

# Office of the Inspector of the Independent Commission Against Corruption



Ref: A5981707

1 March 2024

Mr Jason Yat-Sen Li, MP  
Chair, Committee on the Independent Commission Against Corruption  
NSW Parliament House  
6 Macquarie Street  
Sydney NSW 2000

By email: [icaccommittee@parliament.nsw.gov.au](mailto:icaccommittee@parliament.nsw.gov.au)

Dear Chair

Thank you for the opportunity to give evidence on 15 February 2024. I write in response to the questions I took on notice and the two supplementary questions you have provided.

## Questions on Notice

1. *The Hon. JACQUI MUNRO: More broadly, in terms of complaints conflicts, how many complaints have been made about the ICAC since 2014 – in that decade?*

The Annual Reports from financial years ending 2014 to 2023, record 334 complaints having been made to an Inspector.

2. *The Hon. JACQUI MUNRO: Perhaps this might have to be taken on notice as well, but I am curious about how many adverse findings an inspector has made over that time.*

No Inspector has made a finding of misconduct or maladministration as defined in the ICAC Act over the decade.

The Inspectors have generally issued a Special Report or an Audit report when they have critical comments to make about the operations of the Commission. The reports can be found on the Inspector's website. I particularly refer you to

- Special Report by the Inspector of the Independent Commission Against Corruption regarding Investigation into the time taken by the ICAC to furnish its Operation Keppel Report to Parliament 2023/02
- Special Report by the Inspector of the Independent Commission Against Corruption pursuant to section 77A of the Independent Commission Against Corruption Act 1988 regarding the

## Decision to Hold a Further Public Inquiry in Operation Keppel 2022/01

- Report concerning circumstances surrounding the Independent Commission Against Corruption's use of certain telephone intercept material during Operation Keppel 2021/03
- Report pursuant to sections 57B(5) and 77A of the Independent Commission Against Corruption Act 1988 determining a complaint by Mr Arthur Moses SC on behalf of the Hon Gladys Berejiklian MP against the Commission 2021/02
- Report concerning a complaint by the Australian Labor Party (NSW Branch) and Country Labor about the conduct of the ICAC in investigating political donations received by these parties
- Report concerning the non-disclosure of information to Mr Paul Gardner Brook by the Independent Commission Against Corruption during Operations Jasper and Credo
- Report concerning a complaint by Mr John McGuigan, Mr Richard Poole, Cascade Coal Pty Ltd, Mount Penny Coal Pty Ltd and Glendon Brook Coal Pty Ltd about the conduct of the Independent Commission Against Corruption in Operation Jasper 18/05
- Report concerning a complaint by Mr Murray Kear about the conduct of the ICAC in Operation Dewar
- Report concerning a complaint by NuCoal Resources Ltd about the conduct of the ICAC in Operation Acacia
- Report Concerning a Complaint by Mr Jeffrey McCloy about the Conduct of the ICAC in Operation Spicer
- Report and Supplementary Report concerning a complaint by Mr John Atkinson about the Conduct of ICAC in Operation Jasper
- Operation "Vesta": Andrew Kelly, Charif Kazal and Jaimie Brown complaints
- Section 77A Report in Operation "Hale" - ICAC re Margaret Cunneen SC & Ors
- Special Report by the Inspector of the Independent Commission Against Corruption regarding Audit of the welfare of witnesses and other people involved in ICAC Investigations 2023/01
- Report pursuant to sections 57B(5) and 77A of the Independent Commission Against Corruption Act 1988 concerning an audit under section 57B(l)(d) thereof into the Independent Commission Against Corruption's procedures for dealing with counsel assisting in investigations and inquiries under Part 4 of the Act

### Supplementary questions for the Inspector

3. *Are there any operational, administrative or budgetary challenges that limit you in fulfilling your functions and responsibilities?*

With the current workload of my Office, I am not limited in fulfilling my functions and responsibilities because of operational, administrative or budgetary matters. However, should my workload significantly increase because of the conduct of audits or larger number of complaints of more complexity, then that may change.

4. *Do you conduct any outreach or community engagement activities to promote your role and functions to people that may be affected by the Commission's work?*

I have given evidence about an article which I wrote about my role in Bar News, a journal of the NSW Bar Association. The audience for that article was barristers, quite a few of whom appear for the Commission or interested parties. It is difficult to identify a group of people who may be targeted to promote my role, in the wider community. I note that the ICAC does refer to my role in its dealings with those affected by the exercise of its functions.

I would be pleased to consider any particular group of people the Committee would propose with whom I could engage.

### Declaration of Interests

The Hon Jacquie Munro asked me what the process for Inspectors was to declare potential conflict of interests. I indicated that I would most likely make a declaration to the Premier's Department or perhaps, the Committee.

I refer the Committee to the Code of Ethics and Conduct for NSW government sector employees. That Code does not apply to statutory officeholders, like me; however, the Code invites statutory office holders to accept coverage voluntarily.

The Code requires a senior executive to make a written declaration of private financial, business, personal or other interests or relationships that have the potential to influence, or could be perceived to influence decisions made or advice given.

Consistent with the Code, the secretary of the Premier's Department would likely be the appropriate person for me to disclose any interests which may conflict with my statutory duties.

Sincerely



**Gail Furness SC**

Inspector of the Independent Commission Against Corruption