

Review of the ICAC 2014-2015 and 2015-16 Annual Reports

ICAC answers to additional questions

Q1 *Given the new three Commissioners panel:*

- *How is the new structure operating in practice?*
 - *How does the Chief Commissioner's role operate in relation to the other two Commissioners?*
- *How are you ensuring consultation takes place between Commissioners?*
 - *Is the part time basis of the two Commissioner positions operating effectively?*

A1 The three Commissioner model is working well.

Under the ICAC Act, the functions of the Commission are exercisable by a Commissioner although, with the exception of a decision to conduct a public inquiry, the decision of the Chief Commissioner prevails in the event of any inconsistency in the decision of the Commissioners (s 6(6) of the ICAC Act). A decision to conduct a public inquiry must be authorised by the Chief Commissioner and at least one other Commissioner (s 6(2) of the ICAC Act).

A consultative approach between the three Commissioners has been developed to minimise any inconsistency in decision-making. Regular meetings are held for this purpose. In addition, subject to their availability, the two part-time Commissioners attend meetings of the Commission's Executive Management Group, Investigation Management Group and Prevention Management Group. The roles, participation and consultation between the three Commissioners, both in relation to management and discrete activities of the Commission, are ongoing and are directed to sharing both the responsibility and the workload of the Commission and all that that entails.

Q2 *What is the remuneration of senior executives under ICAC's new structure?*

A2 The current total annual remuneration levels, including superannuation, are:

- Executive Director, Legal Division \$249,200;
- Executive Director, Corporate Services Division \$249,200;
- Executive Director, Investigation Division \$230,201; and
- Executive Director, Corruption Prevention Division \$214,651.

Q3 *Under recent changes to the ICAC Act, ICAC will be able to continue to exercise its investigative powers after its investigation is complete, to help advance a criminal prosecution.*

- *Will this change require a review of your processes?*
- *If so, have the necessary process changes taken place?*

A3 Section 52A of the ICAC Act provides that the powers under ss 21, 22, 23 and 40 of the ICAC Act may be exercised for the purposes of the function of gathering and assembling admissible evidence of a criminal offence upon the request of the Director of Public Prosecutions (DPP) or the Electoral Commission.

To date, no requests have been made by the DPP or the Electoral Commission.

The change will require a slight amendment to the relevant Operations Manual procedures for the exercise of powers under ss 21, 22, 23 and 40 to cover any future requests by the DPP or Electoral Commission. This will be done as part of the ongoing review of the Operations Manual procedures. However, the process for approval of the exercise of those powers will remain unchanged.

Q4 *In the past, the Committee has raised concerns about disclosure of confidential information obtained during ICAC investigations.*

- *What are you currently doing to address such concerns?*

A4 There is no evidence that any Commission officer has ever improperly disclosed any confidential information obtained during a Commission investigation. On information available to the Commission, no complaint or allegation has been made to any Inspector of the ICAC.

It is a criminal offence under s 111 of the ICAC Act for an officer of the Commission to divulge or communicate to any person any information acquired by that officer by reason of, or in the course of, the exercise of the officer's functions under the ICAC Act. An officer may divulge such information for the purposes of the ICAC Act and certain other purposes specified in s 111. It is also a breach of the Commission's Code of Conduct for a Commission officer to misuse information obtained during the course of the officer's duties.

Persons employed by the Commission are made aware of their obligations under the ICAC Act and the Code of Conduct as part of their induction.

The Commission also has an Information Security Policy that sets out the Commission's commitment to and requirements for information security. It specifies the need for security controls to be implemented according to the needs of the Commission in order to ensure information security, availability, accessibility and compliance with applicable laws and regulations and defines responsibilities for information security. In particular, it provides that all staff are responsible for:

- familiarisation and compliance with the information security policy and the relevant standards and procedures;
- exercising a duty of care to protect information assets; and
- reporting suspected breaches, in accordance with incident management procedures.

Q5 *ICAC has set different time targets for the provision of matters to its Assessment Panel (see p.14, Annual Report 2015-2016). There is one target for 'straightforward matters' and another for 'moderate-complex matters'.*

- *What are the features of 'straightforward' matter?*
- *What are the features of a 'moderate-complex' matter?*

A5 A "straightforward matter" is any matter where the complaint (under section 10 of the ICAC Act) or report (under section 11 of the ICAC Act) contains limited information or where the nature of the complaint/report is such that its assessment can be completed easily.

A "moderate-complex matter" is a matter where the complaint or report contains a number of pages of information with direct probative value. It may also include matters where there are a number of allegations, where there are significant information gaps in the complaint or report,

or where there is a strong likelihood that initial enquiries are needed to thoroughly assess the issues prior to the matter's consideration by the Commission's Assessment Panel.

Q6 *There has been a decrease in matters reported to ICAC for the last two reporting years (see p.15, Annual Report 2015-2016). You state this could be because there were fewer high-profile public inquiries during this time.*

- *Are more matters reported when ICAC is holding a high-profile inquiry?*
- *If so, does increased reporting relate to matters being considered by the high-profile inquiry, or other matters?*

A6 The number of matters reported to the Commission fluctuates between financial years and months within those years. This may be because the Commission is conducting a public inquiry, because there are changes or developments in the NSW public sector, or because of natural statistical variations. However, typically more matters are reported when the Commission is holding a public inquiry. During one public inquiry in 2015-16, the Commission received more than triples the number of reports concerning the relevant NSW public authority than it had about that public authority in the previous financial year. The Commission also noticed an increase in other matters being reported during this period.

Q7 *Principal officers of public sector agencies and ministers are encouraged to report suspicions of corrupt conduct promptly (see p.20, Annual Report 2014-2015, and p.19, Annual Report 2015-2016).*

- *How do you encourage prompt reporting?*
- *Do you record the amount of time that has elapsed between reporting and the conduct alleged?*
- *What other protocols and procedures are in place?*

A7 The Commission adopts multiple approaches to encouraging prompt reporting:

- each financial year, the Commission undertakes Rural and Regional Outreach visits (see p.41 Annual Report 2014-15 and p. 38, Annual Report 2015-16). During these visits, Commission officers also meet with Principal Officers and relevant staff of public authorities and discuss their reporting obligations under the ICAC Act;
- Commission officers regularly meet or hold teleconferences with Principal Officers or their delegates for the purposes of educating them in, or answering questions concerning, reporting obligations under the ICAC Act;
- where the Commission identifies that time has elapsed from when a Principal Officer held a suspicion and reported that to the Commission, the Commission draws this to the attention of the Principal Officer in the Commission's correspondence;
- information is specifically available on the Commission's website to both Principal Officers and Ministers concerning their reporting obligations under the ICAC Act.

The Commission does not specifically record the amount of time that has elapsed between reporting and the conduct. However, the Commission collects this information when Principal Officers use the Commission's Section 11 Reporting template to report suspicions of corrupt conduct.

A senior Commission officer conducts a preliminary assessment of reports when the Commission receives them. In conducting this preliminary assessment, the senior Commission officer notes whether there appears to have been a delay in reporting the matter to the Commission. In the event there has been a delay, a Commission officer brings this to the

attention of the public authority concerned and encourages prompt reporting in the future.

Q8 *Where complainants to ICAC wish to remain anonymous, ICAC provides advice about the various legal protections available to them (see p.16, Annual Report 2014-2015 and p.15, Annual Report 2015-2016).*

- *Does this encourage some to attach their names to complaints?*
- *If so, what percentage is so persuaded?*

A8 When complainants are advised of the protections available and the benefits in providing their name and contact details, such as to keep them updated on the Commission's consideration of their complaint and to assist the Commission with any further enquiries, some are persuaded to provide their names.

It is the Commission's experience that approximately one third are persuaded in this way. However, this is an approximation based on anecdotal feedback. The Commission does not have readily available data that would allow for the calculation of a percentage of individuals persuaded to provide their names.

Q9 *The transport, ports and waterways sector has often ranked highest for the number of section 11 reports to the ICAC (see p.21, Annual Report 2012-13; p21, Annual Report 2013-14; p.21, Annual Report 2014-15; and p.20, Annual Report 2015-16).*

- *Why may this be?*

A9 The high ranking of the Transport, Ports and Waterways sector in the number of section 11 reports received by the Commission could be based on a range of factors, including:

- the relative size of the sector, as compared with other sectors within the Commission's jurisdiction;
- the maturity of the sector in having effective systems to identify and report to the Commission on suspected corrupt conduct; and
- the nature of the activities within the sector and services it delivers.

Q10 *ICAC can refer allegations back to an agency that is the subject of a complaint (see p.16, Annual Report 2015-16).*

- *How do you decide whether to refer allegations back to an agency?*
- *Do you always ask for a report from the agency?*
- *What timeframes are set for reports?*
- *Do you monitor the outcome of the referral?*

A10 The Commission may refer allegations back to a public authority that is the subject of a complaint:

- for the public authority's information only (no report from the public authority is specifically requested or required);
- for action by the public authority and request the public authority provide the Commission a report (without exercising the Commission's formal powers); or
- refer allegations and require the public authority to provide a report under section 53 and 54 of the ICAC Act.

In determining whether to refer allegations to a public authority and request or require a report, the Commission has regard to the functions of the Commission, as set out in Part 4 of the ICAC Act. The Commission considers other factors, including:

- whether the conduct involves a risk to the life, health, or safety of one or more people;
- the degree to which the conduct impairs or could impair public confidence in public administration;
- the seriousness of any alleged misconduct, having regard to the responsibilities of the office and office holder;
- the number of people and public authorities involved, and the level of sophistication and planning involved in the alleged conduct;
- whether the Commission's powers are likely to be required for a proper investigation; and
- whether the matter can be more appropriately dealt with by the public authority.

Where the Commission requests a report from a public authority without using its formal powers, the Commission does not set a timeframe for the public authority to provide its report. Where the Commission refers a matter and requires a report under sections 53 and 54 of the ICAC Act, the Commission and public authority agree upon a deadline.

The Commission receives advice on the outcome of referrals when public authorities provide a report (in circumstances where the Commission requests or requires one). Public authorities generally notify the Commission the outcome of any disciplinary action taken following investigations. Public authorities also notify the Commission, by way of section 11 reports, of any further issues arising.

Q11 *Public Interest Disclosures can be made anonymously. However, ICAC can disclose confidential information in certain circumstances (see p.19, Annual Report 2014-2015 and p.18, Annual Report 2015-16).*

- *How often are such details disclosed?*
- *How do you inform a person making a public interest disclosure that confidential details may be disclosed?*
- *What other protocols and procedures are in place?*

A11 While the Commission does not specifically record the number, it is the Commission's experience that less than half of the Commission's referrals to public authorities include confidential information, such as identifying details of the complainant.

The Commission states on its website that it may disclose confidential information contained in complaints. The Commission provides this information on various pages, including in the online form that complainants may use to submit a report to the Commission.

In most circumstances, the Commission cannot personally advise anonymous complainants that the Commission may disclose confidential details as those complainants have not provided their contact details.

Where anonymous complainants provide their contact details, the Commission acknowledges receipt of their complaint and requests their consent to disclose confidential details. When requesting their consent, the Commission notes that it may nevertheless disclose information without their consent if there are compelling public interest reasons to do so.

Where the Commission decides to refer information to a public authority, the Commission considers whether it may make the referral without providing confidential information concerning the complainant. The Commission's policy notes that the Commission may disclose confidential details if it is in the public interest and outlines factors that are relevant to whether such a disclosure is in the public interest as including:

- whether the complainant was anonymous, could not be contacted, or consents to the disclosure;
- the potential value of the information to the public authority's investigation; and
- the level of risk to the complainant if the confidential details are disclosed.

The Commission's policy is that an officer must attempt to communicate with the complainant to confirm if they consent to the disclosure of their identity/contact details prior to making a referral to a public authority.

Q12 *Did the Community Attitudes Survey conducted in November and December 2015 (see p.33, Annual Report 2015-16) result in any suggestions to improve ICAC's relationship with the public? Were any concerns raised regarding ICAC's jurisdiction?*

A12 The answer to both questions is 'no'. The Survey did not ask any specific questions about these issues and none of the participants raised concerns about the Commission's jurisdiction or provided feedback on how the Commission could improve its relationship with the public.

Q13 *Since the 2013-14 reporting period, the ICAC has adjusted its targets for completing the confidential phase of an investigation (see p.27, Annual Report 2013-14 and p.27 and 26, Annual Reports 2014-15 and 2015-16, respectively).*

- *Why did you adjust these targets?*
- *What process was used to do so?*

A13 In the 2013-14 annual report, the target for completion of preliminary investigations was recorded as being 80% of preliminary investigations within 120 days. The target for completion of the non-public phase of an investigation escalated from a preliminary investigation was recorded as being 90% within 12 months from the date a matter is escalated to an operation. The target for completion of preliminary investigations (80% within 120 days) was unchanged in the 2014-15 and 2015-16 annual reports.

In the 2014-15 and 2015-16 annual reports, the target for completion of the non-public phase of an investigation was recorded as being 80% within 16 months. The footnote on page 26 of the 2015-16 annual report notes that the 16 month period includes the 120 day period for a preliminary investigation and that, in effect, the Commission aims to complete the non-public phase of a matter that has been escalated within 12 months of the date of the escalation.

The target percentage for completion of the non-public phase of an investigation was decreased from 90% in 2013-14 to 80% thereafter to reflect the trend towards the Commission undertaking more complex and protracted investigations and operational experience in the time taken to complete such matters.

Q14 *Over the last three reporting years, there have been fluctuations in the number of requests for advice regarding corrupt conduct (see p.39, Annual Report 2014-15 and p.36, Annual Report 2015-16).*

- *Can you comment on the increased number of advice requests in 2014-15?*
- *Can you comment on the significant decrease in advice requests in 2015-16?*

A14 The Commission has little influence over demand for advice and the factors that may prompt an agency or individual to request advice vary widely. For example, the volume of telephone calls and emails seeking Commission advice is possibly a function of the quality and availability of the advice:

- provided by staff in integrity-related roles already working within public sector agencies;
- already publicly available on the Commission’s website;
- provided by Commission officers during training and speaking engagements (which is not separately recorded as ‘advice’);
- provided by private sector consultants and experts; or
- published by other integrity and anti-corruption agencies.

Advice figures for the last 11 years are set out in the table below. The figures do fluctuate from year to year but a relatively clear reduction in advice requests can be seen starting from approximately 2008-09.

Measure	15– 16	14– 15	13– 14	12– 13	11– 12	10– 11	09– 10	08– 09	07– 08	06– 07	05– 06
Requests for corruption prevention advice	94	134	102	106	133	97	155	252	211	244	246

Q15 *In your 2015-16 report, some requests for advice regarding corrupt conduct are identified as ‘significant’ (see p.39). In contrast, your 2014-15 report identifies some advice requests as ‘requiring a detailed response’ (see p.36).*

- *What is the difference between ‘significant’ requests for advice and those ‘requiring a detailed response’?*
- *Why were these metrics changed?*

A15 In 2014-15 changes were made in the way advice matters were entered into the Commission’s case management system at the time. Most relevantly, the Commission’s previous practice was to record any written advice as ‘requiring a detailed response’ and verbal advice as not ‘requiring a detailed response’. However, this approach did not account for the fact that some written advice is relatively routine and some verbal advice is complex. Consequently, the practice and terminology was changed so that a matter’s significance was not determined by whether the advice was put in writing.

All advice matters, even if they only entail the provision of verbal advice, are file noted in the Commission’s case management system and are reviewed by a Principal Officer or the Executive Director, Corruption Prevention.

Q16 There has been a decrease in requests for unsolicited training workshops by government agencies since the 2011-12 reporting period (see p.40, Annual Report 2014-15 and p.36 Annual Report 2015-16).

- Could you comment on the reasons for the decline?
- Are there any agencies that request training workshops more than others?
- Do you target your workshops to agencies that are the subject of the greatest number of corruption allegations?

A16 Training workshops are generally delivered in response to demand; the main exception being post- investigation training, for which the Commission offers a customised offering.

As the table below shows, overall demand for training workshops peaked in 2011-12 after some steady growth and has subsequently plateaued.

In 2010-11, the Commission began offering its workshops free of charge which may have prompted additional demand in this and the following year. Prior to 2010-11, the Commission charged a nominal fee for its workshops. It is possible that the decline since 2011-12 represents a natural response to the initial peak in demand triggered by the removal of fees.

	15– 16	14– 15	13– 14	12– 13	11– 12	10– 11	09– 10	08– 09	07– 08	06– 07	05– 06
Workshops	107	85	90	107	116	89	76	87	58	39	29

Throughout this period, two standard workshop offerings were available, *Corruption prevention for managers* and *Corruption prevention in procurement*. Training was available through:

- in-house workshops requested by agencies;
- open workshops organised by the Commission (two each year held in Sydney CBD); and
- workshops delivered as part of rural and regional outreach visits (usually two each year).

As noted in the 2015-16 Annual Report (p.36), the Commission has developed some new workshop offerings and also made refinements to its standard offerings.

In 2015-16, the Commission extended its reach by making its open workshops available in regional NSW (Wagga Wagga and Orange) and the outer suburbs of Sydney (Liverpool and Parramatta). This increased the number of Commission-initiated workshops from 16 in 2014–15 to 34 in 2015–16.

It is also worth noting that the resources available to deliver training have fallen in recent times. The Commission previously employed two full time trainers but at present, budget allocation exists for only one.

Because it has limited training capability, the Commission targets managers for its workshops. Wherever possible, we also seek to work with agencies that have experienced corrupt conduct or a ‘near miss’. The Commission does not target its training at agencies based on their complaint profile; however, we do seek to tailor our training to the circumstances and operating environment of each audience.

Agencies that have recognised the need for a corruption prevention or ethics training program tend to request more training than others. While we advertise our workshops on the Commission website, anecdotal evidence suggests that demand is also driven by word of mouth and ad hoc opportunities to discuss training opportunities with agency representatives.

As noted in our 2016-17 Annual Report, we have also identified that restructures in agencies, clusters and local councils sometimes lead to delays or postponements of training activities.

Q17 The High Court's decision in the Cunneen matter affected understandings about ICAC's jurisdiction.

- *Has the decision necessitated significant change to ICAC's processes?*

A17 In *ICAC v Cunneen* [2015] HCA 14 the majority of the High Court held that for conduct to come within s 8(2) of the ICAC Act it must affect the probity of the exercise of official functions and conduct that only affects the efficacy of the exercise of official functions does not come within that section.

As the decision went to the Commission's jurisdiction under the ICAC Act, it occasioned some changes to the Commission's Assessment Section's processes in relation to the assessment of complaints and reports of alleged corrupt conduct, to ensure that there was a clear understanding within that Section of the Commission's jurisdiction under s 8(2) of the ICAC Act. The decision did not require any significant changes to the Commission's processes for the conduct of investigations or corruption prevention initiatives.

Q18 In 2015, changes were made to the ICAC's jurisdiction that involved the Electoral Commission.

- *Have the ICAC and the Electoral Commission taken joint steps to implement the changes?*
- *Did this involve a significant review of your processes?*

A18 In May 2016, the Commission and the Electoral Commission entered into a Memorandum of Understanding (MOU) to facilitate a co-operative framework within which both parties can work together to perform their respective functions. The MOU sets out mechanisms for co-operation, information sharing and the investigation of matters, with specific reference to the investigation of matters referred to the Commission by the Electoral Commission under s 13A of the ICAC Act.

The changes did not require a significant review of the Commission's processes.

Q19 The ICAC posts more recent investigation reports on its website.

- *Why did you decide to remove reports older than 10 years from your website?*

A19 Commission investigation reports for the past 10 years are available on the Commission's public website. Since about 2006, investigation reports more than 10 years old are not immediately accessible from the Commission's public website. Instead, only a summary of the investigation is available online. Those reports can, however, be obtained by going to the relevant investigation summary on the Commission's website and clicking on the "Request the report" link.

Reports older than 10 years are removed in order to limit possible ongoing reputational damage from continued electronic availability, including through electronic search engines, of old findings of corrupt conduct.

Q20 There is a Strategic Plan 2016-2020 published on the ICAC's website (see <https://www.icac.nsw.gov.au/documents/about-the-icac/4395-icac-strategic-plan-2015-2019//file>):

- ICAC's 2015-16 report (see p.8) refers to a 2015-2019 Strategic Plan. Is this the same plan as the one on the website?
- What process was followed to create the plan?
- What is the status of the plan given ICAC's recent restructure?

A20 The Strategic Plan 2015-2019 referred to in the 2015-16 annual report is not the same as the one currently on the Commission's website. The plan currently on the Commission's website is the Strategic Plan 2016-2020.

The Commission conducts annual executive planning workshops to formally review, amongst others, its Strategic and Corporate Business Plans. The Commission is scheduled to review its current Strategic Plan in mid-December 2017 to take into account the Commission's new structure.

Q21 *The ICAC supports secondment of its staff to the Office of the DPP, and other public sector agencies.*

- *Given ICAC refers investigation material to the DPP, how do you manage conflicts of interest around ICAC secondments to the ODPP?*
- *Given ICAC is responsible for corruption oversight of public agencies, how do you manage conflicts of interest around ICAC secondments to such agencies?*

A21 The Commission rarely second staff to other public sector agencies. For operational reasons the Commission cannot generally afford to lose staff, even for limited periods of time, through secondment to other agencies.

Secondments are usually agreed to on the basis that the secondee takes leave without pay from the Commission for the period of employment with the other agency.

Secondments may be made as developmental opportunities for Commission officers where the secondment would not adversely affect the Commission's operational needs or to provide assistance to other bodies. An example of the latter was the decision to second two Commission lawyers to the Royal Commission into Institutional Responses to Child Sexual Abuse.

There have only been two secondments to the DPP, one in 2013 and the other in 2015. In both cases, the secondees had law degrees but were not employed by the Commission as lawyers. Their roles primarily involved acting as hearing associates and personal assistants to the Commissioner. The secondments provided them with development opportunities as DPP lawyers. Both eventually took up permanent employment with the DPP and did not return to the Commission.

In considering any request for secondment, the Commission considers whether the secondment would give rise to a conflict of interest. The Commission is not aware of any actual conflicts of interest requiring action by the Commission in relation to any secondment of staff to another agency.

Q22 *In 2014-15, internal auditors conducted an audit on ICAC's payroll administration. A minor recommendation was made and accepted by management (see p.61, Annual Report 2014-15).*

- *What was the recommendation?*

A22 The recommendation was that management should investigate the functionality of Aurion (the payroll administration system) in restricting the maximum number of negative leave hours an employee can take or generate a negative leave report which is reviewed by the HR and Administration Manager on a regular basis. The Commission adopted the latter alternative.

Q23 *In 2014-15, internal auditors conducted an audit on ICAC's records management. The recommendations made were accepted by management (see p.61, Annual Report 2014-15).*

- *What were the recommendations?*

A23 The recommendations were:

1. Per standard 8.2 (as issued by the State Archives and Records Authority of NSW under the *State Records Act 1998*), any strategic plan developed by management should include practical short-term and long-term goals which focus on
 - transition to ERDM (Electronic Records Data Management); and
 - re-writing naming conventions.
2. Per standard 2.2 (as issued by the State Archives and Records Authority of NSW under the *State Records Act 1998*), the Commission's Record Management Policy and Procedure document should be amended to include requirements for testing of recovery strategies for manual files and should be included as part of ICAC BCP (Business Continuity Plan) testing.
3. Per Standard 9.1 (as issued by the State Archives and Records Authority of NSW under the *State Records Act 1998*), the FDA (Functional Disposal Authority) should be updated as soon as possible. The updated FDA should be generated to:
 - take into account any changes to current record functions;
 - take into account any records which have, since 2005, become common and regularly placed on file; and
 - allocate functions to electronic files, so that all electronic files are appropriately sentenced.
4. Per standard 10.2 (as issued by the State Archives and Records Authority of NSW under the *State Records Act 1998*), Commission management need to ensure that an assessment is carried out on MOCCA (the Commission's then case management system) to ensure that it is compliant with the *State Records Act 1998* or ensure all records are also included in TRIM.
5. TRIM and Word application protocols should be updated to ensure that documents and any other relevant records are appropriately labelled, and that these labels appear on documents when they are printed. Induction processes should also be updated, to ensure new staffs are aware of the necessity to label each document appropriately.
6. Consider undertaking the audit of all files on an annual basis (as a minimum).

Q24 *In 2015-16, internal auditors conducted an audit on complaints assessment. Recommendations were made and accepted by management (see p.57, Annual Report 2015-16).*

- *What were the recommendations?*

A24 Investigations and Assessments teams should:

1. Seek active feedback from key stakeholders to support continual improvement around quality.
2. Formally agree and document in the Operations Manual the structure, content and supporting documentation required when preparing a summary report.
3. In investigating a new Case Management system, consideration should be given to the ability to run and print a report showing all reports due to the Panel. This report should be used to perform a reconciliation to confirm that all reports due to the Panel have been provided.
4. Consider revising the Assessments Section quarterly performance report to include additional metrics.
5. Consider incorporating the key considerations detailed in the finding to allow for some flexibility within agreed timeframes. Where required, update the draft Operational Manual: AP02 – Assessment Records and Information Management to incorporate the revised timeframes.
6. Remove all superseded documents from the intranet.
7. Incorporate refined timeframe targets within the new case management system once implemented.
8. Ensure training and communication is provided to staff around the revised timeframes.

Q25 *In 2015-16, internal auditors conducted an audit on fraud and corruption prevention. A minor recommendation was made and accepted by management (see p.57, Annual Report 2015-16).*

- *What was the recommendation?*

A25 The reference to a minor recommendation being made and subsequently being accepted was an editing error. The 2015-16 annual report states (at p57) that the fraud and corruption prevention audit *began* in June 2016. The audit was only completed in late December 2016, after the 2015-16 reporting period.

Three recommendations were made in the December 2016 report. They were:

1. Increase staff awareness and training through providing fraud and corruption training on a regular basis.
2. Incorporate fraud and corruption requirements as part of the Commission's performance management process.
3. Review key controls related to fraud risks.

The Commission agreed with the recommendations.

Q26 *In 2015-16, 80.3 percent of the 56 men employed by ICAC were in the top three remuneration levels. In contrast, 43.75 per cent of the 64 women employed by ICAC were in the top 3 remuneration levels (see p. 123, Annual Report 2015-16).*

- *What are you doing to encourage the participation of women in senior roles at the ICAC?*
- *What strategies do you have in place to increase workplace diversity more generally?*

A26 The percentages are impacted by the number of women working in flexible administration roles at the lower level to suit family friendly requirements for part-time work.

The Commission has had a good representation of women in senior management roles during the reporting periods including the (then) Commissioner, Deputy Commissioner, Executive Director Investigation Division (SES 3) and women in senior management roles such as the Manager HR, Security and Facilities (Grade 8), Manager Finance (Grade 8), Manager Communications and Media (Grade 8), Chief Investigator (Grade 8), two Principal Corruption Prevention officers (Managers- Grade 7) and two Principal Lawyers (Grade 8).

During the 2015-16 reporting period, two female staff were provided with the opportunity to act in the vacant role of Executive Director Corruption Prevention. Two female staff acted in the position of Executive Director Corporate Services and a total of five female staff acted up in management positions across the Commission.

The Commission's corporate plans focus on strategies around workplace diversity and are outlined in the Multicultural Policies and Services Plan and Equal Employment Opportunity (EEO) Management Plan.

Q27 *In 2015-16, two 'body-stress' claims were made by ICAC staff (see p. 124 Annual report 2015-16).*

- *What constitutes body stress?*
- *What steps have you taken to reduce possible instances in the future?*

A27 The Commission categorises "body stress" as a physical injury. In the two cases reported in the 2015-16 annual report, it involved a cut to a hand and back strain.

The Commission takes the following steps to ensure the health and safety of its employees:

- Work Health and Safety training during induction;
- ergonomic assessment and adjustment to work station at induction;
- Work Health and Safety policies and procedures;
- a Health and Safety Committee made up of management and staff representatives to address and tackle any work health and safety issues; and
- periodic Work Health and Safety inspections of the Commission's premises and equipment.

Q28 *How do you decide which conferences ICAC staff will attend and who will attend them?*

A28 Decisions are made on the basis of staff developmental needs and whether the cost is within budget. For example, lawyers may attend specific work-related conferences as part of their Mandatory Continuing Legal Education (MCLE) requirement, while investigators will attend conferences that focus on enhancing investigation skills.

Commission officers who are subject matter experts are selected to attend conferences as speakers or panel members. Relevant conferences include the biennial Australian Public Sector Anti-Corruption Conference (APSACC) and the National Investigation Symposium (NIS).