

Mr Jason Li MP
Chair
Committee on the ICAC
Parliament House
Macquarie Street
SYDNET NSW 2000

By E-mail: icaccommittee@parliament.nsw.gov.au

Dear Mr Li

Question on notice

The purpose of this letter is to provide a response to a question taken on notice during my appearance before the Committee on 11 December 2023.

The question (in highlighted text) arose during the following exchange:

Mr MARK HODGES: I also want to discuss the naming of some of the inquiries. I mean, apart from your own operation, we see inquiries referred to as Canada Bay council or other councils, or even the Hills council, which has an effect upon the entire administration rather than the target that might be one or two people. Do you want to make any comments about the reputational damage to the entire administration of a particular council or body, as to how it's named?

JOHN HATZISTERGOS: That's the first time I've heard of that complaint. It's very difficult if you have an issue which arises in a particular council to somehow suppress the name of the council itself because I think it would be pretty well known where the individual comes from.

Mr MARK HODGES: It may well be pretty well known to those people that are, I guess, legally trained, but there are a lot of—

JOHN HATZISTERGOS: Perhaps I could say this to you. You would be familiar with Operation Witney, which involved the former Minister who was the member for Drummoyne, who made approaches to Liberal members of Canada Bay council. I can assure you that in every education session that I have done where that case has come up, I have had nothing but praise for the three Liberal councillors who, to their absolute credit and to their great detriment, stood up for the public interest against the most intensive actions of the local member to try to achieve an outcome which the commission found was not in accordance with the public interest. And I'll do that again with councillors who do the right thing.

Mr MARK HODGES: I suppose that's correct in circumstances after the investigation is completed but we see a lot of complaints made, or issues made, where, prior to the completion of your investigation, there's that lag period when the complaint, particularly when it comes out in the public knowledge, affects the entire council until such time as your investigation takes place. We're moving into—

JOHN HATZISTERGOS: Look, we can take that on notice and we can do what we can. I mean, one thing I think we could do, particularly—some of these cases we get referred to us by the council itself and I think it's appropriate to acknowledge that. If we're doing an investigation and go public we could make it clear that this came along a referral of the council itself, which may address some of the concern.

The Commission does not ordinarily disclose whether it is investigating allegations it has received by way of a complaint under s 10 of the *Independent Commission Against Corruption Act 1988* or a report under s 11 of that Act. The Commission discourages complainants and those making s 11 reports from publicising their interaction with the Commission. Where a matter has been publicised regardless the Commission would consider in appropriate circumstances whether it is in the public interest to clarify the status of its involvement.

Please let me know if you require any further information in relation to the above.

Yours sincerely



The Hon John Hatzistergos AM
Chief Commissioner

10 January 2024