned from its involvement in the project?

Mr MANT: The need to ensure that parties involved in these sort of projects know from an early stage what the pitfalls are and ensure that their processes take account of them.

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Tollways

Ms BURNSWOODS: Since the Chairperson has asked that question, I am reminded of a similar question raised about the M2, M4 and M5 tollways in relation to decision-making processes and also concern about government subsidies to private builders of tollways which are kept secret, allegedly for commercial reasons. Has the commission looked into the broader ramifications of this process, particularly with the proliferation of proposed tollways, or has that process been the subject of growing complaints from the public?

Mr MANT: Certainly complaints have been raised. The whole business of tendering has been a matter of concern to the commission, and it is a topic, as you know, that the commission has done a considerable amount of work on. A lot of the advice that we give to departments and agencies who come to us individually for advice relates to these type of matters, that is, tendering. We have been working with the Olympics people and organisation, discussing their processes. A significant amount of the commission's resources is devoted to this topic.

Ms BURNSWOODS: More in an advisory role than investigative?

Mr MANT: Absolutely, because, as Mr Seshold pointed out, with the work being done on services, increasingly in this type of area, we are wanting to be seen to be working with the agencies in a corruption prevention way rather than waiting for something to blow up and then having a big bang.

Ms BURNSWOODS: I would have thought the RTA would not have been leading the queue to seek that kind of advice, but perhaps I am wrong.

Mr MANT: I cannot comment about exactly who all those people are. I do know that the corruption prevention people do spend a fair amount of their time providing advice to various agencies.

Ms BURNSWOODS: The RTA seems—I think most people would agree—to be most secretive and arrogant, and to be made up of people who think they know best, rather than governments or parliaments or other people.

Mr MANT: I really could not comment on that.

Mr GAUDRY: I note that in item 2.2 you say that more agencies are turning to the commission directly for advice rather than advice flowing down towards them. Is that becoming a more important role, or do you see it taking more of the commission's time?

Mr MANT: I do, but we have to be very careful about the nature and extent of that advice. We cannot become solicitors to the agencies.

Mr GAUDRY: Have you thought of selling that advice, in cost recovery?

Mr MANT: Not exactly; we are not charging for it at the moment.

Mr GAY: It is a serious question.

Mr MANT: It is absolutely a serious question. It raises this point about whether one is churching some particular deal. If you are being asked to do that, obviously you must put yourself in the position of having a maximum amount of knowledge such as a solicitor would do before he signed off on a due process type of exercising. We are strict about saying, "These are the principles, you go away and get your advice and make sure what you are proposing meets them".

Mr GAY: Do you do that to avoid people saying, "We have this tender process and it has the gold tick ICAC seal"?

Mr MANT: Yes, indeed. We do not want to be seen as signing off on actual processes.

Mr GAY: What about going the extra step, as suggested, and perhaps having an ICAC seal of approval tender process so you could have some cost recovery? Have you thought of that?

Mr MANT: We have discussed the principles of doing this work and I think we recognise clearly that is a very clear extra step, and that if we are going to do that, it has to be thought through. I am attracted to having such bodies in government. The Victorian Government, since the land scandals of the Housing Department or housing commission in the days of the Hamer Government, has had

a body called the land monitor, which has played a very useful role in Victoria. No public sector agency can buy or sell a piece of land unless it has wrapped up the file and sent it to a small body of people who are off at arm's length from the Treasurer, responsible only to the Treasurer. They review the file, check the valuations, either for purchase or for sale; they have a general view that it is always at market price, with very few exceptions, and they sign off. For a head of a department in Victoria I think that is a very comforting thing. It is a nuisance and it is irritating at times because you would like to be able to do this and that for all sorts of social and proper reasons. But it has to be packaged up and sent there, and when it comes back with a signature you can act with some certainty. Those sorts of processes are good so long as they are efficient and have very fast turn-around. If you are going to have those processes I think they need to be thought through.

Mr GAY: If it is done properly so that it does not become another impediment on government departments in service delivery, it could speed up such processes, make them more cost-effective and provide that imprimatur.

Mr MANT: Absolutely. We have suggested to the Olympics people that they think about having some such person or body that can sign off on these matters. From the commission's point of view or from the point of view of the commission playing that role, it could be difficult, because it may be that later on there is indeed something wrong with the process in terms of corruption, and one might find oneself later on holding a full investigation into a deal which you have previously signed off on. That is why for the commission to move into that role would have to be clearly thought through. If it was to play that role, perhaps some separation within the organisation might be clear so that you did not run into that problem.

Mr GAUDRY: I would see the commission becoming embroiled in organisations over which it was having a corruption reviewing role. It could be rather messy.

Mr MANT: Yes. That is why I have been at pains to discuss with the staff this very serious need to go that far and no further in this type of advice.

Mr NAGLE: This Government has been selling off a lot of public assets under a policy of rationalisation. Have you heard many complaints in regard to sales, pricing and valuation? Have you carried out any investigation into asset sales by the Government?

Mr MANT: I am not aware of any, but that is not to say there have not been complaints or that there have not been some assessments made, but they have not crossed my desk. I do not know whether Mr Seshold can assist?

Mr SESHOLD: No.

Mr TURNER: The previous commissioner, before the last council election, sent out a letter to councils or councillors, or both, counselling them not to use the lead-up to the council elections as an opportunity to send everything off to ICAC for advantage for re-election purposes. Is there anything being considered between now and March by ICAC in regard to State Parliament?

Mr MANT: I think that is a good suggestion which perhaps should be considered.

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Mr GAUDRY: I have not seen *Trips and Traps—Travel in the NSW Public Sector* that is referred to in question 2.2 of Corruption Prevention. Could you give the Committee a brief idea of the direction of that particular prevention?

Mr MANT: Mr Seshold is responsible for that publication. I will ask him to reply.

Mr SESHOLD: I will make sure that we send a copy to you as soon as possible. It is a study that was concerned with travel approval procedures in the New South Wales public sector, again partly stemming from various complaints that had been received over the years where systemic difficulties had been identified. The need was felt to approach the thing as, What does a good system look like for approving travel? The study was done using case studies. As I recall, Newcastle City Council is one. When I say case studies, let me stress this is for prevention purposes. In other words, to study systems which could provide examples of what a good system might look like. There was a government department as well that provided a lot of assistance. What emerged in the report was a series of guidelines and recommendations on approval processes, monitoring and accountability afterwards.

Mr GAUDRY: Once again, it was a proactive involvement?

Mr MANT: Yes.

Mr NAGLE: Roughly what percentage of your budget is for corruption prevention?

Mr SESHOLD: Looking at it in terms of numbers of people perhaps as opposed to strictly across the whole budget, the corruption prevention department comprises 12 or 13 people, which is about 10 per cent of the organisation. When answering a question of that kind, it is important to recognise that so much of our work that is labelled investigative is, in fact, preventive. If one looks, for example, at the Milloo report, we would generally account for that, if that is what we were doing, on the basis of the work being predominantly investigative. There was a significant, explicit corruption prevention component, but at the end of it all much of what took place during the more formal investigation was in fact uncovering systemic difficulties and making recommendations for dealing with those. So I think, in terms of numbers of people, 10 per cent would be significantly understating the true level of resources that are devoted to prevention activity. I could not give you an exact figure, but in previous answers to this question I think we have been looking at a percentage which does vary around a little bit in the order of 20-odd per cent. I could come back to you with greater accuracy.

Mr GAY: Figures for staff levels are available in the reply.

Mr MANT: Yes, but then again there is a different utilisation of resources by those people as well.

EDUCATION

Questions On Notice

3.1 ***What education projects were set up or completed during your term of office?***

The Commission has begun production of an 8-15 minute corporate video, with the assistance of the NSW Film and Television Office. The video will convey an understanding of the Commission and its role. The video will be used as an aid for Commission presentational work and for distribution to targeted audiences. The video is anticipated to be completed by December 1994.

Work is now advanced on an integrated package of audiovisual/written material for use in the secondary school Legal Studies curriculum. Completion of the curriculum material is anticipated by September 1994.

A project to revise the existing Guarantee of Service was commenced. It is envisaged that two documents will be produced: a *Commitment to Service* (addressed to "clients") and a *Commitment to Standards* (addressed to those otherwise affected by the Commission's work).

The collaborative work with Corruption Prevention referred to during evidence in March has extended into public and private sector liaison at senior level. An interactive seminar was conducted in late April with the assistance of the Australian Council for Infrastructure Development, and a workshop including a detailed "hypothetical" was conducted at an SES Conference held late May.

3.2 ***Have you any advice for the Committee on any aspects of the ICAC's education program?***

The Commission revised its educational strategy in late 1993. The education Unit's role now includes a contribution across all the work of the Commission to ensure that maximum educational outcomes are achieved., This will involve an identification of particular target "audiences", and the use of this information for the planning and development of Commission programs. The Education Unit is being expanded by recruitment of additional staff with skills which complement those of existing staff. Two

new officers were appointed in July, with appointment of a further two anticipated by the end of the year.

Questions Without Notice

Mr NAGLE: Is the education also involved in the corruption prevention element, because they both go hand in hand?

Mr SESHOLD: Frequently, yes. As Mr Mant was saying earlier, a general approach of a multidisciplinary team incorporates education and research.

Mr GAUDRY: Is your work with the schools with legal studies carried out with the curriculum teams from the school or are you producing a separate package for use in the schools?

Mr SESHOLD: We are producing a package that will comply with the already set curriculum in the legal studies syllabus.

Ms BURNSWOODS: Will that package be free to schools?

Mr SESHOLD: Yes.

RESEARCH

Questions Without Notice

4.1 ***What work has been undertaken or completed by the Commission's Research Unit during your term of office.***

"Unravelling Corruption: A Public Sector Perspective", a report of the Research Unit's study of NSW public sector employees' understanding of corruption, was released in late April. A more accessible 20 page summary report was also published. A series of seminars were conducted to introduce the study to public and private sector employees. The seminars aimed to facilitate understanding of the study and to foster consideration of how the findings may be relevant for the work of individual organisations. It is intended to hold seminars on specific topics of interest covered in the study.

The unit is currently undertaking an analysis of international literature concerning the policing and prosecution of paedophilia, as well as child sexual abuse more generally in support of the investigation into police protection of paedophiles.

The Research Unit continues to support the work of others within the Commission who are undertaking their own research or evaluation project."

STAFFING AND BUDGET

Questions On Notice

- 5.1 *What changes in staffing at ICAC have occurred during your period as Commissioner?*

The net staffing levels have increased from 121 to 128. 13 permanent staff have left the commission and 16 have commenced. Temporary staffing has increased by four (4).

- 5.2 *What is the current staffing break-up at ICAC in relation to that shown in the last Annual Report?*

	30/6/93	1/8/94
Permanent staff	134	118
Temporary staff	7	10
TOTAL	141	128
Investigations	41	38
Operational Services	18	21
Legal	14	9
Corruption Prevention	12	12
education, Media & Research	8	9
Administration & Support	40	36
Executive	8	3
TOTAL	141	128

- 5.3 *Has the uncertainty over the appointment of a permanent Commissioner impacted on morale at ICAC? If so, has this impacted on the efficiency of the Commission's operations?*

Of course the uncertainty concerning the appointment of a new Commissioner has affected the Commission itself. This delay, together with the creation of the Royal Commission into the Police Service has meant that reappraisal of the long term strategic direction of the Commission has not

been possible. At the same time the enterprise bargaining process and staff discussions have provided a useful basis for such work when the new Commissioner appears.

I am unable to make a clear judgement on the relative position concerning the morale. The staff are competent and highly motivated. Sometimes adversity improves rather than reduces morale.

All at the Commission would have preferred that permanent Commissioner had been appointed immediately after Mr Temby left and that a clear direction had been set at that time.

5.4 *What is the current budget of the Commission?*

The anticipated budget for 1994/5 is:

Recurrent	\$15,418,000
Capital	\$ 180,000

Questions Without Notice

Mr GAUDRY: On staffing, while it has increased from 121 to 128, you are down 13 from the 141 of the last annual report. Does that mean that staff is permanently down to the 128 or are you still in a position of recruitment? You said there is a flattening of the structure but the executive has dropped from eight to three, which seems to be a fairly big drop. Legal services have dropped from 14 to nine. Could you comment on those two particular areas?

Mr MANT: I suspect the executive is a relocation. Perhaps Mr Seshold could answer that.

Mr SESHOLD: It is partly relocation and partly that some positions have been restructured over the intervening period. That accounts for the drop. Also, as at 30.6.93 there was, as I recall, one assistant commissioner on the commission's books on a regular basis and he was included in the figure. It has largely been a mixture of relocation and restructure.

Mr GAUDRY: Could you supply us with the change in the structure?

Mr SESHOLD: Yes, certainly.

Mr MANT: The drop in legal numbers is just an issue of arrivals and departures more than any fundamental change in balance. There has been a fair degree of movement of staff over the last few months for obvious reasons—other opportunities, uncertainty and so on. We are still recruiting successfully to replace people, although clearly people are anxious about their future and the nature of the work.

Mr GAUDRY: Did these people leave within the period of their contract or at the end?

Mr MANT: A mix really.

Mr SESHOLD: It is a mixture. Out of the people who left last year approximately one third came to the end of their secondments. Some of our staff were seconded from the New South Wales Police Service. That secondment lasts for a maximum of two years and it is not able to be renewed.

Ms BURNSWOODS: Are they included under permanent or temporary?

Mr SESHOLD: They are included under permanent. They are filling permanent positions within the commission. The balance were people who resigned for other reasons—they went to other jobs or whatever. The secondees were from the New South Wales public sector departments and the New South Wales police.

Mr GAUDRY: That is higher than the average turnover of ICAC in this period.

Mr MANT: Yes, it has been. As I said, there are various reasons for it. One of the things that struck me is that people use the commission as an experience in a career rather than as a place to have a career. A stint in ICAC for a lawyer, a policeman or a corruption prevention officer I suspect is seen as being a useful career experience. That is to be welcomed. I think that we need perhaps to provide more opportunity for advancement within the commission. That is where the enterprise agreement comes in, with its emphasis on training and positions which are generically described and so on.

Mr GAUDRY: So you see that as reinforcing the career possibilities there?

Mr MANT: That is right, and to enable support officers to become analysts, as a couple of them have. Analysts become investigators. Lawyers become investigators. Indeed, we can get rid of a lot of those titles as positions and say, "Here we have an individual that has a range of skills. He or she is at this level in the organisation and over the next three years his or her career progressions and education will be mapped out in this way". This is the way all organisations are going: they are moving from particular positions to bands of people who are multiskilled.

Mr GAUDRY: Almost national in its approach?

Mr MANT: It is and to be welcomed, I might say.

CHAIRMAN: Has ICAC ever returned funds to Treasury from its budget?

Mr MANT: Indeed, substantial funds.

Mr SESHOLD: In the year just ended the commission's outcome was approximately \$1.5 million below budget.

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Ms BURNSWOODS: Returning to staffing, I have previously congratulated the commission on its good record in employing women in senior positions. Is that practice continuing amongst these people coming and going and the restructuring that you have talked about?

Mr MANT: I cannot compare because I was not there previously.

Mr SESHOLD: We have about six of the senior positions you referred to. At 30.6.93, as I recall, three of those positions were filled by women.

Mr MANT: It has lessened.

Mr SESHOLD: The balance has changed because people have come and gone. We certainly apply EEO principles when recruiting.

Ms BURNSWOODS: But there are actually fewer women?

Mr SESHOLD: At the senior level, given the small number of people we are talking about, yes. Across the organisation as a whole, I have not recently looked at the statistics, but my intuition tells me that the percentage is broadly the same as it was 12 months ago.

Ms BURNSWOODS: It has been better than most other organisations.

Mr SESHOLD: Yes.

Ms BURNSWOODS: I hope it stays that way.

Mr SESHOLD: The commission has voluntarily come in under the EEO requirements. As you would be aware, the commission is excluded from the operation of certain Acts but we are in the process of finalising our EEO management plan and have had useful discussions with the ODEOPE and others. There is a very strong push within the organisation to make that work.

Mr TURNER: Commissioner Temby brought a number of people from his old position at DDP or they came over a period of time and were employed by ICAC. Have you any idea how many of those are there and how many moved out as the former commissioner moved out?

Mr SESHOLD: Off the top of my head I could not tell you precisely the people who came in those early days who left. Looking at it quite generally,

perhaps some of the slightly higher than usual turnover we have had has been a bit of a coming to an end of people's first five years within the commission. Certainly I am aware that some of the people who have left in this calendar year were people who joined in those early days. I would imagine that some of the people you referred to have moved on.

CHAIRMAN: Mr Seshold, I would ask you to supply the Committee with figures on how many people came from the Federal DAP and how many remain—just the numbers; I do not want the names.

[The ICAC has since provided the following additional information:

1. At or around the time the Commission was formed, six (6) members of staff joined from the Commonwealth DPP. All of those staff have since left the Commission.
2. Between 30/6/93 and 30/6/94 the changes in staffing levels in the Commission's Executive have been:
 - 3 positions deleted;
 - 1 position restructured and reallocated to Administration;
 - 1 position of Assistant Commissioner no longer occupied.]

OPERATIONS REVIEW COMMITTEE

Questions On Notice

- 6.1 ***How many meetings of the Operations Review Committee were held during your term?***

Two meetings have been held since March 14, 1994, in June and July.

Reports were collated and distributed to members for the meetings scheduled for April and May, which were subsequently cancelled due to lack of quorum. Mr Brezniak, a community member of the Committee was not re-appointed in March, and a replacement was not appointed by the government until mid May.

The ORC considered reports from the two previous months at its meeting in June.

- 6.2 ***Have you any advice for the Committee on the role and procedures adopted by the Operations Review Committee in dealing with complaints?***
- 6.3 ***In your opinion does the ORC operate as the best review option?***
- 6.4 ***What is your opinion on the Police Commissioner being on the ORC, given that numbers of inquiries involve police activity?***

I have only attended two ORC meetings to date and have not had the opportunity to form any considered views which I could share with the Committee.

Questions Without Notice

Mr GAUDRY: It concerned me to read in your report that the Operations Review Committee, which is a pivotal part of the whole process, had lapsed twice in your period for want of a quorum.

Mr MANT: Yes.

Mr GAUDRY: I imagine that that would have had an impact on the efficiency of dealing with matters that come before the ORC—staying it for a two-month period and raising the level of the workload in subsequent meetings. Does that relate at all to the number of matters in 1.5, which deals with processing?

Mr MANT: I do not know that it has had a dramatic effect on the processing of complaints. It has certainly had a dramatic effect on the finalisation of the number of complaints, because we were in some cases delayed for two months in finalising those complaints. Obviously I regret the delay that took place. I am afraid it was outside my control.

Mr GAUDRY: One reason could have been that Mr Brezniak was not replaced?

Mr MANT: There was a vacancy on the committee and that certainly made obtaining a quorum more difficult, yes, and there was some delay in appointing that person.

Mr GAUDRY: Would that be the only time in the history of the ICAC that the ORC has not managed to get together?

Mr MANT: I think that is right. There may have been one other occasion, but certainly for two months that was the case.

Ms BURNSWOODS: The membership of the ORC has been raised several times with Mr Temby during these hearings. At the last hearing, or possibly the one before that, questions were asked about whether it was appropriate for the police commissioner to be a member of the ORC. With so much happening in regard to police issues lately, I wondered whether he had been absent because of the feeling that there may be some conflict of interest?

Mr MANT: No. He was available; that was not the cause of the lapse in the quorum.

CHAIRMAN: In your experience has it been useful for the ICAC commissioner to be present at the Operations Review Committee or do you think perhaps the commissioner should absent himself?

Mr MANT: Do you mean the police commissioner?

CHAIRMAN: No, the ICAC commissioner. I am aware that there is a statutory requirement for him to be there.

Mr MANT: Also that I am chairman. The written replies note I have not given this issue a lot of thought, and I have only chaired two meetings which I might say I found extremely useful, and it by no means gives the commission a rubber stamp at all. One could review the nature of that committee. I think there would be an advantage in the commissioner perhaps being present but not necessarily being a member, or certainly not necessarily being chairman.

CHAIRMAN: I think it has been agreed that the chairmanship might be rotated. I do not think that was a statutory requirement. Do you still think there is an advantage in the commissioner being present?

Mr MANT: I certainly think the commissioner should be present. My experience in the public sector is that it is always much better for people to know what is being said and what is going on rather than to hear it thirdhand or secondhand.

Mr GAUDRY: The Committee has gone through a fairly long process of trying to understand the dynamics of the Operations Review Committee, the role of the chairman of the committee, the role of the commissioner as a member of the committee, and the role of the police commissioner.

Mr MANT: It is an issue of whether it is a committee where some of the key actors in the system of government come together or whether it is a committee which is quite outside the system of government. As it is structured at the moment it seems to me it is a bit of both. I suppose I am more in favour of what I like to call marble cake organisations rather than layer cake organisations. I am more in favour of committees of this nature that bring all the parties together and allow them to work together in different layers of responsibility and response rather than a "that is my job and that is your job and we do not meet together" type of exercise. Having said that, obviously as the Committee has discussed on a number of occasions, there is this question of whether it is an appeal to Caesar, whether there is a constant conflict of interest in having people who are responsible for the

system sitting there in judgment on the system. As I say, I have not formed any final views. I can see merit on both sides of the coin.

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Mr GAUDRY: What constitutes a quorum at the ORC?

Mr MANT: It is in the Act. It is eight members. I think it is six. I am sorry, I should know that.

Mr GAUDRY: My major interest is why the quorum was unable to be formed at those two meetings?

Mr MANT: One was because there was a position that had not been filled; another was that Mr Peter McClellan, who was assistant commissioner, was not available; and someone else was overseas.

Mr GAUDRY: Last year the Committee talked with the ORC about its workload and made some recommendations. Obviously it is a problem if the ORC cannot meet on a regular basis because of the huge workload to be dealt with at each monthly meeting. Perhaps that has to be considered in terms of the structure so that meetings can proceed.

Mr MANT: Yes. Several matters need to be looked at, and that is obviously one of them.

Ms BURNSWOODS: I asked Mr Temby a number of questions about vacancies which were coming up when he appeared before the Committee in March. He said then that the Government had been dilatory in dealing with reappointments to the ORC. He also said there had been some general consultation about people who might be appointed. Was there any consultation with you about the appointment?

Mr MANT: No, there was not, other than my urging an appointment.

AMENDMENTS TO ICAC ACT

Questions On Notice

- 7.1 ***Have you any advice for the Committee on the powers, structure, operations, management or accountability of the Commission?***

The aim area of my interest during my time with the Commission has been the manner in which staff and data resources are used. I consider that the incoming Commissioner should take full advantage of the opportunities which will come from the conclusion of the enterprise bargaining process which was started by Mr Temby.

Given the nature of its development, the Commission essentially has a divisionalised organisation structure with a number of positions with specific job descriptions.

While the Commission's divisionalised structures have been modified over the last couple of years, the outcome of the enterprise bargaining process will facilitate a more rapid move to generic job descriptions, mobility between tasks, skills development, greater permanency of employment, use of multi-disciplinary teams and a fitter organisation structure.

Associated with these changes I would expect to see more effective use of the considerable information the Commission has collected and a greater use of strategic choice in determining the Commission's work program.

These changes are a natural development for an organisation which is maturing from a body concentrating on investigations of specific complaints to one which is increasingly concerned with systems, education and assistance to public sector bodies.

- 7.2 ***Have you had discussions with the Premier, Attorney-General or departmental officers on amendments to the ICAC Act?***

No

Questions Without Notice

Ms BURNSWOODS: Mr Mant, your answers to most of our questions have been very carefully considered but I guess within that context the one sentence "Sometimes adversity improves rather than reduced morale" is perhaps the most honest—frank, was that our word before?—summing up of the position at the moment. I am concerned because we still do not quite know what is going to happen with a permanent commissioner. There are comments on the next page about the ORC, about the hiatus caused for the commission by the Government's delays this year in appointing a permanent commissioner and appointing new members to the ORC and so on. You said that people at the commission would have preferred that a clear direction had been set as well as a permanent commissioner had been appointed immediately. Do you see that clear direction as being one set by the commissioner and the commission or do you also see the role of the Government in setting direction as crucial? I guess that particularly raises the question of the long delay in reviewing the Act, in implementing the amendments suggested to the Act.

Mr MANT: It is not really for the Government to set the direction of the commission in a day-to-day sense, although obviously it has some control—only some control—over the content of the legislation that goes to Parliament, or that is suggested to Parliament. Parliament is the body that sets the direction of the commission, this Committee particularly.

Ms BURNSWOODS: But, for instance, the Government still has not referred the amendments suggested by this Committee to the Law Reform Commission. So the Government's exercising its responsibility in initiating that process we are still awaiting.

Mr MANT: Certainly the Executive has an important role in processing legislative change. At the end of the day it is Parliament's task to deal with that and of course Parliament has the opportunity to suggest legislative change itself.

CHAIRMAN: And I think Parliament would be concerned to see that report on procedures inquisitorial versus court procedures.

Mr MANT: Yes.

Ms BURNSWOODS: Nevertheless, we have a report by this Committee that is getting on towards 18 months old. The Government needs to take action and it has not yet happened.

Mr MANT: Yes.

CHAIRMAN: The Parliament needs to take action.

Ms BURNSWOODS: The Government needs to take action in that this Committee suggested a reference to the Law Reform Commission and I gather the last time we pushed the Government on this we were told that the Attorney General makes that reference. We could go on for hours arguing about government and parliament; it is a bit of a non-issue.

Mr MANT: As I said in my opening, the commission is concerned that that has not been progressed, obviously. The role of the commissioner as a leader of the organisation is crucial. It is one of those bodies in which the commissioner plays an important part in setting directions, within the context of Parliament's wishes and the framework which Parliament and the executive have set. The organisation needs that leadership and that direction. The staff need it, the State needs it. As I said, I have been disappointed that I have been there now six months but on this rollover arrangement. Had I known I was going to be there six months I would have set an interim direction.

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Ms BURNSWOODS: Could I return to my question concerning a review of the Act? Earlier I raised my concern about section 9 and the problem, which has existed for a couple of years now, concerning whether ICAC can effectively look into conduct by Ministers and members of Parliament? I was going to ask you separately, but I will raise it now. You are conducting an inquiry into certain aspects of Terry Griffiths' resignation?

Mr MANT: Yes.

Ms BURNSWOODS: I gather that is specifically the issue of whether staff in his office were offered inducements not to make complaints?

Mr MANT: Yes.

Ms BURNSWOODS: Even within those limited parameters if, for instance, there was a suggestion that a Minister or a member of Parliament had been involved in offering inducements, the commission would be in a situation where a failure to review the Act would make it exceedingly difficult for it to make a determination.

Mr MANT: It could not make a finding about the Minister perhaps, but it would not necessarily mean that it could not do a useful investigation. It is a hypothetical question.

Ms BURNSWOODS: It is hypothetical, but you are conducting a investigation into at least one aspect of the Terry Griffiths affair?

Mr MANT: We have conducted an investigation.

Ms BURNSWOODS: It is completed?

Mr MANT: Yes. It is completed to the extent that it is a matter which we will be getting advice on.

Ms BURNSWOODS: I noticed in a newspaper cutting on 25 July that you said you hoped to have it concluded in about a week. It seems to me that at least in part the Premier's decision to get Carmel Niland to investigate other aspects of the Griffiths affair arises from the fact that the commission is effectively prevented in this State from investigating matters surrounding the behaviour of a Minister because, as has now been obvious for two years, the Act needs amending.

Mr MANT: I cannot say. I cannot really respond to that, I am sorry.

Ms BURNSWOODS: Because of the inquiry you have conducted, no matter how limited, you must have been aware of problems in relation to the conclusions that could be drawn?

Mr MANT: The complaint we received did not relate to the Minister's conduct; it related merely to the possible conduct of public servants. That was what we limited our inquiry to.

Ms BURNSWOODS: But you could not really have received and dealt with a complaint directly related to the Minister's conduct because we are still in the situation that the Supreme Court put us in two years ago?

Mr MANT: That could be.

Mr NAGLE: I thought the Supreme Court said that you could not have a finding of corrupt conduct, but it did not stop you from investigating a Minister?

Mr MANT: That is right.

Mr NAGLE: With a member of Parliament you can have a finding of corrupt conduct?

Mr MANT: I do not think it excludes us from investigations. Ministers are not excluded from investigations from ICAC. It is a question of the range of the possible findings and the matters you have to have regard to in coming to a conclusion.

Mr NAGLE: Nothing can stop you, except for the decision in relation to Metherell and Greiner, from saying that there would have been corrupt conduct, but the Supreme Court has held that we cannot have that finding.

Mr MANT: I am not sure whether I would put it quite in those terms, but had the Act been changed this could have been dealt with.

Mr NAGLE: It would have been easier.

Ms BURNSWOODS: There is clearly a reason for a government not to change the Act. The delay has enabled the Government in fact to avoid—

Mr MANT: I cannot comment on motivation. May I say I do not know what the motivation is. There may be very good reasons for not amending the Act.

CHAIRMAN: Has the inquiry been completed into whether inducements were held out?

Mr MANT: We have completed work at the moment, yes.

CHAIRMAN: The existing legislation was satisfactory in that regard; it did not form an impediment?

Mr MANT: No.

Ms BURNSWOODS: Are the results of that inquiry about to go to the Government?

Mr MANT: I would rather not make any more comment about it. It is an operational matter.

CHAIRMAN: If a Minister or any member of Parliament breaks the law, a finding can be established against them?

Mr MANT: Yes.

CHAIRMAN: You are entitled to expose the facts to an investigation, under the decision of the Court of Criminal Appeal or the Court of Appeal? Members of the public are still entitled to facts?

Mr MANT: Yes.

Mr NAGLE: If you found that the conduct of a Minister were corrupt and also breached the Crimes Act, you would refer it to the Director of Public Prosecutions for a decision about whether to prosecute?

Mr MANT: Yes. We are not excluded from investigating Ministers.

Ms BURNSWOODS: It is interesting that the Premier did not invite you to investigate; he invited Carmel Niland to investigate. She is a member of the ORC as well, which makes it more confusing.

CHAIRMAN: Are you directed by the Premier as to what you investigate?

Mr MANT: No, not at all. I suppose he could have made a complaint. I really should not comment, but I will. It would seem that the particular matters that have been referred to Ms Niland are of wider scope than our commission would normally deal with and would deal with even if the legislation had been amended.

APPOINTMENT OF NEW COMMISSIONER

Questions On Notice

- 8.1 ***If Justice Barry O'Keefe does not take up the position of Commissioner, how long are you prepared to act in the position?***

I have been advised by the Government that Mr Justice O'Keefe will be taking up his position.

- 8.2 ***Will you remain at ICAC to assist a new Commissioner in an "induction" process?***

The writing of the report on the Randwick Council inquiry will require my re-appointment as an Assistant Commissioner. I will be in regular attendance at the Commission's offices until the report is finalised and therefore will be available to assist an incoming Commissioner.

- 8.3 ***After your experience at the ICAC, do you believe that the new Commissioner should have broad criminal law experience? Can you elaborate?***

An appreciation of the criminal law practices would be of considerable assistance to any person holding the position of Commissioner although, in view of the Commission's increasing emphasis on systems, some appreciation of public sector structures and procedures would also be of assistance.

The position requires more than the ability to preside over hearings and make appropriate findings, important as that ability is.

The Commissioner's task is to manage the organisation and provide intellectual leadership to the staff.

Questions Without Notice

Ms BURNSWOODS: Mr Mant, I notice your comment on the article that appeared in the *Sunday Telegraph*. You have made corrections to various words you were quoted as saying as opposed to what you did actually say. I note, however, that you did say that because there was not a permanent commissioner dramatic new steps had not been taken, and I think you just said something rather like that again. Does that mean you feel there would have been new hearings or other new investigations had a permanent commissioner been in place?

Mr MANT: It is difficult to answer that question, not being the new commissioner. One of the problems has been, of course, that my appointment initially was for two months—it was very much a matter of just sitting in the seat and signing the necessary documents. As it has turned out, my appointment will be for more than six months. Had I known at the beginning that my term in office would be so long, I would probably have done some things that have not been done.

Mr GAUDRY: On that point, are there specific inquiries, for example, that may have been initiated had you had the chance to do so and had you known that you would hold the position for such a length of time?

Mr MANT: There would have been some work probably in relation to the Police Service had I known that I was going to be in the position that long and, of course, had the royal commission not happened. I think that the combination of those two factors have meant that certain things which could have been done have had to be put on the backburner.

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CHAIRMAN: Having regard to your remarks to Ms Burnswoods earlier, I think you are keen for the appointment of Mr O'Keefe to be confirmed as quickly as possible. Is that correct?

Mr MANT: Indeed. For the organisation's sake, as a first reason, and by far the most important, for the people of New South Wales. I think there needs to be someone who is going to be there for some time. Speaking personally, it has been a very inconvenient thing to have a rolling appointment of this nature. I have a number of other responsibilities which have been sadly neglected.

CHAIRMAN: I appreciate your personal inconvenience. You have given evidence that ICAC has performed quite well during this interregnum, if I can

describe it in that way. Nevertheless, it is important for Mr O'Keefe to be appointed as quickly as possible?

Mr MANT: Absolutely.

CHAIRMAN: You are not aware of any obstacle, in terms of his credibility, as to why that appointment should not be confirmed?

Ms BURNSWOODS: Do you want him to say yes or no?

Mr MANT: I do not know whether it is my place to make a comment on that. I am aware that the legislation has to be altered if he is to return to the bench.

Mr GAUDRY: Do you see that as a difficulty because of current legislation?

Mr MANT: The legislation does not stop Mr O'Keefe being appointed tomorrow. I guess it is the terms on which he is prepared to be appointed. At the end of the day that is the difficulty.

Ms BURNSWOODS: When you did answer my question I noted you said that it would actually end up being over six months that you had been there?

Mr MANT: Yes.

Ms BURNSWOODS: I have done some quick mental arithmetic. You started on 14 March. Does this mean that you are expecting to be Acting Commissioner until 14 September or later?

Mr MANT: I was taking March in a general sense rather than halfway through. I would expect to be Acting Commissioner at least to the end of the month. As I understand it, yesterday the Premier or someone said that Mr O'Keefe will be available by the end of the month. On that assumption it will be nearly six months.

Ms BURNSWOODS: I wondered whether you had been informed? When Mr O'Keefe appeared before us for the hearing which might have, but obviously did not, vetoed him, he told us that he was planning to start on 15 August. I heard on radio this morning that the date was now 29 August. That is why I showed an interest when you said six months. The Parliament resumes on 13 September, but obviously we do not have anything official on the starting date. So it seems that

it seems that we are still in this rather unsatisfactory state of not quite knowing. I guess it is pretty unsatisfactory for you as well.

Mr MANT: Indeed.

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Conflicts of Interest for Former Commissioners

Mr TURNER: You said earlier that you are anxious to get on and do other things. You have had a variety of government jobs?

Mr MANT: Yes.

Mr TURNER: Are any of those jobs held in abeyance pending your return?

Mr MANT: I have some private clients.

Mr TURNER: Not a government appointment?

Mr MANT: No. At the moment I am obligated to the Prime Minister to chair a voluntary body of experts to give him some advice on how urban design in Australia might be improved. That is not a paid position, it is just a voluntary position, but it is an area that the Prime Minister is very interested in and which is getting greater prominence.

Mr TURNER: What is your view of the Cahill Expressway?

Mr MANT: We have made it a rule in this committee that we are not passing judgment on anything in particular. We are looking at the systems again, rather than the particulars. I am not sure that we could agree, given the composition of the committee apart from anything else. There are those sorts of things and there are other consulting jobs which people want me to do. I have said I will be available, and at a certain time then I am not, and so on.

Mr TURNER: There have been problems in recent days in regard to Mr Temby, and potential problems with Mr O'Keefe. Do you foresee areas of conflict when you vacate your position of commissioner, and how would you address such problems?

Mr MANT: One of the consulting jobs I am in for with some prospect of success is to spend a lot of time in Hanoi. It seems to me increasingly that that might be a very good thing for me to do. Seriously, it is a problem. As a result of the comments that have been made regarding Mr Temby, I have asked some people in the organisation to do some work on this topic specifically relating to the commission—not only the commissioner but also commission staff. Obviously a number of areas are difficult. Is it that you have played a role or made some judgments in relation to a formal hearing? Is that then the matter about which you have a concern? Is it that you have been involved in some less formal investigation? Is it that you have read some files? Is it that the files exist in the organisation? It does raise very dramatically the difficulty of appointing someone to this position. Firstly, I think there is a difficulty as to what contacts that person has had prior to taking up the position, and then there is the issue of what they do when they leave.

Mr GAUDRY: Does this particularly apply to someone coming from, say, the position of barrister or would it be more appropriate to appoint a judge as commissioner?

Mr MANT: There are arguments for and against appointing judges. As you know, the judiciary is concerned about the different nature of this job as against the judicial job and what that means for that person when he or she goes back to the bench. There are those problems. I think it is difficult for people to go back and lead a normal hurly-burly life in the society when they have been playing the role of Commissioner.

Mr GAUDRY: The compass of your task as commissioner will mean that you have touched upon all aspects of corruption in New South Wales one way or the other, so going to Hanoi is probably—

Mr MANT: It seems to me like a good bet.

Mr TURNER: You say you will have the commission address it?

Mr MANT: Yes.

Mr TURNER: It probably was not contemplated, but it is happening here and now.

Mr MANT: I think it was contemplated in that there was an understanding that Mr Temby would probably proceed to some judicial office, so I think at the beginning—this is all hearsay—people did think about what happens after five

years and probably realised that there are not very many places that you can go to. As we saw, that did not happen, and that could well reoccur with some other appointee who did not have a firm place to go, either into retirement or back interstate or wherever. The work does need to be done and it also needs to be done for the purpose of senior staff, or staff generally.

CHAIRMAN: There is a strong argument for Mr O'Keefe going back to the bench, I take it?

Mr MANT: In that respect, yes. There is also, I think, an argument which I have put for perhaps looking outside the State for people to appoint.

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Mr MANT: The role of the commissioner as a leader of the organisation is crucial. It is one of those bodies in which the commissioner plays an important part in setting directions, within the context of Parliament's wishes and the framework which Parliament and the executive have set. The organisation needs that leadership and that direction. The staff need it, the State needs it. As I said, I have been disappointed that I have been there now six months but on this rollover arrangement. Had I known I was going to be there six months I would have set an interim direction.

Ms BURNSWOODS: Would you have taken the job if you knew you were going to be there six months?

Mr MANT: No, I do not think I am appropriate for the job. But had I known I was going to be there six months I would have set much more of a direction than I have. In that six months we have gone through the enterprise bargaining operation, the review of the holdings, and I have run a workshop with the staff. The adversity, if you like, itself is causing some feeling among the staff that really at the moment it is very much up to them. The organisation is awaiting a commissioner and is ready to work with that person to set the direction for the next few years. I am just very anxious that that person arrives so that that energy is able to be put to use and does not dissipate.

Mr NAGLE: The ICAC must have suffered from the fact that it has never had a permanent commissioner since Mr Temby left, in February I think?

Mr MANT: You could not say that that was not correct. It obviously needs someone there who is going to be there for some time, who is able to give leadership and direction.

Mr NAGLE: You are getting about 1,000 complaints a year which are coming through to the ORC. There may be complaints of some controversy that you may not wish to deal with at this stage but wish to leave to the new commissioner because it may take years until they all unfold. It really should be a matter for him and his officers to decide what steps to take. Is that right?

Mr MANT: I am not conscious that we have put anything aside of that nature because of the lack of a permanent commissioner. What we probably have not done, which a permanent commissioner may have done, is to be proactive about some areas of concern which are not necessarily the subject of a complaint.

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Ms BURNSWOODS: Can you tell the Committee how long the Randwick Council matter will take to complete and therefore how long it will be before a new commissioner is appointed?

Mr MANT: Yes. That inquiry is assuming greater importance in my mind. I am very anxious to be freed of all other responsibilities so I can concentrate on completing the report. We have one or two days more of hearings that have to be completed. They have been delayed because counsel for one of the witnesses is overseas. I expect to finish those hearings within the next week or so and I would hope then that the report would not take more than a maximum of two months.

Ms BURNSWOODS: You might finish as assistant commissioner perhaps by the end of September?

Mr MANT: September, October. I think I have said in the written replies I will certainly be around by the time the new commissioner arrives and will be there to assist him and discuss things with him and give him the benefit of the views I have formed.

Ms BURNSWOODS: Mr Temby told us he thought a month overlap would have been desirable.

Mr MANT: Yes, I certainly think it would be.

Ms BURNSWOODS: Are you planning to do any more investigations, or are you going to get as far away from the commission as you can and stay away?

Mr MANT: I think a rest from the commission will be gratefully received.

Mr NAGLE: What do you say to the suggestion that the new commissioner meet with Mr Temby, if Mr Temby were agreeable, to discuss the five years?

Mr MANT: I am sure Mr O'Keefe will do what he thinks is best to equip him for the job.

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Mr GAUDRY: Do you feel that in general the ICAC concludes its investigations at the earliest possible time or is it constrained from doing that, perhaps by the number of issues it is dealing with and the complexities of the issues that come before it?

Mr MANT: I think the commission is conscious of the need to complete things as soon as possible. The issue is: what is possible, and what are the priorities? Within the resources that are available and the nature of the inquiries, yes we complete things as soon as possible. I really cannot say more than that. We are conscious of the disruption to people who are affected by an investigation. That is another one of the reasons why I am keen to step down from my present position so that I can devote time to complete the Randwick inquiry. I must say of Mr Temby that I really do admire the fact that he was able to run the commission and conduct major inquiries at the same time. Normal human beings find that dual role more difficult.

Mr GAUDRY: I take that as a commendation of his capacity.

Mr MANT: Indeed. From what I know of Mr Justice O'Keefe, he will not have a great deal of difficulty devoting the time that is necessary. To someone of my own background, which is more of a solicitor than a barrister or a judge, it is difficult as I am not used to writing judgments. I need time and space to do it.

Mr GAY: Commissioner, accepting the commendation for the former commissioner and the next commissioner, putting that aside, it has been suggested to the Committee on more than one occasion that the commissioner should run the ICAC and not be an investigative commissioner.

Mr MANT: Yes.

Mr GAY: Do you have any comment on that?

Mr MANT: That certainly should be explored. It should be much easier to have people who can conduct hearings rather than the commissioner having to do it, or an assistant commissioner to be appointed specifically for that hearing. As I understand the Criminal Justice Commission in Queensland, a number of people can conduct a hearing and they conduct hearings much more regularly and with less formality in terms of setting it up. One would want to improve the capacity of the commission to be able to do that.

ISSUES ARISING FROM PREVIOUS HEARINGS

Questions On Notice

- 9.1 ***Has the Commission finished its study of non-adversarial systems of justice? If so, could it outline the conclusions of that study?***

The Report is currently being edited and will be provide to the Committee shortly.

Questions Without Notice

CHAIRMAN: Natural justice is an important issue in terms of the commission's own reputation. Does the ICAC feel it is free to make critical comments on a witness though there might be no suggestion of an offence having been committed by the person?

Mr MANT: I think it is appropriate, if a witness has been less than frank and helpful, for the commission to make a critical comment. I would expect that they would have notice that those comments were being made and have an opportunity to make a submission on them.

CHAIRMAN: Is there any protection available to witnesses about damaging comments by ICAC or should there be?

Mr MANT: The commission must give natural justice to the person. If they are affected, they will almost certainly be entitled to legal representation. As I say, they should be given the opportunity to make submissions, supported with legal representation if need be, to combat any such judgment on their character.

CHAIRMAN: Are you satisfied that ICAC has always observed the due process of law?

Mr MANT: I myself have not done a check of all reports to ensure that natural justice has been afforded. I am very impressed by the thoroughness by which the staff check all reports on investigations for this issue.

Mr NAGLE: The better phrase would be due process of fairness because due process of law is wide.

Mr MANT: Yes, I would agree.

CHAIRMAN: How do you see ICAC in relation to normal courts of law?

Mr MANT: I apologise to the Committee that I have not been able to give it the important bit of work on inquisitorial procedures in other countries. I am happy to say that, subject to formal editing, the document will be available. I had hoped to have it available before this meeting. The document deals with a number of investigatory and inquisitorial types of bodies—continental ones and the United States grand jury. The criticisms of the continental inquisitorial model can be broadly summarised as secrecy, lack of independence from executive government and the restricted role for defence lawyers. The document points out that the

commission has in place statutory provisions which go a long way to satisfy these concerns. As you know, we are directed to have the public interest in mind for determining whether hearings are held in public or private.

We must accord natural justice to everyone that appears before us, and the commission is independent from the Government and other control. As to the right to a lawyer, the Act requires that the commission give reasonable opportunity to any person giving evidence at a hearing to be legally represented and provides no coercive power to interview anyone outside of the hearing. Certainly the commission is different from a normal court of law but the study of the somewhat similar bodies overseas shows, I think, that the criticisms of those bodies have generally been well answered in the legislation.

CHAIRMAN: In the distinction between ICAC and a normal court of law, does ICAC have an authentic role in perhaps pronouncing moral ethical issues as distinct from illegality or criminality?

Mr MANT: I find that a difficult question to answer, mainly because I have not thought of what the answer might be. A lot of proper behaviour is also ethical behaviour without necessarily saying that one is proclaiming on ethical behaviour as against appropriate behaviour for public sector organisations. I think the two go hand in hand. If one is being ethical, it is likely that you are being accountable to the public for proper processes.

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CHAIRMAN: You mentioned that ICAC might be critical of people not co-operating or being frank.

Mr MANT: Yes.

CHAIRMAN: ICAC has more powers than the conventional police force or law enforcement agencies, so it can compel answers and frankness, can it not?

Mr MANT: It can compel answers. They may not necessarily be truthful.

CHAIRMAN: If someone was being untruthful, they would risk creating an offence?

Mr MANT: Yes.

Mr NAGLE: You cannot prosecute anyone for not being frank?

Mr MANT: That is right.

CHAIRMAN: Citizens still have certain rights. They do not have to disadvantage themselves, so long as they comply with the requirements of ICAC?

Mr MANT: So long as they comply and answer the questions directly and properly.

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POLICE ROYAL COMMISSION

Questions On Notice

- 10.1 ***What arrangements have been made between the ICAC and the Royal Commission into the NSW Police Service to avoid duplication of work?***

The ICAC and the Royal Commission is discussing a memorandum of understanding to avoid duplication of work. Both Commissions have agreed that the ICAC will continue its work on the police protection of paedophiles investigation. This matter will be discussed further following the ICAC's report to Parliament due 1 October 1994.

- 10.2 ***What assistance has ICAC given on the Royal Commission into the Police Force?***

The ICAC is providing considerable assistance to the Royal Commission including providing documents, information and other material in relation to both operational and administrative matters.

Questions Without Notice

CHAIRMAN: Mr Mant, I think you have gone on the record as saying that ICAC could have undertaken the work that has been given to the royal commission into police.

Mr MANT: Indeed.

CHAIRMAN: Had that been the case, in your view would it have been appropriate for Mr Temby to appear for the police?

Mr MANT: I would rather not answer that question but I will do so if you insist.

CHAIRMAN: I will not insist.

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Mr GAY: We are talking at the moment about morale. Could you give us some idea of the effect on morale when the Parliament decided to go down the track of a royal commission rather than go to the ICAC? You said earlier that you believed ICAC could have handled it and done it well. What was the effect on morale at the commission because of that decision?

Mr MANT: I think there was disappointment and some bewilderment as to the logic of the decision. I have thought about it, obviously, quite a bit. I sit there in Redfern watching down here in the city a duplicate organisation being constructed—hearing rooms, security procedures, computers, files, information, staffing, including probably some of our staff eventually, and a Supreme Court judge heading it. It is a mirror image of the commission. I think about the cost of that and the time that is taken up by my staff in assisting, which we are, in every respect the establishment of that and the bringing up to speed of that organisation to where we are as far as our holdings are concerned.

You do have to shake your head at why this is so. What is it about ICAC that meant it could not do the job? Was it the building or the head? The head has changed. Was it the computer system, the support staff, the security staff, the investigators or senior staff? What was it that prevented it from doing the job? If we had an answer to that, "It was two senior staff", we would have said, "All right, they will not do the work". If it was some investigators we could have said, "All right, they will go away and chase things to do with local government, not the police". Had there been that level of analysis we could have done a sensible thing,

which was to fix the existing organisation, if it needed fixing, rather than create a new one. Unfortunately, as we all know in government, it is always a lot easier to create a new organisation than to fix the existing one.

Mr NAGLE: You did not have a head; you had no ICAC commissioner. It was only you acting. You were going to be given the enormous task of investigating the entire police force in New South Wales. You are limited to a budget of \$13 million per annum. You get 1,000 complaints a year. You are having difficulty, as you said, in dealing with those complaints, dividing them up, working out which ones should get priority and deciding where funds are to be allocated to investigate. Yet you want to take on a massive multimillion dollar investigation of the New South Wales police force. It might be in the interests of the ICAC that it did not get it.

Mr MANT: I would have preferred a balanced look at the issue. I would have thought, in cost terms, adding resources to an existing organisation would have given you a far more effective return than creating that entire organisation in another place. The marginal cost of doing the work would have been significantly less because one would have merely been adding specific resources to do that extra work to our organisation with the security system all in place, the hearing rooms all in place, the computer system merely needing upgrading, the files in place, the assessments of those files and the intelligence in place. It would have cost significantly less to do the additional work. It could have been housed in another building by all means. It could have been specifically directed by an assistant commissioner devoted to that task and staff devoted to that task. It would have been far more cost-effective. However, it was not to be.

Mr NAGLE: That presupposes that you were going to get an extra allocation of funds to carry out this inquiry. I doubt, if you were doing that, that you would have got them.

Mr MANT: That is as may be, but the fact is that the people of New South Wales are allocating far more money to establish a specific purpose organisation to do this work and then disband it. That is a much more expensive investment to do what, as I say, could have been achieved at significantly less cost and more effectively.

CHAIRMAN: Mr Temby has always told this Committee that funding has not been a problem. I think the evidence here today is that ICAC has refunded money to the Treasury?

Mr MANT: Yes.

CHAIRMAN: Taxpayers will have to find over \$100 million for this royal commission—for what is, on your evidence, a duplication. You could have done this, is that correct?

Ms BURNSWOODS: You are revisiting the political argument about setting up the commission. Perhaps you should wait until Parliament resumes and revisit the entire motion.

Mr MANT: I do not in any way want to be seen as criticising the Parliament's willingness to do this task, merely the means of doing it.

CHAIRMAN: Nobody doubts that capacity to do it.

Mr MANT: If Parliament had said, "We want a more concerted effort on the police force as a whole rather than what ICAC has done", which is just to do bits, "and we want it done in this way according to these criteria to meet these performance measures. Go away ICAC and organise yourself so as to comply with that", it would have given you a much more cost-effective and quicker answer.

Mr TURNER: The promoter of the royal commission was primarily the honourable member for South Coast, John Hatton. Did he have a discussion with you prior to or during these debates along the lines of cost-effectiveness—ICAC versus the royal commission?

Mr MANT: He had a discussion with me prior to the debate generally about Milloo and what were the intentions of the commission regarding the police. I had only just been appointed to the position at that stage. I had certain intentions regarding, as I have said, a review of all our holdings related to the police. I did not advise him of those, for obvious reasons. I advised him that my view was that the Milloo recommendations should have an opportunity to be put into effect. Again I took that approach for obvious reasons. Operationally, one does not signal what one is up to.

Mr TURNER: I appreciate that. My question relates more specifically to the cost factor. Did you discuss the cost benefits of going with ICAC rather than a full-blown commission?

Mr MANT: I do not think we discussed that to any degree, no. In fact, we really did not discuss the pros and cons of having a royal commission in any depth. We talked rather about the outcome of Milloo and the implementation of the recommendations and so on.

CHAIRMAN: Have you read the report of the parliamentary debate in relation to the royal commission?

Mr MANT: I have.

CHAIRMAN: Having read that do you see any reason why ICAC could not have done the work that is going to be performed by the royal commission?

Mr MANT: No.

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Mr TURNER: On item 10.2, what assistance has the ICAC given on the royal commission? You are to hand over certain documents, information and otherwise. Is there any statutory problem with handing over information to that body that needs to be cleared before that happens?

Mr MANT: Yes. The memorandum of understanding will deal with all that. It is important, obviously, to fully comply with all the statutory requirements. In general terms, with documents which have come from somewhere else, we refer the commission to where they have come from and suggest that the commission should obtain them from there rather than from us. If we do hand things over then it is only with the consent of the person whose document it is. There is a procedure for all of that. Close attention has been given to the way in which it is done.

Mr TURNER: What would be the situation in the first instance where you said you would refer the royal commission to the source of the document, and they refuse? And, in the second instance you do not get permission from the person from whom you have the document, they refuse. You are actually holding some documentation which might be useful to the royal commission. How would this Committee address that problem?

Mr MANT: There are certain provisions in the legislation which, in certain circumstances of public interest, allow us to deal with the information. At the end of the day it would be a matter for the royal commission to deal with that issue.

Mr TURNER: The royal commission has certain coercive powers.

Mr MANT: That is right, but not as many as we have.

Mr TURNER: It would be far better if the ICAC did the police inquiry.

Mr MANT: Absolutely.

CHAIRMAN: You say you have more powers than the royal commission?

Mr MANT: Yes, at present.

CHAIRMAN: That is a good reason why it would be better for you to do the inquiry.

Mr MANT: That is right.

COMPLAINTS HANDLING

Questions On Notice

- 11.1 ***The Committee received correspondence from Acting Commission Mant on 6 May 1994 concerning the confidentiality of complaints made to the ICAC.***

With the consent of the Commission the Committee would now like to place this letter upon the public record. Is there anything further that the Commission would like to add to this letter?

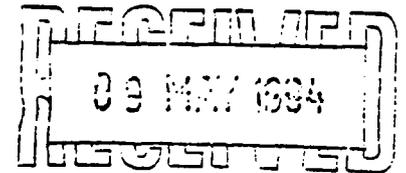
The Commission consents to the publication of the letter and has nothing further to add.



INDEPENDENT COMMISSION AGAINST CORRUPTION

Mr M J Kerr MP
Chairman
Committee on the ICAC
Parliament House
SYDNEY 2000

6 May 1994



Dear Mr Kerr

I am responding to your letter of 14 April 1994 in which you informed the Commission of your Committee's concern over the public interest exemption clause contained in the Commission's procedure for dealing with complainant confidentiality.

Confidentiality is a vital part of the Commission's complaint handling process. It permits a complaint to be made with a minimum concern as to reprisal and without unjustified or unnecessary harm to reputation. However the Commission's position is that this confidentiality cannot and ought not be guaranteed. The reasoning for this is as follows.

If a member of the public makes a serious and substantial allegation of corrupt conduct which warrants action by the Commission a formal investigation and public hearing and report may follow. If the complainant is an involved party, as is usually the case, a guarantee of confidentiality could jeopardise the effectiveness of the investigation. Additionally questions of natural justice invariably arise and an immutable agreement of confidentiality could hinder the provision of due and fair process and obstruct the Commission's capacity to make proper findings.

The Commission receives about one thousand public complaints per year. Some of these are not or cannot be pursued by the Commission and referral to another agency is warranted. These sorts of matters include serious allegations of indictable offences, ongoing or future criminality, complaints of maladministration or waste of public resources which, if not investigated, could lead to a serious breach of public trust.

Fundamental questions of public interest arise in these sorts of incidences. Section 12 of the ICAC Act requires the Commission to regard the protection of the public interest and the prevention of breaches of public trust as its paramount concerns. It is an area in which judgements have to be made and it is possible that even if a complainant withheld concurrence to refer a matter the Commission would proceed if it felt the

public interest so required. It has been expressed in terms of a possibility because the situation has not yet arisen. Nonetheless complainants are informed about the high standard of confidentiality applied in the complaint handling process and that this falls short of a guarantee. This information is contained in a brochure which is provided to all identified complainants.

I note with interest the Protected Disclosures Bill currently before Parliament. Clause 21 of that Bill provides for confidentiality guidelines and permits disclosure of protected disclosures (other than by written consent of the complainant) for the purposes of natural justice, investigative effectiveness and otherwise in the public interest. It is the same standard as that followed by the Commission.

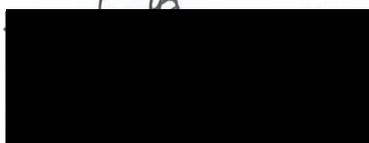
There are two other important considerations in regard to confidentiality. It is not uncommon for complainants to "shop around" various agencies in order to find one which is prepared to resolve the matter in the particular way they wish. This results in complainants withholding information about the action taken by other Government agencies or including in their complaint allegations of inaction or incompetence by the other agencies. In order to ensure that public resources are effectively expended and the Commission and other agencies are not used inappropriately, a liaison must necessarily exist between agencies. This liaison and the attendant exchange of information is consistent with the provisions of the ICAC Act 1988 and in particular those sections which permit and encourage cooperative relationships (s16).

Finally the question of confidentiality cannot be dealt with in isolation. It must be considered along with the question of protection.

Often the reason for complainants raising the issue of confidentiality is a concern they have for their protection from harassment or possible violence. The Commission takes very seriously the responsibility to protect those who may place themselves in jeopardy by providing information whether at the stage of making a complaint or as a witness in a hearing. Over the years the Commission has provided various degrees of protection to individuals. Often the reassurance of the availability of protection is enough to allay the complainant's concern. The protection is provided based on a threat assessment conducted by the Commission's security staff rather than upon the threats perceived by the complainant. Of course the complainant's perceptions are taken into account but it is important that in such incidences an assessment is done objectively and professionally. The Commission has and is able to conduct assessments promptly and provide protection measures virtually immediately.

I trust this clarifies the Commission's position.

Yours sincerely



John Mant
Acting Commissioner

Questions Without Notice

Mr NAGLE: The letter which was published on 6 May 1994, referring to confidentiality, concerns me and concerns other people. As a member of Parliament, I receive many complaints about council matters. Many of these complaints do not have much substance, so I tell the complainants if they wish to take the matter further they should refer it to ICAC. Other matters that come to my attention are so serious that I feel obliged under the Act to advise ICAC about them. I do not know the truth or otherwise of the allegations; it is not my function to assess them. However, I would be worried about making an allegation against someone, which was later found not to be true, and the person involved being informed that I had instigated the inquiry. It concerns me, as a member of Parliament, whether I should tell people who pass information on to me that they should pass it directly to the ICAC.

Mr MANT: I cannot see that there would be any reason why the fact that the information came through you would need to be told to anyone.

Mr GAY: When I receive material such as that, I highlight in my letter the fact that I have an obligation under the Act to pass that material on. Therefore I am not instigating the inquiry, I am merely fulfilling my obligation under the Act.

Mr MANT: You certainly would not be nominated as the complainant, as I understand our procedures.

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CHAIRMAN: What additional procedures, if any, should be taken to ensure that all witnesses are not subject to a prosecution arising out of an ICAC inquiry and suffer any adverse effects to their reputation as a consequence of appearing before the Independent Commission Against Corruption? Is there a need for any additional procedure?

Mr MANT: Other than ensuring that the report is well and clearly written, I do not know that there is. It does pick up on a point I was going to raise in my introduction but I did not, but I might raise it now. There is a difficulty with the commission and the dealing with complaints in the commission. I have not fully thought this through, but I do think it is unfortunate that section 10 of the commission's Act invites members of the public to make complaints rather than to provide information, because really that is what the commission is doing. It is getting information and making use of it rather than necessarily answering a complaint.

I understand that at the time the commission's Act was written there were many complaints about corruption and the importance given to complaints handling was warranted. But it does have some important side effects to the commission in the end, because in the end the commissioner will be judged by the systemic and cultural change it causes rather than the number of vindicated complainants. Complaints can easily determine the agenda of an organisation. Complaint handling can overwhelm a body that has less obvious responsibilities to the general public rather than to individual complainants.

We know that the legislation wisely gave the commission a safety valve to protect its other activities from being overwhelmed by complaints handled. With the advice of the ORC the commission has the ability to decide that a complaint need not be investigated or that an investigation can be discontinued. Obviously, that safety valve is extremely important and necessary. However, we have to face the fact—and it has been made very apparent to me in the time I have been there—that some people make complaints to the commission who are highly motivated; some, you would have to say, are even obsessional about the matter, possibly for very good reason. For many people it requires a considerable effort to make a complaint.

When the commission declines to investigate or decides to discontinue an investigation, it necessarily must be circumspect in what it says. You cannot make half a finding or report on half an investigation. If you are going to report publicly, you have to do it properly and fully, and give anyone who might be adversely affected or dealt with the benefit of natural justice provisions, and so on. There is no doubt that both the complainant and the person complained about, if he or she knows about a complaint, can be quite dissatisfied with the bland response of the commission, which really states that it has decided not to investigate or has decided to discontinue an investigation, without giving any substantive reasons. In fact, we may have done some very considerable preliminary investigation to lay the allegation to rest, but all we do is say we are not going to investigate it or we are not going to pursue a complaint.

So there is a clear gap between expectation and the apparent results that people get. I think this is an important issue for the commission and for this body to think about because in the long term there will be a growing number of people who are dissatisfied that the legislation says to them, "Make a complaint" and there is an assumption it will be dealt with in some way and they get back some time later, "We decline. We are not going to pursue this". We may have done a significant amount of work to arrive at that decision, but they are not to know that. The gap between expectation and reality is a problem; it is a problem which can

have serious consequences for the long-term future of the commission for the way in which it is held in the minds of people.

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Mr TURNER: In the complaint handling is there any discrimination, either actual or tacit, in relation to a complaint that may have political overtones as against a community complaint against a public sector body? Do you wish to expedite those political complaints?

Mr MANT: I do not think there is any conscious sorting of that nature, or any formal sorting of that nature. Undoubtedly if the heat is on the commission over some particular matter it probably unconsciously in an individual case might give some priority. It is not a formal policy to categorise complaints in that way.

Mr NAGLE: My understanding is that complaints are divided into categories: those for information purposes; those that are looked at and then you make a decision as to whether you will proceed; those that go to the ORC; and those that may end up in a public inquiry or in some other direction. Is that correct?

Mr MANT: There is a formal sorting process which goes on, yes.

MISCELLANEOUS

Multi-Disciplinary Teams

CHAIRMAN: In your opening address you mentioned the new emphasis in using multidisciplinary teams from an early stage of investigations. You said that was meant to perceive weaknesses in early ICAC investigative procedures.

Mr MANT: I think it is more to take better advantage of the multidisciplinary nature of the staff, which has been significantly increased in the education, corruption prevention system side. I have always been an advocate of teamwork in any organisation, recognising of course that the commission does have some routine work to do. My ideal organisation would be one where specific bits of work are, as far as possible, allocated to teams. They may be teams of only one or two, but would be teams put together to deal appropriately with the nature of that matter rather than matters being allocated to a part of the organisation which may not be quite appropriate for that matter.

Mr GAY: Rather than overcoming weaknesses, you are saying the nature of the ICAC work in the last five years has shown a whole range of skills that can now be more effectively allocated into a multidisciplinary team approach?

Mr MANT: That is right. I strongly urge on the new commissioner that the divisional structure of the commission should be looked at with a view to moving to a matrix operation whereby people belong in a division but do not necessarily work hierarchically in that division. They may well be not working in that division, but with a team, for some months. However they have a home back in the division. There are a lot of techniques. There is nothing new in this. It has been used in various forms in all organisations from BHP to local councils. It depends very much on getting the position descriptions right, getting the levels right and in having a good enterprise agreement, frankly.

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Media & Political Pressure

Mr GAUDRY: As commissioner have you found that the commission is either under pressure from media involvement in commission activities or under political pressure in terms of commission operations? The word "independent" means you should be able to operate totally independently of those pressures.

Mr MANT: I cannot comment as to whether it is more or less under pressure than previously, because I was not in the position previously. I think the uncertainty about the appointment has possibly increased media exposure of the commission, although the commission has always been exposed to the media, but generally because it has been conducting fairly high profile investigations rather than because it is in a state of uncertainty. I do not feel that as commissioner I have in any way been pressured to do things that I would not otherwise do, by Executive Government or the media. They are just part of the scene out there.

Mr GAUDRY: Did you set up any particular structure yourself in terms of media response?

Mr MANT: No. As far as possible I have merely left everything as it was, for the reasons I have mentioned—I am only ever there for a month or two. I have inherited what was there for media response, and it has been satisfactory. I have taken a view which I would normally not take in public sector organisations. I have tended to respond to what I consider to be ill-informed or unfair media criticism. In other public sector positions I have had I have generally let it wash over, which is an appropriate thing for a public servant. In this case, for internal morale purposes and anyway, it is important to keep the record straight.

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Mr GAUDRY: Earlier you said that you had not been under political or media pressure.

Mr MANT: No. I will correct that. I said that I had not been influenced by media or political pressure.

Mr GAUDRY: I withdraw my statement. During your term as commissioner have you found that there are complainants, or people subject to the ICAC inquiries, who attempt to exert pressure on the ICAC to conclude its investigations and perhaps try to influence the operations of the ICAC in that manner?

Mr MANT: Yes, and that is not surprising. People who are affected by an investigation are anxious to have it concluded and wrapped up.

CHAIRMAN: I take it that that is proper.

Mr MANT: It is quite proper.

Mr GAUDRY: Proper for people to do that?

Mr MANT: Yes, to urge us to complete our investigations.

Mr GAUDRY: Do you feel that in general the ICAC concludes its investigations at the earliest possible time or is it constrained from doing that, perhaps by the number of issues it is dealing with and the complexities of the issues that come before it?

Mr MANT: I think the commission is conscious of the need to complete things as soon as possible. The issue is: what is possible, and what are the priorities? Within the resources that are available and the nature of the inquiries, yes we complete things as soon as possible. I really cannot say more than that. We are conscious of the disruption to people who are affected by an investigation. That is another one of the reasons why I am keen to step down from my present position so that I can devote time to complete the Randwick inquiry. I must say of Mr Temby that I really do admire the fact that he was able to run the commission and conduct major inquiries at the same time. Normal human beings find that dual role more difficult.

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Liaison with Other Bodies

Ms BURNSWOODS: In regard to liaison or co-operation with other State or Commonwealth bodies, have you become aware of a need for changes or developments, or has that not arisen in the period in which you have been acting?

Mr MANT: I am conscious that there is a great deal of liaison with Commonwealth bodies dealing with similar issues. As far as I can tell, relationships are good, close, open and co-operative. That is assisted by the fact that investigation staff in particular have come from the AFP and similar organisations and therefore they have good working relationships. I think that is very healthy and needs to be encouraged and supported. I have done a few things myself to assist that process. The commission is held in very high regard around Australia by the various law enforcement bodies and there is a high degree of co-operation. I am certainly not conscious of being left out in the cold.