

Ms Leslie Williams
Chair
Committee on the ICAC
Parliament House
Macquarie Street
SYDNEY NSW 2000

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

Dear Ms Williams

I am writing with respect to the Committee's December 2022 report *Review of aspects of the Independent Commission Against Corruption Act 1988* (the Report).

The Report contains the following recommendations:

Recommendation 1

That the Government amend the *Independent Commission Against Corruption Act 1988* to require the ICAC to develop and publish time standards for completing section 74 reports, and to report on its own performance against these standards.

Recommendation 2

That the ICAC, in its next annual report, provide an update on whether the increased funding made available in the 2022-23 Budget shortens the time in which investigations are undertaken and reports finalised.

Recommendation 3

That the NSW Government consider amending the *Independent Commission Against Corruption Act 1988* to provide the Inspector of the ICAC with similar powers to those currently held by the Inspector of the Law Enforcement Conduct Commission under section 124 of the *Law Enforcement Conduct Commission Act 2016*, including broader powers to:

- investigate maladministration, and
- require the ICAC to respond to the Inspector's recommendations, escalating to the Minister if dissatisfied with the response.

While, with respect to Recommendation 1, it will be a matter for the NSW Government whether the ICAC Act should be amended, the Commission will proceed to develop and publish its time standards for completing section 74 reports and will report against those standards in its annual reports.

The Commission accepts Recommendation 2 and will, in its next annual report, provide information on how the increased funding received for 2022-23 has assisted in shortening the time in which investigations are undertaken and section 74 reports finalised.

Recommendation 3 is a matter for the NSW Government. As set out in the Commission's July 2022 submission, the Commission considers that the existing powers granted to the Inspector are appropriate. The Commission considers the proposal to expand maladministration to include conduct that may have arisen from a mistake of fact has the real potential to create a merits review process by the Inspector. The Commission does not support such an extension of the Inspector's role. The Commission notes that at paragraph 2.15 of the Report the Committee expresses the view that the NSW Government should consult with affected stakeholders, including the Commission, in considering whether the ICAC Act should be amended in the way suggested. The Commission is happy to be part of any such consultation process.

The Commission's July 2022 submission included a number of recommendations for amendments to the ICAC Act. I note that these recommendations have not been addressed in the Report. The Commission will consider raising these amendments with the NSW Government in due course.

Yours sincerely



The Hon John Hatzistergos AM
Chief Commissioner

20 December 2022