



6 November 2007

PARLIAMENT OF NEW SOUTH WALES
COMMITTEE ON THE INDEPENDENT COMMISSION AGAINST CORRUPTION

MEDIA RELEASE

Report tabled - Review of the 2005-2006 Annual report of the Independent Commissioner Against Corruption

Mr Frank Terenzini, Chair of the Committee on the Independent Commission Against Corruption today tabled the Committee's Report on its review of the ICAC's 2005 – 2006 Annual Report.

"The Committee has focussed on the issue of delays in initiating criminal prosecutions as a result of ICAC investigations", Mr Terenzini said.

"There have been some instances of unacceptable delays in the decision making process as to whether or not to initiate criminal prosecutions against a person found by the ICAC to be acting corruptly. The Committee found that in one case, more than 4 years passed between the ICAC's submission of an initial brief of evidence to the Office of the Director of Public Prosecutions and the receipt of final advice from the DPP."

The Committee noted that whilst the ICAC and the DPP had their own respective functions, what needed to be clarified was the role each of these agencies would play in the process of considering and instituting criminal prosecutions once the brief of evidence was submitted to the DPP. The role of the ICAC in assembling any additional evidence required by the DPP was also raised as an issue during the inquiry.

"The assembling of admissible evidence during the course of an investigation with the assistance of the DPP could have the effect of reducing delays in the time taken to decide whether or not to initiate criminal prosecutions, against individuals about whom a finding of corrupt conduct has been made." Mr Terenzini said. "It is important that those found by the ICAC to have been acting corruptly be advised as soon as possible whether they will be the subject of criminal prosecutions" Mr Terenzini added.

The Committee would continue to monitor the ICAC and the DPP's progress on resolving these issues and how the two agencies interacted and functioned together during the post – investigation period. The Committee welcomed the decision by these two agencies to get together to update their Memorandum of Understanding, and, achieve an administrative solution to the issues. "It is hoped that a new Memorandum of Understanding is agreed to with the effect of improving the current situation thereby obviating the need to again review the matter" Mr Terenzini concluded.

The report is available on the Committee's website at www.parliament.nsw.gov.au/icac, or by request from the secretariat on 9230 2161.

For additional comments, please contact the Committee Chair, Mr Frank Terenzini MP, on 0447 112 270.