

Tanya Davies MP
Chair
Committee on the Independent Commission Against Corruption

By email: icaccommittee@parliament.nsw.gov.au

Dear Ms Davies

I am writing with reference to the Committee's report *Review of the 2019-2020 annual reports of the ICAC and the Inspector of the ICAC* (the Report) and your letter of 18 August 2021 concerning the Commission's updated Operations Manual work instruction strengthening security measures around the uploading of private transcripts.

With respect to the Report, I note Finding 2 that the Committee continues to support an independent funding model for the Commission. I thank the Committee for its ongoing support on this important issue.

With respect to recommendation 1 in the Report and your letter of 18 August 2021, I advise that, on 2 June 2021, changes were approved to relevant parts of the Commission's Operations Manual procedures to strengthen security measures around the uploading to the public website of private transcripts.

The principal change was to introduce a new Work Instruction: IP03-WI-D – Use of the restricted and public website for Commission hearings. A copy of this Work Instruction is enclosed. I respectfully request that the Work Instruction be dealt with by the Committee on a confidential basis.

Section 4.2.1 of IP03-WI-D sets out the process for dealing with the uploading of transcripts to the public website.

The Case Lawyer saves the transcript emailed directly from APT (the Commission's transcription services provider) to the Z Drive for checking and redacting. The Case Lawyer and Paralegal will determine the best way to manage any redactions. Once the Case Lawyer has checked the transcript for redactions, and is satisfied that it can be uploaded to the public website, they email the Paralegal with instructions that the attached transcript is approved for uploading. The Paralegal saves the attachment to a secure network location with limited access called "the R Drive". Only material that has been tendered, made public and is ready for upload is stored on the R Drive. It is from the R Drive that all public website materials (exhibits, transcripts and witness lists) are uploaded.

The Paralegal will then apply password security and upload the transcript to the public website. They will then advise a predetermined group that the transcript is now live on the public website.

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On 22 March 2021, the Commission engaged a paralegal on a temporary contract. The new paralegal was trained in uploading checked and approved transcript to the public website in accordance with IP03-WI-D. The new process was successfully trialled for the Commission's Operation Witney public inquiry and was subsequently used in the Operation Paragon public inquiry.

As part of its budget bid for 2021-22, the Commission sought funding to make the new paralegal position permanent. Although this bid was unsuccessful, the Commission was able to extend the temporary contract of employment for this position to 30 June 2022.

As a consequence of adopting IP03-WI-D, minor changes were made to Work Instruction IP03-WI-B - Hearing associate duties and responsibilities and Work Instruction IP03-WI-E - Management of Commission transcripts and hearing recordings. The latter was changed to separate out the process for dealing with the downloading of transcripts to the public website (which is now dealt with exclusively under IP03-WI-D).

Recommendation 3 in the Report is that the Commission provides an update in its next annual report as to the uptake and effectiveness of its newly launched Witness Cooperation Policy. I am pleased to advise that an update, together with a copy of the policy, will be published in the Commission's 2020-21 annual report.

Yours sincerely

The Hon Peter Hall QC
Chief Commissioner

19 August 2021

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