

# Review of the ICAC's 2012-13 Annual Report

## Question 1

***Table 6 on page 14 of the Annual Report shows a reduction in turnaround times at all stages of the complaint assessment process, in comparison to figures given on page 17 of the 2011-12 Annual Report. What strategies were employed to bring about this improvement?***

The downward trend in the handling of complaints received by the Assessments Section has been continuing for some time. The performance achieved in 2012-13 is attributed to staff experience and familiarisation with assessment procedures. During this period, there were very few staffing and procedural changes and this stability had a positive impact on performance.

## Question 2

***Page 21 of the Annual Report notes the marked increase in section 11 reports received from the 'transport, ports and waterways' sector, attributed to 'the ongoing liaison between the Assessments Section and that particular sector'. Does the Assessments Section undertake this sort of liaison with other sectors?***

Assessments routinely monitors the frequency of section 11 reporting across all government agencies, particularly larger public authorities where changes in structure and/or key personnel may have an adverse impact on section 11 compliance. On occasion, where a particular agency seems to be under-reporting, the Commission will proactively initiate a liaison visit with either the principal officer or a suitable representative to promote section 11 reporting.

In addition to increases in the reporting from the "transport, ports and waterways" sector, there was a modest (2%) increase in reporting by the "education (except universities)" sector. In January 2013, Assessments met with the Department of Education to discuss, amongst other things, its internal restructure and continuity of section 11 reporting practices.

## Question 3

***The 2011/12 Annual Report stated on page 31 that in the year ahead the Assessments Section would conduct another survey of complainants and those who made public interest disclosures. Was the Assessments Section able to conduct this survey in the 2012-13 reporting period?***

Assessments conducted a second complainant survey with an initial mail-out in January and February 2013. The return rate, however, was poor (8%), and deemed statistically insignificant for trend analysis.

A number of the survey respondents expressed frustration with the Commission for not fully investigating their complaints. This is unsurprising as, for the reasons noted in the annual report, the Commission investigates fully only about 3% of all complaints received. The survey aimed to elicit complainants' levels of satisfaction with the range of material on the ICAC website about reporting corruption and communication with the Assessments Division. Many respondents found it difficult to separate how they felt about the processes for receiving, assessing and responding to their complaints from their disappointment that the Commission was not going to pursue their complaint further. The value of undertaking another survey is currently under review.

## Question 4

***The 2011/12 Annual Report also stated that in 2012-13 the Commission would seek to 'develop (and build on existing) liaison relationships with similar integrity and oversight agencies both within NSW and in other jurisdictions, including international agencies' (page 31). Please outline***

***how the Commission has built relationships with other integrity bodies, particularly new integrity bodies recently established in other Australian jurisdictions?***

Assessments, with input from the Corruption Prevention and Investigation divisions and the Communications and Media Section, hosted the Serbian Anti-Corruption Agency delegates for a week-long visit to the Commission, at the request of UN officials based in Serbia, and the Australian Ambassador to Serbia and Montenegro. The UN considers the Commission a “world leader in dealing with public sector whistleblowers” and was keen for the visit to assist Serbia to formulate an anti-corruption action plan as part of its drive for EU membership.

In November 2012, the Manager Assessments presented a paper on whistleblowing and protection laws in Australia at a conference on integrity and governance in Taiwan.

The Commission, including Assessments, also engaged with Australia’s newer anti-corruption agencies, including the South Australia Independent Commissioner Against Corruption and Victoria’s Independent Broad-Based Anti-Corruption Commission (IBAC), through the provision of materials to support the development of assessment and operational policies and procedures.

Locally, Assessments continues to have good working relationships with agencies including the NSW Ombudsman, NSW Audit Office and the Division of Local Government. Each of these agencies also participates in a quarterly Public Interest Disclosures (PID) Investigating Authorities meeting where PID management practices and issues are discussed.

***Question 5***

***How is the Investigation Division working to keep the skills and knowledge of its staff up to date in a rapidly changing technical and digital environment?***

This is a challenging area for the Investigation Division. Our approach to this issue involves the following:

- a) practical training and development opportunities for staff to ensure they are getting the most out of, and are competent in, the use of specialist technology available to the division and that they remain aware of latest trends and issues in the technical and digital environment
- b) ready access by staff to current technical and related information resources via the Commission’s intranet
- c) review of operational processes to ensure the division is able to efficiently deal with large volumes of digital information, access and analyse data effectively
- d) liaison with specialist and technical service areas in other enforcement and anti-corruption agencies to exchange new ideas and information and trouble shoot problem areas.

A list of relevant training and development opportunities undertaken is attached as **annexure A**.

***Question 6***

***Please provide a table, similar to that provided during previous Annual Report reviews, outlining the time that elapsed between the Commission’s provision of briefs of evidence to the DPP and the DPP’s decision on the matter, for matters current during the 2012-2013 reporting period to date. Please include the date of all requisitions received from the DPP for each matter, and a summary of outstanding prosecutions.***

The table is attached as **annexure B**. For completeness, it covers the period 1 July 2012 to 31 December 2013. It includes a column setting out the current status of each matter which identifies outstanding prosecutions.

### **Question 7**

**The Annual Report states that in 2012-2013 the Commission referred two matters to the NSW Crime Commission for consideration of asset confiscation action (page 31). What is the current status of these referrals?**

These matters, which arose out of Operations Jasper and Acacia, are still under consideration by the NSW Crime Commission. The Commission is continuing to liaise with the NSW Crime Commission with respect to those matters and is providing the NSW Crime Commission with information and assistance as and when required.

### **Question 8**

**Pages 32-33 of the Annual Report list the Commission's strategic alliances with other agencies. Please inform the Committee of any changes in systems or processes made as a result of meetings with the committees and forums listed?**

In the reporting period, Commission officers attended meetings of the following groups:

- *Australian Surveillance Group*: there were no specific changes in the Commission's systems or processes made as a result of the meeting on 23/24 October 2013.
- *Interagency Technical Group and Special Networks Committee*: in the latter half of 2013, these groups merged into one group. In the reporting period, one agency involved in the group, NiTAC (National Interception Technical Assistance Centre), provided members with a number of resources on the design and interception capabilities of various products. This information has been made available to Commission investigators through the Commission's intranet, in accordance with the Commission's approach identified in paragraph b) of the response to Question 5 above.
- *Interception Consultative Committee*: there were no specific changes to the Commission's policies and procedures as a result of attendance at meetings of this Committee, however, the committee contributed to the NSW government submission to the Commonwealth Parliamentary Joint Committee on Intelligence and Security (PJCIS).
- *Joint User Group*: as a result of these meetings, the telecommunications system supplier attended to various modifications of the system to account for technological changes, issues in delivery systems and records archiving and improvements in system mapping. Also, the Commission and the Police Integrity Commission (PIC) used information obtained from the meetings to inform a thorough risk assessment and cost benefit analysis to determine the appropriate level of service and support agreement required to maintain our interdependent systems.
- *NSW Police Technical Partnership Panel*: the Commission has used some information from and networks established with members of this panel to inform the development of the Commission's Surveillance Technology Upgrade Project approved for 2013/2014, which is now underway and on target for completion by 30 June 2014.

### **Question 9**

**Page 63 of the 2011-2012 Annual Report noted that in 2012-2013 the Commission would "undertake to improve the time taken to finalise and publish investigation reports".**

**a) *How did the Commission seek to improve the time taken to finalise and publish investigation reports during 2012-2013?***

**b) *Is the Commission satisfied with the time taken to furnish investigation reports in the 2012-2013 reporting period?***

- 9a. In 2011-2012, the Commission furnished six investigation reports, only one of which was furnished within the Commission's target times (see page 62 of the *2011-2012 Annual Report*). In 2012-2013, the Commission also furnished six investigation reports. Three of these were within the Commission's target times (see page 50 of the *2012-2013 Annual Report*).

The executive directors of Legal and Corruption Prevention actively monitor progress with the preparation of the corruption exposure and corruption prevention chapters of investigation reports to ensure both timeliness and quality of draft reports. Progress is also reported to and monitored by the Commission's Strategic Investigation Group, which receives monthly publication progress reports for each investigation report.

When recruiting new lawyers, the Executive Director Legal requires applicants who have passed a first interview stage to complete a written exercise, designed to test the applicant's writing and analytical skills. These skills are essential to producing a quality draft report and will help to ensure that minimal changes are required to draft reports and that reports are produced within the Commission's target times.

- 9b. The Commission's goal is to furnish 80% of its investigation reports within its target times. In 2012-2013, the Commission furnished 50% of its investigation reports within the target times. Given that operational requirements delayed completion of one report (Operation Petrie) and the relative complexity of another report (Operation Jarek), the Commission considers that the times taken to furnish investigation reports in 2012-2013 were generally acceptable.

#### **Question 10**

***Could you inform the Committee of the reasons for the long period between the end of the public inquiries and furnishing of investigation reports for operations Petrie and Stark (table 22, page 50)?***

**Operation Petrie** was concerned with allegations that certain officers of the Wagonga Local Aboriginal Land Council (WLALC) had received financial benefits from Fortunato (Lucky) Gattellari, acting on behalf of Ron Medich, in return for the WLALC officers facilitating negotiations between WLALC and a Medich company.

Given that the public inquiry was conducted over four days, the Commission's target was to furnish the investigation report within 60 days of the receipt of the last submissions. As the last submissions were received on 20 April 2012, the goal was to furnish the report by 19 June 2012. The report was actually furnished on 27 September 2012, being 160 days from the receipt of final submissions.

The principal cause of the delay was that the lawyer responsible for drafting the corruption exposure chapters of the report was also the case lawyer for Operation Indus (investigation into the conduct of Moses Obeid, Eric Roozendaal and others) and the requirements of that investigation were given priority over completion of the Operation Petrie investigation report.

As a general rule, lawyers working on investigation reports are, as far as possible, quarantined from other work. The Commission's operational workload at the time involved a number of significant investigations, including the mining matters. In these circumstances, there was no other lawyer available to assign to Operation Indus.

**Operation Stark** concerned allegations that a manager at the University of Technology, Sydney (UTS) solicited and accepted financial and other benefits from UTS contractors.

Given that the public inquiry was conducted over four days, the Commission's target was to furnish the investigation report within 60 days of the receipt of the last submissions. As the last submissions were received on 7 November 2012, the goal would normally have been to furnish the report by 6 January 2013, however the Christmas/New Year holidays would have necessarily delayed completion to a later date. The report was actually furnished on 27 March 2013, being 140 days from the receipt of final submissions. Even allowing for the Christmas/New Year holidays, it took longer to complete the report than would normally be the case for a report of this nature. The primary reason for the delay in finalising the report was the need to revise and redraft initial chapters to ensure they were of a satisfactory standard.

#### **Question 11**

***What is the current status of the recommendation for disciplinary action made as a result of Operation Stark referred to in the case study on page 32 of the 2012-2013 Annual Report.***

Mr Faysal was dismissed by the University of Technology Sydney (UTS) on 3 April 2012. He then commenced proceedings in Fair Work Australia contesting his dismissal. In its investigation report, the Commission stated that, in the event that Mr Faysal succeeded in being reinstated to the service of UTS, the Commission was of the opinion that UTS should give consideration to taking action with a view to dismissing, dispensing with the services of or otherwise terminating the services of Mr Faysal.

The Commission has been advised by UTS that the Fair Work Australia proceedings were settled but that the settlement did not result in the reinstatement of Mr Faysal. It was therefore not necessary for UTS to take further action.

#### **Question 12**

***Please update the Committee on the implementation of the new information analysis and reporting software discussed on page 57 of the 2012-2013 Annual Report?***

As part of the telecommunications integration project, the Commission purchased software with a view to developing a database capable of maintaining information accessed under Chapter 4 of the *Telecommunications (Interception and Access Act) 1979* ("Chapter 4 data"). An IBM software product, iBase, was selected as a suitable platform as it is capable of being customised to achieve this purpose and, in future, to accept many other data types and documents for ready analysis and comparison. The software platform also integrates with the Commission's event and link charting software and, in future, can be customised for integration with the Commission's case management system.

At this stage, the project to customise iBase has been focused on the original objective to accept and produce reports on Chapter 4 data. To ensure that the development of the system is planned, logically progressive and delivers discrete outcomes that can be tested and embedded at each completion, the project was partitioned into four distinct phases:

- Phase 1 of the project involved customising the system to accept and produce reports on Chapter 4 data. This phase also involved the in-house development of data standardisation software which formats and verifies data prior to import into iBase. This phase is now complete.
- Phases 2 to 4 of the project involve customising the system to accept different types of entity identification data and the ability to link that information to the Chapter 4 data. Phase 2 is scheduled for implementation in early March 2014. Phase 3 is expected to be completed by 30 June 2014 and Phase 4 will proceed thereafter.

To reduce cost and improve responsiveness to the Commission's specific requirements, three Commission staff (an intelligence specialist, a forensic technician and a specialist software programmer) were trained by IBM to deliver the software customisation. The delivery of each phase also includes the production of an additional chapter of the Commission's iBase user manual dealing with each new functionality of the system. The manual and updated user training are also authored and delivered by members of the Commission's iBase project team.

### **Question 13**

#### ***Could you update the Committee on the progress of the review of the Operations Manual?***

The Operations Manual Review Project was approved by the Commission's Executive Management Group (EMG) in March 2012. On 2 July 2012, the EMG approved the proposed structure and table of contents for the manual and an implementation plan. This also included a content conversion guide for comparison between the existing manual and the proposed new manual.

The new manual is divided into two parts: Part 1 dealing with investigation management (IM) and Part 2 dealing with investigation practices (IP). Part 1 has five policy and procedures documents and Part 2 has 17, each covering discrete subject matter. Rather than complete each policy and procedure in the sequence in which they appear in the table of contents, each is completed in the order of priority that it has in terms of operational need.

On the 24 October 2012 and 11 December 2012, the new policy and procedure for investigation management (IM01) and disseminations, requests and requirements to produce information (IM05) were completed and approved by the EMG for immediate implementation. Nine new or revised forms were also approved under these policies.

Work then progressed to drafting the Commission's telecommunications interception and access policy and procedure (IP15). This procedure incorporated new work processes resulting from the completion of the Telecommunications Integration Project and substantive amendments to Commonwealth legislation that occurred in October 2012. New draft forms arising from those amendments required review by the Commonwealth Attorney-General's Department prior to finalisation.

In early 2013, it became clear that the project had expanded from being simply a review of the existing manual to a substantive review of work processes and the way operational resources were applied to those subject areas. Consequently, in March 2013, the EMG expanded the time frame for completion of the project to 30 June 2014.

On 19 March 2013, the EMG approved the Telecommunications Interception and Access policy and procedure with a commencement date of 5 April 2013, to allow adequate training of staff. Fifty-one new or revised forms and six separate work instructions have also now been approved in connection with the procedure.

Work next commenced on the policy and procedure for confidential human information sources (IP05) and property and exhibit procedures (IP12) and, on 16 July 2013, the EMG approved the former procedure (IP05).

As a result of the review work being undertaken on the property and exhibit policy and procedure, the EMG approved an organisational restructure in July 2013. The Property Services Section was moved from the Corporate Services Division to the Investigation Division, with the senior property officer now reporting directly to the Executive Director of ID.

The property and procedures review has proven time-consuming and complex due to the number of changes required and their relationship with other operational procedures. Many of these changes involve improving efficiencies to deal with increasingly large volumes of electronic and paper

documents received by the Commission and, most importantly, supporting a more timely and higher quality analysis of that material. The property procedure review is continuing and on track for full implementation commencing 1 July 2014.

In the meantime, provisional draft policies have been prepared for controlled operations (IP16) and electronic evidence (IP10). These are awaiting review by the Executive Director.

By the end of 2013, it was apparent that the manual review project would not be completed by 30 June 2014. In early February 2013, the EMG noted that the completion date for the project would be extended to 30 June 2015.

#### **Question 14**

***The Annual Report notes that in 2012-2013, the Commission made corrupt conduct findings against 56 persons and sought the DPP's advice regarding prosecution action in relation to 18 persons, compared with 14 persons being the subject of corrupt conduct findings and recommendations to the DPP for prosecution action for 9 persons in 2011-2012. What factors led to the relative reduction in the proportion of recommendations to seek the DPP's advice for prosecution action during 2012-2013?***

To answer this question it is necessary to consider the approach the Commission takes to making statements under section 74A(2)(a) of the ICAC Act.

In each case, the Commission first considers whether there is any evidence of a criminal offence. If there is insufficient evidence capable of constituting a criminal offence, it follows that the Commission will not be of the opinion that consideration should be given to obtaining the advice of the DPP. If there is evidence capable of constituting a criminal offence, the Commission assesses whether there is, or is likely to be, sufficient admissible evidence to warrant the commencement of a prosecution. In undertaking this assessment, the Commission takes into account declarations that witnesses may have sought under section 38 of the ICAC Act. Evidence given subject to such a declaration cannot be used in evidence against the witness in any criminal proceedings unless those proceedings are for an offence under the ICAC Act. It is therefore necessary to consider whether there is admissible evidence available sufficient to form the opinion that consideration should be given to obtaining the advice of the DPP. If the Commission considers there is insufficient admissible evidence for a prosecution, then the Commission will not make a recommendation that consideration be given to obtaining the advice of the DPP.

The effect of this approach is demonstrated by the Commission's October 2012 Operation Jarek report (*Investigation into allegations that staff from a number of local councils and other public authorities accepted secret benefits from suppliers and that staff from two local councils facilitated payment of false invoices from suppliers*). In that report, the Commission made corrupt conduct findings against 41 individuals but recommended the advice of the DPP be sought only with respect to eight individuals. The reason for the lower number of recommendations for prosecution was that the Commission considered that there was insufficient admissible evidence available to make recommendations in every case where a corrupt conduct finding was made.

## Corruption Prevention

### Question 15

***The Annual Report notes that information gathered during the assessment stage and investigation stage is forwarded to the Corruption Prevention Division. How did the information gathered in the 2012-2013 reporting period inform the work of the Corruption Prevention Division?***

The Executive Director of the Corruption Prevention Division is a member of the Commission's Assessment Panel which meets electronically twice a week and is responsible for determining what action, if any, should be taken on every matter received. The Executive Director Corruption Prevention also considers which matters may be of assistance to the work of the Corruption Prevention Division and can request that a matter be forwarded to the division for analysis or action. The Assessments Section also refers matters it believes may be relevant to the work of the Corruption Prevention Division.

Information gathered during the assessment stage that is forwarded to the Corruption Prevention Division generally informs the policy project work undertaken by the division. This information can assist the division to identify corruption risks of statewide significance or public concern that may warrant further in-depth analysis and/or recommendations in a report to government. In 2012-13, information from the assessment stage informed the Commission's non-government organisations project and the subsequent publication of a position paper in December 2012.

Corruption prevention officers are attached to all investigation teams. In the course of an investigation they conduct a comprehensive analysis to understand the systemic weaknesses that have allowed corrupt conduct to occur. Information gathered during this investigation stage contributes to the development of corruption prevention recommendations to the subject agency. Corruption prevention recommendations were made in all six investigation reports finalised in 2012-13.

Information gathered during both the assessment and investigation stages informs the division of gaps in the knowledge of the public sector that can be addressed through the development of new training, speaking or website material.

### Question 16

***Aside from workshop evaluations, what other feedback does the Commission receive regarding the impact of training on corruption prevention within public sector agencies?***

The feedback from training workshop evaluations is the only formal assessment of the Commission's training. The evaluations focus on the usefulness of the training and the understanding of corruption prevention that participants have gained following attendance at the course.

Whether workshop participants change their behaviour and systems as a result of training is virtually impossible to assess, although occasional anecdotal information provided by participants who are encountered again in different situations indicates that it does happen. Whether such changes then prevent corruption is even more difficult to assess. The level of corruption generally is unknown and the effect of training is therefore difficult to quantify.

The Commission has regard to informal indicators of effectiveness including:

- questions and comments made during workshops
- written comments made at the end of workshops
- informal feedback at conferences and meetings with public officials



- formal discussions with agencies in the context of the development of corruption prevention recommendations arising from investigations.

To date, such informal feedback is consistent with the formal evaluations, that is, that the training is well received and seen as practical and useful.

### **Question 17**

***Has the Commission observed any trends in the reduction of corrupt behaviour or changes in work methods in those agencies that have received corruption prevention training?***

Training is the key method by which the Commission delivers corruption prevention messages to NSW public sector managers and staff. It should be noted, however, that training is not a panacea through which all corrupt behaviour will be removed. The Commission has a suite of prevention approaches, as outlined in the annual report, and training is just one component of this global approach.

Equally, agencies that request the Commission to provide training also have a range of approaches to preventing corruption and may provide their own training. Such a situation makes it difficult to ascertain the impact of a small number of training sessions in isolation from other prevention activities occurring within individual agencies.

Where training is provided to a subject agency, after an investigation, it is generally conducted as part of broader changes that are being implemented following the investigation. In these agencies there may be significant changes in work methods and the behaviour of staff, however, this may be as a result of the investigation itself rather than specifically the post-investigation corruption prevention training.

While the Commission retains data in relation to the agencies that have received training, establishing the actual incidence of corrupt conduct (as opposed to the reported or proven incidence) is a difficult exercise. Establishing a causal relationship between the two in any particular agency with a reasonable degree of confidence is virtually impossible.

The secret nature of corruption makes estimation of its incidence difficult. Surveys of perceptions of corrupt conduct do not necessarily indicate actual corrupt conduct and for the same reason the number of reports of suspected corrupt behaviour is not a reliable guide to its actual incidence. Increased numbers may reflect better understanding of how to report and a greater willingness to do so in one agency rather than another, the degree to which the activities of an agency are visible and impact on individuals, or the influence of the exposure of corruption in high-profile public inquiries. As a consequence, reliably gauging trends in the reduction of corrupt behaviour in those agencies that have received corruption prevention training is not feasible.

### **Question 18**

***Could you elaborate on the ways that the Corruption Prevention Division improved systems, policies and procedures in the NSW public sector in the 2012-2013 reporting period?***

In addition to its advice, training and investigative functions, which largely result in recommendations to single agencies, the Corruption Prevention Division undertakes projects with a view to making recommendations to government in relation to issues of substantial sector-wide corruption risk and public concern. Projects include single reports and discussion papers. In 2012-13, the Commission undertook projects involving information technology contracts and non-government organisations (NGOs).

The Corruption Prevention Division contributed to the improvement of processes surrounding government funding of human services NGOs in a number of ways. As discussed in the *2012-13 Annual Report*, the Commission released two papers on the topic, the second of which made a series of recommendations to reform these processes.

Subsequent to the publication of these papers, the division has elaborated on its position in a number of venues. On 2 April 2013, evidence was given by Commission officers to an *Inquiry into Outsourcing Community Service Delivery* that was held by the Community Service Committee of the Legislative Assembly. The findings of that inquiry are consistent with key elements of the Commission's report. The Department of Premier and Cabinet is working on an information system that would address many of the key information management weaknesses outlined in the final report. In its review of grants management, the Ministry of Health has included the core set of ICAC recommendations for the guidance they provide.

From time to time, the Commission also responds to calls for submissions on proposed government reforms. For example, in 2012-13 the Commission responded to the NSW Government's green and white papers concerning proposed reforms and implementation details for a new planning system. As part of this process, the Commission provided advice about corruption opportunities associated with performance-based assessment regimes for development applications. In particular, the Commission advised that performance outcomes contained in local plans should be meaningful and measurable. The specific features of the proposed system that required further quantification were also discussed. The Commission's submissions also identified areas in the proposed system where the discretion conferred on decision-makers appeared largely unfettered.

In addition, the Commission's submissions stressed the importance of improved expertise in the proposed system and discussed ways experts could become embedded in the new system. Other issues covered in the submissions included the desired skill set and characteristics of decision-makers in the planning system, the specific aspects of the proposed system that lacked clarity and the limited availability of third party appeal rights under the proposed system.

Since 2012-13, the Commission has been involved in on-going discussions with the Department of Planning and Infrastructure over the government's response to the issues raised in the Commission's submissions. As part of this process, the Commission reviewed versions of the *Planning Bill 2013* and *Planning Administration Bill 2013*. The Commission supported a number of further changes to the proposed legislation including the withdrawing of the possibility for a development to be subject to different assessment tracks, the restoration of judicial review rights and the extension of judicial review rights to the making of strategic plans, as well as stricter requirements concerning access to the code assessment route (a proposed new assessment process not requiring public consultation). The Commission also made the observation that the success of the proposed scheme will rest on strategic plans, regulations and codes that have not yet been drafted.

In addition, the Commission has continued discussions with the department over the set of criteria for determining the "merit assessment" category of development. These discussions have concerned the need to ensure that the set of assessment criteria is sufficiently robust to be capable of independent verification.

#### **Question 19**

***The Committee notes that there are new arrangements and a revised course in place as part of the 2013-2014 ANU executive program. Please inform the Committee of the features of the new course. Will scholarships be offered for the new program?***

The arrangements with the Australian National University Crawford School of Economics and Governance concluded with the completion of the 2012 course. Changes to federal directions no

longer permitted the “Corruption and Anti Corruption Course” to be conducted as a combined Masters in Public Policy as well as an executive short course.

In early 2013, the Commission sought to maintain its association with the Australian National University (ANU) by entering into negotiations with Professor Adam Graycar, Director, ANU Research School of Social Sciences, to deliver a joint ANU-ICAC executive course. Those negotiations were successful and a partner agreement was entered into that included the continuance of scholarship arrangements for NSW public officials.

The 2013 course, *Beyond risk-management - Leveraging operational effectiveness*, was planned as an executive short course only. It was aimed at public sector managers in a position to influence the operational design that underpins their organisation’s day-to-day activities. The scholarship selection criteria were directed to applicants in these roles and 14 scholarship holders attended. The majority of the course content was delivered by Commission officers.

Variations of the course have been conducted for the top management team of a government department and at the Australian Public Sector Anti-Corruption Conference. The course has been highly rated by participants.

#### **Question 20**

***Appendix 5 notes that 30% and 23% of the corruption prevention recommendations made as a result of Operation Columba have been fully implemented by the NSW Police Force and the Division of Local Government respectively, with full implementation being dependent on legislative change. Please elaborate on this and provide an update on the current status of these recommendations.***

*Please Note: The Division of Local Government was not subject to recommendations in Operation Columba. Rather, the Division of Local Government received a recommendation which related to Operation Magnus (on the next line of Appendix 5 of the annual report, p.10)*

The NSW Police Force was responsible for implementing eight recommendations. Recommendation 1 is complete. Four recommendations have been partially implemented, and implementation of three recommendations has yet to commence.

The NSW Police Force advised the Commission in November 2011 that the *National Vocational Education and Training Act 2011* had inadvertently rendered certain provisions of the *Security Industry Act 1997* inoperative and, inter alia, the Police Commissioner did not possess the authority to regulate or audit security training conducted by registered training organisations (RTOs). The Police Force was therefore unable to implement many of the recommendations in the Commission’s Operation Columba report until this matter was resolved.

The commencement of certain provisions of the *Security Industry Amendment Act 2012* on 25 June 2012 provided the NSW Police Commissioner with ultimate responsibility for all integrity related functions in relation to security training, assessment and certification that occurs for NSW security licensing purposes. This legislative change allowed for the implementation of recommendation 1.

The NSW Police Force advised the Commission in December 2012 that the newly formed Security Licensing & Enforcement Directorate (SLED) would be fully operational in early 2013. The Commission requested an additional report in December 2013. This final report was received and explained that positions needed to be filled at SLED.

The NSW Police Force advised the Commission in November 2013 that SLED will be fully operational in early 2014 and that delays in implementing the recommendations were experienced due to difficulties in filling key positions.

The Commission requested to be notified if recruitment delays were still being experienced in June 2014. The Commission will be following up this matter at that time.

#### **Question 21**

***According to the 2011-2012 Annual Report (page 126) the Department of Corrective Services' progress report indicated that it had fully implemented 58% of the corruption prevention recommendations made as a result of Operation Cicero.***

- ***What percentage of the recommendations were implemented, not implemented and partially implemented by the Department in 2012-2013?***
- ***Is the Commission satisfied with the Department's implementation of the corruption prevention recommendations?***

At 30 June 2013, the Commission had yet to receive Corrective Services NSW's final report into the implementation of the Cicero recommendations.

During 2012, however, the Commission undertook an investigation into the smuggling of contraband into the Metropolitan Special Programs Centre at the Long Bay Correctional Complex (Operation Drake). The report was furnished to the presiding officers on 25 January 2013. While there were differences in specifics of the conduct, the systemic failures exposed were similar to those in Operation Cicero. In arriving at recommendations in relation to Operation Drake, Commission staff reviewed the status of the Cicero recommendations, liaised with Corrective Services NSW staff and the then newly appointed Commissioner, Peter Severin.

Recommendation 14 stated *that the Premier introduces an amendment to the Public Sector Employment and Management Act 2002, and any other relevant legislation, to give the Commissioner of CSNSW non-reviewable power to remove custodial corrections officers on the basis of a loss of confidence in an officer's suitability to continue as a corrections officer, similar to the power currently held by the Commissioner for NSW Police under section 181(d) of the Police Act 1990.* At the time of the public inquiry, the then Commissioner, Ron Woodham, was of the view that such a provision would be desirable. However, discussions during the implementation of the recommendations revealed a similar recommendation made in relation to the NSW Police Force following the Wood Royal Commission had not proved effective, as orders made under these provisions in NSW were appealable and so provided no advantage over the normal disciplinary process. The Commission therefore accepted that recommendation 14 should not be implemented.

The implementation of certain other recommendations (installation of CCTV and metal detector screening machines) was constrained by cost issues and the heritage listing of certain facilities.

Corrective Services NSW's efforts to address the issue of the smuggling of contraband are now being taken further forward with the implementation of the recommendations made in Operation Drake. The Commission is satisfied with this approach and anticipates receipt of a final report into the Operation Cicero recommendations this financial year.

#### **Question 22**

***Has the extensive investigation workload of the Commission impacted on the meetings and/or work of the ICAC internal committees, the Executive Management Group, Strategic Investigations Group or Prevention Management Group in 2012-2013?***

The Executive Management Group, Strategic Investigation Group and Prevention Management Group are key elements of the Commission's internal accountability system. During 2012-2013, these committees continued to meet regularly. The only discernible impact of the increased

investigation workload on these committees was an increase in the number and complexity of matters considered by the Strategic Investigation Group.

#### **Question 23**

***Page 44 of the Annual Report notes that the principal lawyer for prosecutions continued to work on operational work rather than prosecution brief preparation. Has this impacted on the time taken for provision of briefs to the DPP?***

The involvement of the principal lawyer (prosecutions) in investigation work did not impact on the time taken to provide briefs to the DPP.

The principal lawyer (prosecutions) has two principal roles. One is to work on investigations in the same way as other lawyers. The other involves identifying improvements to the Commission's criminal prosecution brief procedures and assisting with and overseeing preparation of briefs.

The lawyer who works on an investigation is usually responsible for working with the investigators to prepare a brief of evidence for the DPP and then, once the brief is submitted to the DPP, maintaining liaison with the DPP until the matter is finalised. The principal lawyer (prosecutions) had not worked on previous investigations requiring the preparation of briefs of evidence. Other lawyers were responsible for the preparation of briefs of evidence during the relevant period.

#### **Question 24**

***Page 44 of the Annual Report notes that the main challenge for the Legal Division in 2012-2013 was "to maintain high standards of legislative and procedural compliance and meet accountability requirements in the face of a substantial workload, including the conduct of public inquiries." Assuming that the workload continues to be high in the future, what strategies does the Legal Division have in place to ensure continued high standards?***

The Legal Division continues to meet this challenge by identifying matters requiring priority, maintaining flexibility in the assignment and reallocation of lawyers to matters and continuing the allocation of the principal lawyer (prosecutions) to investigation work.

The Executive Director Legal continues to review all applications for the exercise of statutory powers (whether under the ICAC Act or other legislation) to ensure they meet relevant regulatory and Commission requirements and that the proposed exercise is appropriate given the circumstances of the particular investigation.

Steps are also taken to ensure that legal staff who leave are replaced with suitably qualified and experienced lawyers who will be able to quickly adapt to the Commission's work, maintain the required standards of legislative and procedural compliance and meet the Commission's accountability requirements.

#### **Question 25**

***What feedback has the Commission received regarding the biannual Corruption Matters newsletter?***

The Commission does not receive a great deal of feedback regarding *Corruption Matters*, but the anecdotal feedback that it does occasionally receive is generally positive. This has included expressions of appreciation for publishing the newsletter and praise for the content. *Corruption Matters* has also received feedback about content including, for example, some commentary from a

local government internal auditor about the Commission's NGO discussion paper from a story in 2012, in response to which the Commission provided the full paper to the reader.

Commission staff have reported positive feedback about the newsletter while training in the field, including from the CEO of the Dorrigo Plateau Local Aboriginal Land Council who told staff that he reads it cover-to-cover.

There have also been requests or notifications about reproducing articles from *Corruption Matters* in agency staff newsletters; most recently, this included a request from Young Shire Council to reproduce in its staff newsletter an article on ethical culture by Dr Robert Waldersee that ran in the November 2013 edition of *Corruption Matters*.

The Commission is presently working to transform the current print edition into an HTML e-newsletter. A content review is also underway as part of this process and it is anticipated that feedback about what readers would like to see in the newsletter will be sought when the new publication is rolled out within the next few months.

#### **Question 26**

***Please provide the Committee with an update on the ICT infrastructure project discussed on page 57 of the Annual Report.***

The Commission issued a tender in September 2013. Based on internal and external feedback, the Commission found it necessary to review the technical specifications to remove certain identified technical ambiguities. An external IT consulting firm was engaged and updated/refreshed the tender specification. This resulted in tender responses being delayed. The Commission's Executive Management Group decided on 19 February 2014 to endorse the recommendation of the Commission's Information and Technology Steering Group to accept the tender of Datacom Pty Ltd, subject to security vetting and acceptance of contractual terms. It is anticipated that the first stage of the contract, being due diligence and sign-off of user specifications and the project plan, will commence mid- to late- March 2014. The project is due for completion in late November 2014, subject to any unforeseen issues arising out of the Commission's relocation to its new premises.

#### **Question 27**

***Please update the Committee on the office relocation planned for 2014.***

On 25 May 2013, the Commission engaged Custance Australia Pty Ltd to provide architectural design services. Stage 1, which comprised needs analysis and concept design, was completed on 31 January 2014. In order to ensure that the Commission is able to relocate prior to its lease expiry date of 15 October 2014, the Commission had to commit to the commencement of the design work in November 2013, in the absence of a signed lease, as leasing negotiations were not yet finalised. Work has commenced on detailed design specifications and tender documentation. It is anticipated that the latter will be completed by early April to allow tendering to commence, with fit out works planned to start on 2 June 2014. Government Property New South Wales (GPNSW) signed the lease for the new premises on 5 February 2014 and has forwarded it for execution by Investa Pty Ltd.

### **Question 28**

***At the public hearing held as part of the review of the 2011/12 Annual Report, the issue of meeting EEO targets was raised. Has the Commission examined the potential for providing training positions to people of Aboriginal and Torres Strait Islander descent in the 2012/13 reporting period?***

The Commission does not employ any trainees due to the nature of the Commission's work, stringent security vetting procedures and limited supervision resources. The Commission does, however, take a proactive approach in publicising all vacant positions through Indigenous job networks.

In 2013, the Commission employed a new Indigenous employee which means it now employs two full-time staff who identify as Aboriginal. Both of these positions are fully funded by the Commission. The Commission is currently working towards meeting the NSW Public Sector target of 2.6% Aboriginal employment within the public sector by 2015.

The Commission has previously been successful in achieving tied funding through the NSW Department of Education's Elsa Dixon Aboriginal Employment Program for partial funding for the employment of an assessment officer. Current applications for indigenous funding through the Elsa Dixon program close on 14 March 2014. The Commission will be lodging an application under the program for tied funding for the 2015-16 financial year.

### **Question 29**

***At the public hearing held as part of the review of the 2011-2012 Annual Report, Commissioner Ipp commented that "there has been a substantial increase in the number of litigation matters being managed by the Commission." The Committee notes the significant increase in external legal fees, as listed on page 73 of the 2012-2013 Annual Report.***

- a) What are the reasons for the increase in litigation?***
- b) What impact has managing litigation had on other aspects of the Commission's work?***
- c) Was the increase in litigation unique to the 2012-2013 reporting period or part of a continuing trend?***

Before answering this question it is relevant to set out some details of the relevant litigation matters.

The two litigation matters involving Cessnock City Council and the City of Ryde Council, referred to at pages 47-48 of the *2012-2013 Annual Report*, have been finalised and the Commission's files closed.

As of 1 February 2014, there are eight other litigation matters, three of which have been finalised except for recovery of costs.

The most recent litigation (summons served on 15 January 2014) arises from certain recommendations made by the Commission in its December 2013 report *Operations Jasper and Acacia – Addressing Outstanding Questions*. Cascade Coal Pty Ltd, Mt Penny Coal Pty Ltd and Glendon Brook Coal Pty Ltd claim the relevant recommendations affecting mining exploration licences relevant to their operations were made without or in excess of jurisdiction and that there was a denial of procedural fairness.

The Commission does not consider the claims have any merit.

A hearing date is yet to be set.

The three next most recent matters arise from findings of corrupt conduct made against Travers Duncan (case no. 2013/249678), John McGuigan, John Atkinson and Richard Poole (case no.

2013/325031) and John Kinghorn (case no. 2013/326066) in the Commission's Operation Jasper report.

In each of these matters declarations are sought that the corrupt conduct findings are wrong in law, were made without or in excess of jurisdiction and are a nullity.

The Commission does not consider the claims have any merit.

The three matters have been set down for concurrent hearing commencing on 23 June 2014.

In the fifth matter, Travers Duncan commenced proceedings in the NSW Supreme Court in March 2013 seeking an order restraining the Commissioner from further presiding over the Operation Jasper public inquiry and orders restraining the Commissioner and the Commission from preparing the report on the investigation.

On 10 April 2013 the Supreme Court dismissed Mr Duncan's summons and ordered him to pay the Commission's costs.

Mr Duncan appealed this decision to the NSW Court of Appeal. On 25 June 2013, the Court of Appeal dismissed the appeal and ordered Mr Duncan to pay the Commission's costs.

Mr Duncan's application for special leave to appeal to the High Court was dismissed with costs on 25 July 2013.

Steps are now being taken to recover costs in this matter.

In the sixth matter, the plaintiff, Martin Waterhouse, is seeking orders requiring the Commission to investigate allegations previously made to the Commission. The Commission is seeking to have the proceedings dismissed.

The seventh matter arose from the findings of corrupt conduct made against Angela D'Amore MP in the Commission's December 2010 report on its investigation into the submission of false claims for sitting day relief entitlement by Ms D'Amore and members of her staff.

Ms D'Amore sought a declaration from the NSW Supreme Court that the Commission had exceeded its powers under the ICAC Act in making corrupt conduct findings against her.

On 14 May 2012, the Supreme Court dismissed Ms D'Amore's summons and ordered her to pay the Commission's costs.

Ms D'Amore appealed this decision to the NSW Court of Appeal. On 21 June 2013, the Court of Appeal dismissed the appeal and ordered Ms D'Amore to pay the Commission's costs.

Ms D'Amore's application for special leave to appeal to the High Court was dismissed with costs on 13 December 2013.

Steps are now being taken to recover costs in this matter.

The eighth matter arose from a finding of corrupt conduct made against Charif Kazal in the Commission's December 2011 report on its investigation into the undisclosed conflict of interest of a senior executive of the Sydney Harbour Foreshore Authority.

Mr Kazal sought an order or declaration from the NSW Supreme Court setting aside or declaring invalid or unlawful the Commission's report, a declaration that the report was made without jurisdiction or in excess of jurisdiction, a declaration that on the facts as found in the report the determinations or findings were wrong in law, and an order or injunction preventing the Commission from acting on or taking any further steps in reliance on the report. It was ultimately argued on behalf of Mr Kazal that, if relying upon s 9(1)(a) of the ICAC Act as a basis for a corrupt conduct finding, the Commission should be satisfied beyond reasonable doubt that the offence had occurred and there was sufficient admissible evidence to support a prima facie case.



On 7 February 2013, the Supreme Court dismissed Mr Kazal's summons and ordered him to pay the Commission's costs. Harrison J held that the Commission's task is to make findings on the balance of probabilities and s 9(1)(a) of the ICAC Act does not require the Commission to consider whether its findings are capable of proving an offence to the criminal standard on admissible evidence.

Steps are now being taken to recover costs in this matter.

The Commission's answers to the specific questions asked by the Committee are set out below.

29a. The increase in litigation is due in the main to persons or entities that have been subject to adverse findings or recommendations seeking to have those findings or recommendations set aside.

29b. In each matter the Crown Solicitor has been instructed to act for the Commission and counsel have been engaged. The main work impact has been an increase in the workload of the Executive Director Legal who is responsible for briefing the Crown Solicitor and managing the litigation from the Commission's end.

The litigation has had no impact on the Commission's exercise of its functions, including the conduct of its investigations or public inquiries.

29c. It is difficult to answer this question. The extent to which there may be future legal challenges to the Commission will depend upon whether those who consider themselves aggrieved by the Commission's operations believe that they might succeed through litigation in preventing the Commission from proceeding or in overturning particular findings. Nor can the Commission exclude the possibility that those with sufficient funds may seek to disrupt the Commission's proceedings by initiating unnecessary litigation.

### **Question 30**

***Please describe the 'fee for services' listed on page 73 of the Annual Report. There has been a significant increase in fees for services for the 2012/13 reporting period. What factors led to this increase?***

This account contains expenditure incurred on a fee for service basis, commonly provided on a contractual basis. The factors that led to a significant increase during the reporting period include the undertaking of the biennial community attitudes survey, relocation of servers, forensic document services for handwriting analysis and settlement of a copyright infringement claim.

**Question 5**

***How is the Investigation Division working to keep the skills and knowledge of its staff up to date in a rapidly changing technical and digital environment?***

In the 2012/2013 financial year, Investigation Division staff undertook the following digital technology training and development:

- On 12 July 2012, the Electronic Evidence Specialist (EES) attended the ISC2 Secure Sydney 2012 conference centred on issues in connection with electronic data security.
- The following training was provided to ID staff by JSI, the Commission's telecommunications interception system provider:
  - Between 18 and 20 September 2012 four ID staff undertook system administrator (system, product management and warrant administration) training.
  - On 21 September 2012, two ID staff undertook system administrator (Technical) training.
  - Between 24 and 27 September 2012 twelve ID staff undertook system user training.
- Between 24 and 28 September 2012, three staff members undertook an iBase system designer course supplied by Visual Analysis in Canberra.
- On 3 and 23 October 2012, twelve ID staff undertook 1.5 hours of training on the use of the SAI Global smartsearch function. The training was provided at the Commission free of charge by SAI Global.
- On 16 October 2012 the EES attended the Australian Information Security Association National Conference in Sydney.
- On 16, 17 and 31 October 2012 six ID staff undertook 1 hour of refresher training in the use of the Commission's case management system.
- On 18 and 25 October, 13, 14 and 15 November 2012, ten ID staff each received 1.5 hours of training in the use of various advanced features of the Commission's document management software and Microsoft Office applications.
- On 9 November 2012, the EES and the Forensic Technical Officer (FTO) undertook a day of advanced training in the use and administration of the Commission's forensic analysis software (NUIX).
- Between 17 and 22 March 2013 the FTO attended 35 hours of the Graduate Certificate in Forensic Computing course, Adelaide University.
- On 19, 20 and 22 February and 21 and 22 March 2013, a total of 43 ID staff undertook 2.5 hours of training on the Commission's new Telecommunications Interception and Access policy and procedures.
- On 13 May 2013, three ID staff undertook 4 hours of training in the use of the Commonwealth's AUSTRAC data.
- On 7 and 8 May 2013 three chief investigators and the FTO attended the JSI conference in Sydney.
- On 12 and 13 June 2013, the Executive Director ID attended the Information Governance and E-Discovery conference in Sydney.

**PROSECUTION TIMESCALES  
FOR MATTERS CURRENT  
FROM  
1 JULY 2012 TO 31 DECEMBER 2013**

REPORT	REPORTDATE	DATE BRIEF TO DPP	DAYS FROM REPORT TO BRIEF TO DPP	DATE OF REQUISITIONS	DATE OF ICAC FINAL RESPONSE TO REQUISITIONS	DATE OF FINAL DPP ADVICE	DAYS BETWEEN DELIVERY OF BRIEF AND FINAL DPP ADVICE	CURRENT STATUS
AMBROSIA More Kayrouz Aboulhosn Sleiman Karam Ayoub Allem Constantin	21/12/05 21/12/05 21/12/05 21/12/05 21/12/05 21/12/05 21/12/05 21/12/05 21/12/05	16/3/07 16/3/07 16/3/07 16/3/07 16/3/07 16/3/07 18/9/07 18/9/07	450 450 450 450 450 450 636 636	Nil 8/11/11 Nil Nil Nil Nil Nil Nil	22/2/12	17/9/12 13/8/12 18/12/12 18/12/12 26/8/12 6/8/12 13/4/12 27/4/12	2012 1977 2104 2104 1990 1970 1669 1683	For sentence 27/6/13 3 year good behaviour bond Appeal against severity of sentence to be heard March 2014 DPP advised insufficient admissible evidence DPP advised insufficient admissible evidence DPP advised insufficient admissible evidence Sentenced 17/12/13 to 100 hours community service Appeal against conviction to be heard May 2014
MONTO G H J & MINERVA Laidlaw Kotevski Hansen Araldi Hili Schliebs Severino Petrovski Affleck Penny Skinner	19/11/08 19/11/08 19/11/08 19/11/08 19/11/08 19/11/08 19/11/08 19/11/08 19/11/08 19/11/08 19/11/08 19/11/08 19/11/08	25/11/09 25/11/09 25/11/09 25/11/09 25/11/09 25/11/09 25/11/09 25/11/09 25/11/09 25/11/09 25/11/09 25/11/09 25/11/09	371 371 371 371 371 371 371 371 371 371 371 371 371	Nil Nil Nil Nil Nil Nil Nil Nil Nil Nil Nil Nil Nil		21/9/12 21/9/12 21/9/12 21/9/12 21/9/12 21/9/12 21/9/12 21/9/12 21/9/12 21/9/12 21/9/12 21/9/12 21/9/12	1031 1031 1031 1031 1031 1031 1031 1031 1031 1031 1031 1031 1031	20/6/13 sentenced 10 months imprisonment DPP advised insufficient admissible evidence DPP advised insufficient admissible evidence 21/3/13 15 month good behaviour bond DPP advised insufficient admissible evidence DPP advised insufficient admissible evidence DPP advised insufficient admissible evidence DPP advised insufficient admissible evidence DPP advised insufficient admissible evidence DPP advised insufficient admissible evidence DPP advised insufficient admissible evidence DPP advised insufficient admissible evidence DPP advised insufficient admissible evidence

REPORT	REPORT DATE	DATE BRIEF TO DPP	DAYS FROM REPORT TO BRIEF TO DPP	DATE OF REQUISITIONS	DATE OF ICAC FINAL RESPONSE TO REQUISITIONS	DATE OF FINAL DPP ADVICE	DAYS BETWEEN DELIVERY OF BRIEF AND FINAL DPP ADVICE	CURRENT STATUS
<b>MIRNA</b> Sanhueza C. Taylor A Taylor Xuereb	18/12/08 18/12/08 18/12/08 18/12/08	8/1/09 8/1/09 8/1/09 8/1/09	<b>21</b> <b>21</b> <b>21</b> <b>21</b>	Nil Nil Nil Nil		10/7/12 10/7/12 10/7/12 10/7/12	<b>1279</b> <b>1279</b> <b>1279</b> <b>1279</b>	Sentenced 14/10/13 to 3 years imprisonment. Left Australia Left Australia Sentenced 12 months home detention
<b>ARGYLE</b> Smith Rossello	4/11/09 4/11/09	12/10/10 14/9/10	<b>342</b> <b>314</b>	20/1/11 12/4/11	15/8/11 19/5/11	5/10/11 12/4/11	<b>358</b> <b>210</b>	Being prosecuted under s176A Crimes Act. For trial 26/5/14 Charges dismissed
<b>SEGOMO*</b> Hart Paul Kelly Trinder Nankivell	15/3/10 15/3/10 15/3/10 15/3/10 15/3/10	7/9/10 7/9/10 7/9/10 7/9/10 7/9/10	<b>174</b> <b>174</b> <b>174</b> <b>174</b> <b>174</b>	11/3/11 11/3/11 11/3/11 11/3/11 11/3/11	17/5/12 17/5/12 17/5/12 17/5/12 17/5/12	14/9/12 14/9/12 14/9/12 To come 5/10/12	<b>913</b> <b>913</b> <b>913</b> <b>913</b> <b>934</b>	For sentence on s 319 Crimes Act offences 2/8/13 placed on 16 month good behaviour bond 20/5/13 court dismissed charge Awaiting advice from Crown Solicitor's Office (CSO) CSO advised insufficient admissible evidence
<b>CORINTH</b> Paluzzano	13/7/10	19/7/10	<b>6</b>	24/2/11 1/5/11	3/3/11 8/7/11	21/9/11	<b>439</b>	15/2/13, 14 month suspended sentence
<b>VARGAS</b> Kelly Dacombe	1/9/10 1/9/10	19/11/10 19/11/10	<b>79</b> <b>79</b>	10/2/11 Nil	13/9/11	12/6/12 2/8/11	<b>571</b> <b>256</b>	Sentenced 1/5/12 12 months home detention. Appeal lodged. Sentenced 5/3/12 4 months imprisonment (suspended)
<b>SYRACUSE</b> D'Amore	7/12/10	10/3/11	<b>93</b>	29/4/11 21/9/11	23/1/12 23/1/12	13/5/13	<b>795</b>	DPP advised insufficient admissible evidence

REPORT	REPORTDATE	DATE BRIEF TO DPP	DAYS FROM REPORT TO BRIEF TO DPP	DATE OF REQUISITIONS	DATE OF ICAC FINAL RESPONSE TO REQUISITIONS	DATE OF FINAL DPP ADVICE	DAYS BETWEEN DELIVERY OF BRIEF AND FINAL DPP ADVICE	CURRENT STATUS
<b>SIREN</b> Buckley	22/3/11	1/4/11	<b>10</b>	2/5/11 10/11/11	28/11/11 28/11/11	3/9/12	<b>521</b>	Mr Buckley died
Kane	22/3/11	1/4/11	<b>10</b>			19/10/12	<b>567</b>	6 month suspended sentence, 5 Year good behaviour bond
Funovski	22/3/11	1/4/11	<b>10</b>			23/5/12	<b>418</b>	DPP advised insufficient admissible evidence
Harvey	22/3/11	1/4/11	<b>10</b>			19/2/13	<b>690</b>	DPP advised no prosecution for discretionary reasons
Makucha	22/3/11	1/4/11	<b>10</b>			19/2/13	<b>690</b>	DPP advised insufficient admissible evidence
<b>MAGNUS</b> Romano	20/4/11	12/9/11	<b>145</b>	14/10/11 15/8/12 15/5/13	8/3/12 15/11/12 22/5/13	15/8/12	<b>338</b>	Being prosecuted for misconduct in public office, offences under ss 178BA, 249C & 125 Crimes Act & s87 ICAC Act. For trial 14/3/14
<b>CHARITY</b> S Lazarus M Lazarus	31/8/11 31/8/11	20/1/12 20/1/12	<b>142</b> <b>142</b>	Nil Nil		22/2/13 22/2/13	<b>299</b> <b>299</b>	Being prosecuted under ss 300(1), & 178BB Crimes Act Being prosecuted under s 87 ICAC Act
<b>NAPIER</b> Watkins Kelly Costello	12/12/11 12/12/11 12/12/11	16/7/12 16/7/12 16/7/12	<b>217</b> <b>217</b> <b>217</b>	Nil Nil Nil		29/4/13 3/7/13 1/5/13	<b>287</b> <b>352</b> <b>289</b>	19/12/13 placed on 12 month good behaviour bond DPP advised insufficient admissible evidence DPP advised insufficient admissible evidence
<b>VESTA</b> Kelly C. Kazal	16/12/11 16/12/11	19/3/12 19/3/12	<b>94</b> <b>94</b>	21/5/12 21/5/12	25/5/12 25/5/12	20/2/13 20/2/13	<b>339</b> <b>339</b>	DPP advised insufficient admissible evidence DPP advised insufficient admissible evidence
<b>BARCOO</b> Johnson	18/1/12	29/2/12	<b>42</b>	19/9/12	20/10/12	24/10/12	<b>238</b>	20/1/14 sentenced 18 months home detention

REPORT	REPORTDATE	DATE BRIEF TO DPP	DAYS FROM REPORT TO BRIEF TO DPP	DATE OF REQUISITIONS	DATE OF ICAC FINAL RESPONSE TO REQUISITIONS	DATE OF FINAL DPP ADVICE	DAYS BETWEEN DELIVERY OF BRIEF AND FINAL DPP ADVICE	CURRENT STATUS
<b>BARROW</b> Au	14/6/12	9/10/12	<b>117</b>	10/12/12	12/4/13	13/5/13	<b>216</b>	20/12/13 sentenced 200 hours community service
<b>CRUSADER</b> McCallum McLean	30/8/12 30/8/12	10/10/12 3/10/12	<b>41</b> <b>34</b>	Nil Nil		27/8/13 27/8/13	<b>335</b> <b>328</b>	Being prosecuted under ss 249B, 157 & 192E Crimes Act Being prosecuted under s 178BB Crimes Act
<b>PETRIE</b> R Mason Foster V Mason	27/9/12 27/9/12 27/9/12	16/11/13 16/11/13 16/11/13	<b>414</b> <b>414</b> <b>414</b>					DPP to provide advice after Medich murder trial DPP to provide advice after Medich murder trial DPP to provide advice after Medich murder trial
<b>CITRUS</b> Demiralay Kantarzis	24/10/12 24/10/12	28/11/12 28/11/12	<b>36</b> <b>36</b>	11/10/13 Nil	N/A	11/10/13 11/10/13	<b>317</b> <b>317</b>	Being prosecuted under s 87 ICAC Act Being prosecuted under s 87 ICAC Act
<b>JAREK</b> Burnie Kelly Lapham Morgan Pearce Smith Stokes Verdeyen Wright	29/10/12 29/10/12 29/10/12 29/10/12 29/10/12 29/10/12 29/10/12 29/10/12 29/10/12	2/7/13 30/9/13 30/9/13 30/9/13 30/9/13 30/9/13 30/9/13 2/7/13 30/9/13	<b>246</b> <b>336</b> <b>336</b> <b>336</b> <b>336</b> <b>336</b> <b>336</b> <b>246</b> <b>336</b>	Nil 3/12/13 Nil Nil Nil Nil Nil Nil Nil	3/12/13	5/9/13 3/2/14 9/1/14 N/A 3/2/14 N/A N/A 9/1/14 9/1/14	<b>65</b> <b>97</b> <b>72</b>  <b>97</b>   <b>181</b> <b>72</b>	27/11/13 9 months suspended sentence DPP advised insufficient admissible evidence Being prosecuted under ss 80 & 87 ICAC Act Awaiting advice from the DPP DPP advised insufficient admissible evidence Awaiting advice from the DPP Awaiting advice from the DPP Being prosecuted under s87 ICAC Act Being prosecuted under ss 193B Crimes Act & ss80 & 87 ICAC Act

REPORT	REPORTDATE	DATE BRIEF TO DPP	DAYS FROM REPORT TO BRIEF TO DPP	DATE OF REQUISITIONS	DATE OF ICAC FINAL RESPONSE TO REQUISITIONS	DATE OF FINAL DPP ADVICE	DAYS BETWEEN DELIVERY OF BRIEF AND FINAL DPP ADVICE	CURRENT STATUS
<b>DRAKE</b> Te-Hira	25/1/13	6/5/13	<b>101</b>			15/11/13	<b>193</b>	DPP advised insufficient admissible evidence
<b>STARK</b> Faysal	27/3/13	27/3/13	<b>0</b>	10/5/13	6/9/13			Awaiting advice from the DPP
<b>JARILO</b> Macdonald Medich	31/7/13 31/7/13	6/8/13 6/8/13	<b>6</b> <b>6</b>	23/9/13 23/9/13				ICAC finalising responses to outstanding requisitions ICAC finalising responses to outstanding requisitions
<b>INDUS</b> M Obeid P Obeid Rocco Triulcio Ross Triulcio	31/7/13 31/7/13 31/7/13 31/7/13	30/9/13 30/9/13 30/9/13 30/9/13	<b>61</b> <b>61</b> <b>61</b> <b>61</b>					Awaiting advice from the DPP Awaiting advice from the DPP Awaiting advice from the DPP Awaiting advice from the DPP
<b>JASPER</b> Macdonald E Obeid Snr M Obeid Duncan McGuigan Atkinson Poole	31/7/13 31/7/13 31/7/13 31/7/13 31/7/13 31/7/13 31/7/13							ICAC preparing brief ICAC preparing brief ICAC preparing brief ICAC preparing brief ICAC preparing brief ICAC preparing brief ICAC preparing brief
<b>ACACIA</b> Macdonald Maitland Ransley Poole	31/7/13 31/7/13 31/7/13 31/7/13							ICAC preparing brief ICAC Act brief with DPP. Crimes Act brief being prepared ICAC preparing brief ICAC preparing brief

REPORT	REPORTDATE	DATE BRIEF TO DPP	DAYS FROM REPORT TO BRIEF TO DPP	DATE OF REQUISITIONS	DATE OF ICAC FINAL RESPONSE TO REQUISITIONS	DATE OF FINAL DPP ADVICE	DAYS BETWEEN DELIVERY OF BRIEF AND FINAL DPP ADVICE	CURRENT STATUS
<b>TILGA</b> Paul Diekman Huskic	26/9/13 26/9/13 26/9/13							ICAC preparing brief for delivery in February 2014 ICAC preparing brief for delivery in February 2014 ICAC preparing brief for delivery in February 2014
<b>TORINO</b> Di Bona	26/9/13							ICAC preparing brief for delivery in February 2014

\*The prosecution briefs in Operation Segomo were forwarded to the DPP. The matter was then referred by the DPP to the Crown Solicitor's Office (CSO) for advice and action. The Commission has acted upon the advice of the CSO.