

ICAC

INDEPENDENT COMMISSION
AGAINST CORRUPTION



REVIEW OF INDEPENDENT COMMISSION AGAINST CORRUPTION'S 2011- 2012 ANNUAL REPORT

HEARING DATE: 21 JUNE 2013

Review of the ICAC's 2011-2012 Annual Report

Responses to questions on notice

- 1. In his 2011-12 Annual Report, the Inspector of the ICAC commented on his power to make adverse findings against the Commission and/or its officers (pp 4-5). What are your observations on his comments?**

The Commission agrees with the Inspector's comments concerning the type of adverse findings he is entitled to make. The Commission notes that section 57C(g) of the *Independent Commission Against Corruption Act 1988* (the ICAC Act) specifically provides that the Inspector may recommend disciplinary action or criminal prosecution against officers of the Commission.

The Commission agrees with the Inspector's comments that he is not entitled to make findings that the Commission or an officer of the Commission was or may have been guilty of a criminal offence or engaged in corrupt conduct. The Commission also considers that, on the same reasoning as applied by the Inspector at page 5 of his 2011-12 Annual Report, the Inspector would not be entitled to make a finding that a Commission officer had committed a particular disciplinary offence. These limitations are similar to those which have been placed upon the Commission's powers to make and report findings against individuals.

Assessing matters

- 2. The ICAC's 2010-11 Annual Report (p 27) stated that in the year ahead the Assessments Section would formulate tools to assist principal officers of agencies to report suspected corrupt conduct to the Commission. Please inform the Committee of developments in this area.**

As noted on page 18 of the ICAC's 2011-12 Annual Report, the Manager, Assessments developed a template for principal officers to use, to assist them to comply with their section 11 reporting obligations. The "take-up" of this form has been significant and the details called for in the template assist Assessments to clearly identify the nature of matters reported and whether there are any connections between those matters and matters already in the Commission's database. The template was developed in part because some agencies were not providing enough details in their initial section 11 reports. Whilst a written guideline for principal officers has existed for several years, including a checklist of relevant information the Commission requires in conducting an initial assessment, the template is more directive. A copy of the template is attached as Annexure A. The Manager, Assessments has continued in the 2011-12 year to deal with queries from principal officers and their staff about reporting obligations and initiated meetings or discussions with agency staff where it appeared that reporting obligations were not well understood.

- 3. The 2011-12 Annual Report (p 17) notes that in 2011, the Assessments Section instigated a survey of complainants from the general public and public officials who made PID complaints. The**

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Annual Report notes that the purpose of the survey was to gauge the effectiveness of the Commission's written and electronic materials, and professionalism of staff. Has the Commission made changes to any material or any procedures as a result of the survey?

The results of the survey did not result in any material changes to template letters, web content or fact sheets or to procedures. Comments made by respondents did serve, however, to remind staff that communication with complainants should be in plain English at all times and avoid bureaucratic jargon. The results of the survey also led to the Manager, Assessments conducting training with her staff in December 2012 on the need to provide complainants with detailed and meaningful reasons for ICAC decisions.

- 4. Page 19 of the Annual Report states that a procedural change in the way schedules of allegations are registered has contributed to the increase in section 11 reports from public sector agencies (from 638 in 2010-11 to 812 in 2011-12). Please elaborate on this procedural change.**

A schedule from a large agency may include many separate sets of allegations and agencies can report by schedule either on a monthly or quarterly basis. The Commission has been encouraging those agencies that have previously reported by way of quarterly schedule to report on a monthly basis, with any urgent matters to be reported immediately. The procedural change is that, rather than registering in the database all allegations reported in a schedule as one matter as was previously the case, each allegation or set of allegations within an agency's schedule is now registered separately. Although this process has led to an increase in the number of section 11 reports recorded, it more accurately reflects the work undertaken by Assessments staff in assessing each matter, as each allegation on a schedule has to be separately considered. It has also improved the effectiveness of searching capabilities within the Commission's database when staff are seeking to determine whether a particular identity has been associated with prior matters.

- 5. According to the Annual Report (p 28) there has been a marked increase in the number of matters where the Commission has requested an investigation report from an agency.**

a) What in your view are the reasons for this increase?

b) What impact did this increase have on the workload of the Assessments Section?

It is the Commission's observation that in the last few years there has been a greater appreciation on the part of principal officers of the need to consider what action they may need to take if the Commission does not commence an investigation into the matters reported, and the desirability of conveying any intended action when reporting the matter in the first instance. If the agency proposes to investigate the suspected corrupt conduct, and the Commission determines not to conduct an investigation itself, but believes the matter requires investigative action, the Assessment Panel decision will be to request the agency's final investigation report. Whilst there has been an increase in the number of reports requested, there has been a reduction in the number of section 53 referred investigations over the same period. The increase in the number of matters in respect of which the Commission has requested an agency's investigation report has not impacted significantly on the workload for the Commission, as those matters

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may otherwise have been the subject of a referred investigation under section 53. Further, where the Commission obtains an agency's report upon conclusion of an investigation the agency has conducted, that report still needs to be assessed by the Commission to ensure that the findings are sound and evidence-based, whether or not a referral has been made under section 53.

- 6. Page 29 of the Annual Report notes that there has been a marked increase in the number of assessment enquiries undertaken by the Assessments Section, from 137 in 2008-09 to 226 in 2011-12. What are the factors leading to this increase?**

Since 2008, Assessments has focused on making enquiries in relevant matters to clarify and narrow the issues and to determine whether to recommend that a matter be made the subject of a preliminary investigation. This ensures that only the more serious or systemic matters are referred to the Investigation Division for further action. The making of assessment enquiries can also assist in the provision of meaningful reasons to complainants where the Commission's decision is not to commence an investigation.

Investigating corruption

- 7. During the previous Annual Report review, the Commission raised the issue of access to the NSW Police Computerised Operational Policing System (COPS) database for the purpose of vetting prospective employees.¹ Please inform the Committee of any developments in relation to this matter.**

This matter is being addressed by legislation.

The Independent Commission Against Corruption and Other Legislation Amendment Bill 2013 was introduced into the Legislative Assembly on 14 March 2013. The objects of the Bill are to enable certain information, including criminal intelligence, to be requested, disclosed and used for vetting applicants for positions with the Commission, the ICAC Inspector, the NSW Crime Commission and the Inspector of that Commission, the NSW Police Force and the Police Integrity Commission and the Inspector of that Commission.

The Commission was consulted during the drafting of the Bill and is satisfied that, if passed, it will address the Commission's concerns raised with the Committee in the previous Annual Report review.

- 8. The Annual Report notes the continuing challenge of investigating increasingly large and complex matters. Please elaborate on the enhancements of investigation procedures noted on page 33.**

¹ Committee on the ICAC, *Review of the 2009-2010 and 2010-2011 Annual Reports of the Independent Commission Against Corruption*, report 1/55, June 2012, pp 5-6

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Page 33 of the Annual Report noted that in 2011-2012 the Investigation Division focused on, 'enhancing its investigation procedures by reviewing its standards to improve on efficiency, consistency and investigative practice'.

In November 2011, the Executive Management Group (EMG) approved a project to articulate a policy and standard for the conduct of the Commission's investigation function. On 17 May 2012 the EMG approved the ICAC *'General Investigation Standards and Procedures'* (GISP).

The development of the GISP has enabled the Commission to:

- identify and resolve policy and procedural gaps in the Commission's Operations and Assessments Manual
- eliminate any inter-divisional inconsistencies in the Commission's approach to the investigative process
- provide a solid framework for future quality assurance audits, and
- guide improvements to the Commission's electronic case and file management systems.

There is no Australian Standard for the conduct of investigations. The Heads of Commonwealth Law Enforcement Agencies has approved the Australian Government Investigation Standards (the AGIS) which applies mandatory minimum standards for the conduct of investigations by Commonwealth agencies. The GISP has been closely modelled on the AGIS, taking into account the specific jurisdiction and requirements of the Commission. Like the AGIS, the GISP is organised into four parts:

- *Operating Framework*: This part outlines standards dealing with the Commission's investigation policy and performance measures, related internal and external policies, legal framework, investigator qualifications, stakeholder relationships, information sharing and exchange, ethical conduct and media.
- *Identification of Matters for Investigation*: This part outlines how the Commission receives and evaluates matters for investigation and public inquiry and how it deals with intelligence.
- *Investigation Management*: This part outlines the supervisory and risk management framework for the investigation function. It deals with all phases and aspects of an investigation from commencement to closure.
- *Investigation Practices*: This part outlines policy with respect to discrete investigation activities and closely links policy to procedures in the Operations Manual.

The GISP is the first level (policy and standards) of the framework for the Commission's investigation function. The second level (procedures) is the Assessments Manual and the Operations Manual and, where necessary, there is a third level – Work Instructions. Work instructions deal largely with administrative procedures incidental to particular parts of the main procedure or for example, may provide instruction on how to operate/use a particular program or equipment. In June 2012, the EMG approved a project to undertake a substantive review of the Operations Manual. This project is expected to be completed by 30 June 2014.

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- 9. Page 33 of the Annual Report notes that in 2011-12 the Investigation Division improved its focus on the suitability of matters the Commission investigates and on key performance targets to improve timeliness and efficiency. Please provide the Committee with further detail on this improvement.**

The decision whether to commence or continue an investigation is critical to the efficiency with which the Commission's resources are engaged because the quality of those decisions affects whether the Commission's resources are expended on matters most likely to produce a timely outcome that advances the Commission's objectives.

The Commission aims to complete 80% of its preliminary investigations within 120 days and for matters that become full investigations, ensure that 80% of those are finalised or commence public inquiry or reporting phase within 12 months of escalation. In 2011-2012, the timeliness result for preliminary investigations improved from 41% in the previous year to 76.6%. In 2011-2012, the timeliness result for full investigations incurred a slight decrease on 2010-2011 result, going from 93% to 90% respectively, but still well above the 80% target.

These results were achieved by maintaining attention on the performance indicator, timely management intervention where necessary and adjusting some systems to better align them with the objective (i.e. use of out of session reporting).

- 10. Page 40 of the Annual Report lists strategic alliances that ICAC has with other agencies. Please inform the Committee of any changes in systems and processes made as a result of the meetings with any of the Committees/forums listed.**

Some examples of changes in systems and processes have occurred or been influenced by information obtained and access to networks established through the Commission's participation in the Committees mentioned on page 40 of the Annual Report are outlined below:

- A problem with technical tracking equipment, used by the Commission and in common use among participating agencies, was identified by one of the agencies. That agency then worked with the supplier of the equipment and subsequently developed a solution that was supplied to all agencies using that technology, including the Commission.
- During one meeting, an agency participant demonstrated surveillance equipment to which they have access. The equipment is extremely expensive and outside the capability of small agencies such as the Commission. The Commission has since been able to use this technology on three occasions.
- The Commission is currently using covert video and image capture technology which was first identified and used by another agency and subsequently demonstrated and reviewed during one of the committee forums.
- In 2013-2014 the Commission plans to complete an upgrade to its mobile surveillance technology with systems first introduced and reviewed during one of the Committee forums.

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- Participation in these committees also assists agencies to share the financial burden of maintaining technical and surveillance currency and breadth of capacity by assisting them to purchase mutually complimentary technologies that can be borrowed or used in conjunction with other technologies held by the group. For example, the Cellebrite technology mentioned below (question 29) was selected, after appropriate research and consultation, to build on and compliment existing technology in use at the PIC with a view to enhancing the capability of both agencies.
- Information discussed at the Interception Consultative Committee and Special Networks Committee (SNC) has informed aspects of the Commission's integrated telecommunications interception project (see further question 11), a substantial revision of the Commission's procedure for the use of powers under the *Telecommunications (Interception and Access) Act 1979* and has allowed the Commission to remain current on telecommunications carrier technical and compliance issues. Through the SNC the Commission also has input into the way in which carrier costs attributed to meeting these technical and compliance issues are distributed across interception agencies such as the Commission.

11. The Annual Report (p 41) indicates that an integrated telecommunications interception project was due for completion on 31 October 2012. Please update the Committee on this project.

Since its inception the Commission has had access to a telecommunications interception (TI) capability through the NSW Crime Commission (NSWCC). By October 2011 the NSWCC had moved to a virtualised information technology framework and the resulting incompatibility with the Commission's ICT framework produced technical and operational deficiencies for the Commission's access to TI capability. Consequently the Commission investigated and determined options to ensure it had access to a cost efficient and technically current TI capability, scalable to future requirements with reliable and timely technical assistance.

On 7 May 2012 the Commission received approval of government funding to establish an integrated TI capability in partnership with the Police Integrity Commission (PIC) that would be supplied and supported by JSI Telecom, a system already in use at the PIC. The TI project also included funding to establish a database for the Commission capable of maintaining information accessed by it under Chapter 4 of the *Telecommunications (Interception and Access) Act 1979*.

The Commission's TI system was installed in September 2012 and training for system administrators and users took place between 17 September 2012 and 28 September 2012. The system became fully operational on 5 November 2012. The Commission's arrangement with the PIC is supported by a memorandum of understanding.

The Chapter 4 information database will soon become fully operational. The customisation of this database experienced some delay due to the need to develop in-house, complimentary data cleansing software and to accommodate more recent changes to carrier data formats.

The Commission's TI interception system was delivered on time and at a total cost of approximately \$486,000, a figure within the project budget of \$490,000.

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12. Appendix 4 on page 111 of the Annual Report states that the Commission is still awaiting advice from the Director of Public Prosecutions (DPP) on the prosecution of matters arising from Operations Ambrosia, Mirna and Monto. During the previous Annual Report review, the Commission indicated that the Commissioner had written to the DPP expressing concern about delays in receiving advice on these matters, and that the DPP had advised that he anticipated being able to make a determination in most of the matters by the end of February 2012.²
- a) Please update the Committee on the status of these matters.
- b) Has the Commission received any indication from the DPP on when they are likely to be finalised?

The Commission received final advice from the DPP in the second half of 2012 on all outstanding matters in operations Ambrosia, Mirna and Monto.

13. The Committee notes the comments of Chief Magistrate Graeme Henson regarding the period of time between offending and prosecution in the case of DPP v Hetman:

*The defendant was charged before the Court with the offences on 1st May 2012. The Court asked why it had taken over 4 years to bring proceedings against the offender. The solicitor for the DPP was unable to inform the court of any reason why there had been such a prolonged period between the giving of false evidence and its retraction and the laying of Court Attendance Notices. The issue of delay is a significant factor to be addressed in sentencing for these offences.*³

Could you give your views on what led to the delay?

In September 2008 the Commission furnished to the Presiding Officers its 5th report on its investigation into bribery and fraud at RailCorp. The report principally concerned the conduct of Guy Hetman, a RailCorp employee who received financial benefits of over \$110,000 from a RailCorp contractor in return for awarding RailCorp work to that contractor.

The report contained a statement pursuant to section 74A(2) of the ICAC Act that the Commission was of the opinion that consideration should be given to obtaining the advice of the DPP with respect to the prosecution of Mr Hetman for offences under sections 249B(1) and 178BA of the *Crimes Act 1900* and section 87 of the ICAC Act. The section 87 offences related to evidence he gave to the Commission in March 2008.

A brief of evidence, consisting of 11 folders of statements and other material, was compiled by Commission investigators and reviewed by a Commission lawyer before being delivered to the DPP on 13 October 2009.

The DPP did not issue requisitions to the Commission.

Between October 2009 and October 2010, three DPP solicitors had carriage of the matter in turn.

² Committee on the ICAC, report 1/55, June 2012, p 31

³ Director of Public Prosecutions v Hetman [2012] NSWLC 8 at [4]

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In August 2011 the Commission was advised by the DPP lawyer with carriage of the matter that she anticipated completing her advice on the matter shortly. In February 2012 the Commission was advised that the advice was with the Director awaiting determination as to appropriate charges.

On 23 March 2012 the Commission received advice from the DPP that there was sufficient evidence to prosecute Mr Hetman for four offences under section 87 of the ICAC Act. The advice did not refer to the Crimes Act offences identified in the Commission's report. After making further enquiry with the DPP solicitor with carriage of the matter the Commission was advised that the DPP did not consider there was sufficient admissible evidence to prosecute Mr Hetman for Crimes Act offences.

The Commission prepared Court Attendance Notices with respect to the section 87 offences. These were served on Mr Hetman on 19 April 2012. The first court appearance was on 1 May 2012.

- 14. Please provide a table, similar to that provided to the Committee during its previous Annual Report reviews, outlining the period of time that has elapsed between the ICAC's provision of briefs of evidence to the DPP and the DPP's decision on each matter, for matters current during the 2011-12 reporting period to date. Please include the date of all requisitions received from the DPP for each matter.**

The table is attached (Attachment B). It covers the period 1 July 2011 to 31 December 2012.

The Commission has also included a current table of matters with the DPP's office (Attachment c), as it shows the marked improvement in the timeliness of the consideration of briefs by the DPP. The current schedule shows that there are only 4 ICAC briefs currently with the DPP awaiting advice, and that those briefs were sent to the DPP on dates ranging from 16/7/12 to 28/11/12. It has taken time for the regular liaison meetings between the Deputy Commissioner of the ICAC and the DPP officer responsible for ICAC briefs to have a significant effect on timeliness, especially with respect to older matters like the matter arising from Operation Monto referred to in question 13. The schedule today reflects a significant reduction in both the matters on hand at the DPP's office and the time taken to consider such matters. In addition, the DPP's office is now briefed on new matters before they are even referred, so advance planning can be done about the likely resources needed to provide advice on those matters.

- 15. Page 41 of the Annual Report states that in 2011-2012, the Investigation Division 'reviewed practices for dealing with the preparation of briefs of evidence for referral to the DPP for consideration of criminal proceedings.' Please elaborate on this review.**

In 2011-2012 the Investigation Division performance measures required 90% of briefs of evidence to be completed and referred to the Legal Division for review before referral to the DPP, within 90 days of final submissions being received in connection with a public inquiry.

Prior to 2011-2012 responsibility for brief preparation and quality was assigned to individual case officers with oversight by the relevant chief investigator. Brief preparation delays occurred where these officers were engaged in current operational activities. To address this issue, three changes were made:

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- Primary responsibility for brief preparation quality and timeliness now rests with the Deputy Director Investigation Division. This has enabled more consistent and improved co-ordination of brief preparation activity, supervision and follow-up.
- Generally, and as far as practicable, case officers are no longer assigned further investigations until their outstanding briefs are completed.
- In 2010-2011, the time frame allowed to the Investigation Division for brief preparation was 60 days but in that year only 54% of briefs were meeting that target. In May 2011 the Commission amended its memorandum of understanding (MOU) with the Director of Public Prosecutions (DPP). Under the terms of the amended MOU, the time frame for brief preparation in the Investigation Division was able to be extended to a more realistic objective of 90 days. By the end of the 2012 financial year, 75% of briefs were meeting the new timeliness target.

16. The Committee notes that the Commission recruited a Principal Lawyer (Prosecutions) in December 2011.⁴ Page 54 of the Annual Report states that in the face of a substantial workload, the Legal Division's principal lawyer for prosecutions was allocated to operational work, as opposed to work on prosecution brief preparation. What impact has this reallocation had on the Division's brief preparation work?

At the time of recruitment in December 2011, it was intended that the Principal Lawyer (Prosecutions) would undertake the normal operational role of a Principal Lawyer as well as:

- a) identify improvements to the Commission's criminal prosecution brief preparation procedures to ensure briefs meet relevant DPP and evidentiary requirements;
- b) identify the need for and undertake training to improve the Commission's criminal brief preparation procedures; and
- c) assist with and oversee preparation of criminal briefs for submission to the DPP.

Due to operational needs the Principal Lawyer (Prosecutions) has been assigned to investigative work and has not had an opportunity to review criminal prosecution brief preparation procedures with a view to identifying whether changes are required to make criminal brief preparation more efficient or effective.

The Principal Lawyer (Prosecutions) has carriage of one prosecution matter (Operation Vesta). Apart from this matter, the Principal Lawyer (Prosecutions) has not had an opportunity to assist with or oversee preparation of criminal briefs or to identify the need for or undertake training.

The allocation of the Principal Lawyer (Prosecutions) to primarily operational work has had little direct impact on the timeliness of brief preparation in general. This is because each of the Commission's other permanent lawyer positions has responsibility, in conjunction with the relevant investigator(s), for criminal brief preparation of particular matters.

⁴ Committee on the ICAC, report 1/55, June 2012, p 32

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Preventing corruption

- 17. Page 43 of the Annual Report notes that the Commission's report on procurement, *Corruption risks in NSW Procurement – the management challenge*, described a range of approaches to corruption control. Has the Commission been able to gauge the response by agencies to the recommended approaches to corruption control?**

The goal of the management challenge paper was to broadly educate, or remind managers of the range of organisation design factors that exert control over the procurement function. The paper examined structural arrangements, decision locations, systems, skill sets etc in the context of individual agency's operational demands. Recognising the varied operational imperatives and organisational capabilities of individual agencies, the paper did not make specific or universal recommendations. Rather the report described a range of approaches to corruption control from which managers could select to meet the unique challenges of their operating environment. Consequently the response of agencies cannot be gauged by implementation of specific recommendations.

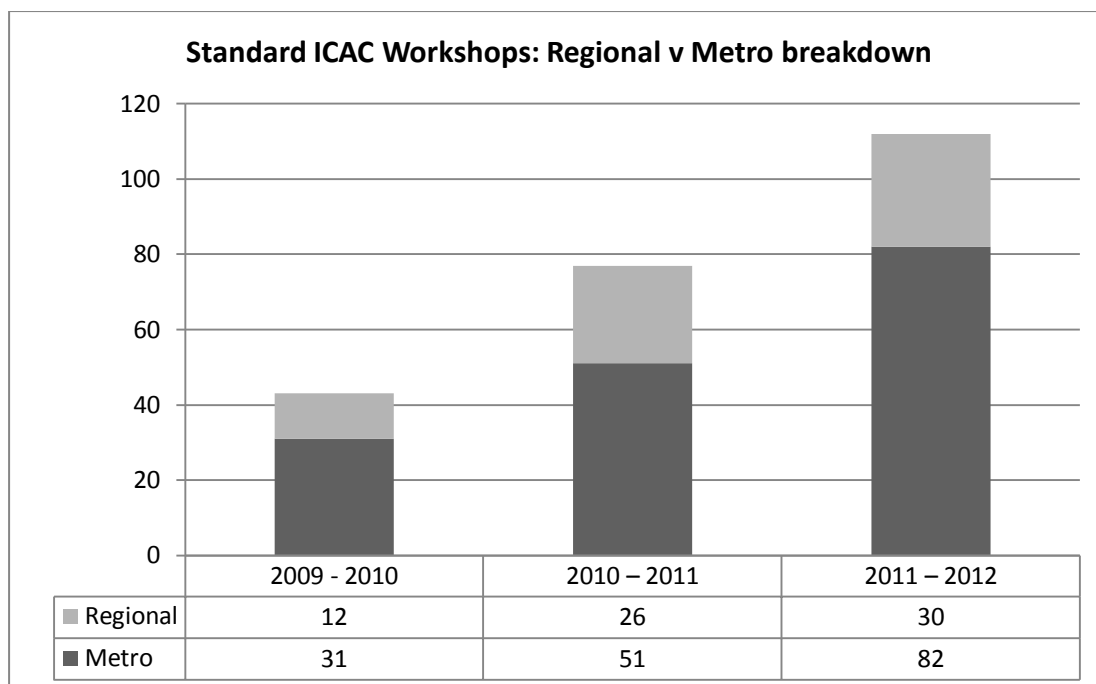
Anecdotally the paper was well received with positive feedback from numerous senior officers, including NSW Procurement and Transport for NSW. Invitations were accepted for 16 speaking engagements specifically relating to this paper reaching an audience of over 800 people. In addition, the paper has been picked up by several relevant newsletters and reprinted in some form. The content of the paper has also been integrated into the speaking program that followed the release of the Commission's report on Operation Jarek and in procurement training.

- 18. The Committee notes that since 2010-11 the Corruption Prevention Division has offered free training and workshops to public sector agencies, so that smaller agencies and those in remote locations have the same access as those in metropolitan agencies (p 46). What has been the response by agencies to this change in policy?**

The Commission introduced free training workshops on 1st July 2010 at the start of the 2010-11 financial year. At the same time the Commission introduced a new training course on the topic of procurement. As can be seen from the data below, the ratio of rural to metro has remained reasonably constant over time, with rural workshops representing approximately one third of all workshops delivered. The overall volume of training increased substantially, however, following the simultaneous removal of fees and the introduction of the "Corruption Prevention in Procurement" workshops. It is unclear whether this increase can be attributed to the fact that training is now free or to the fact that procurement is a topic of particular interest to public officials. Most likely it is a combination of both factors.

This chart shows the proportion of workshops completed in the Sydney Metro area versus regional areas from 01/07/2009 – 31/07/2012.

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* Please note these figures differ from those reported in the annual report as they relate only to ICAC's core workshops, namely Corruption prevention for managers, Corruption prevention in procurement, Probity in procurement and Fact Finder workshops as well as customised versions thereof. Excluded are workshops held at rural and regional outreach events, Better Management of Protected Disclosures, which the Commission no longer offers, and workshops for special purposes such as those targeting senior executives, Aboriginal land councils, Legal Studies Students and conferences. This is to ensure that the figures are representative of the Commission's core training program.

19. Please update the Committee on the status of the Division's project on corruption risks associated with non-government organisations.

The 2011-12 annual report indicated that a consultation paper on the corruption risks associated with non-government organisations (NGOs) would be released early in 2012-13. The NGO consultation paper was released in August 2012. A position paper was released in December 2012, containing 18 recommendations to government.

The recommendations address gaps in control of the funding of NGOs that have evolved in NSW and elsewhere as highly centralised government agencies are tasked with the delivery of locally responsive services in partnership with communities, individuals and NGOs. The mismatch between the traditional centralised control arrangements and new demands of decentralised delivery within the system was seen as a primary cause of weaknesses in the control of NGO funding. We observed the emergence of informal decentralised decision-making at the regional level and lower, as operational staff ignored central office policies in order to deliver results for clients.

The position paper, then, reflected an analysis of the organisational control requirements for the management of decentralised funding of community organisations. In addition to analysis of the NSW situation, the paper also drew on information available about how similar issues were dealt with in Victoria and Scotland, two sub-national Westminster systems that have made significant progress in

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gaining control of decentralised funding of NGOs. The paper also addressed the jurisdictional limitations on external oversight by both the Audit Office and the ICAC of government monies provided to NGOs.

The paper examines a number of problems stemming from the design of the current system, including the limitations of the centralised decision-making arrangements, problems of information management, low accountability within the system, difficulty dealing with NGOs with low governance and service capacity, and the complexity of transactions and funding arrangements within the current system. The paper also deals with the challenges of coordination and control within a decentralised system.

The ICAC continues to work with the Department of Premier and Cabinet (DPC) on this issue, as a result of interest expressed by several Ministers. DPC is working on the development of a more appropriate measurement and information system, a central part of the foundation of any decentralised control system. A summary of the results will be presented to the NSW Parliament Community Services Committee inquiry into "Outsourcing Community Service Delivery".

- 20. The Committee notes that of the final reports received in 2011-12 (table 27, p 127) the Office of Liquor, Gaming and Racing did not implement one corruption prevention recommendation and partially implemented the other corruption prevention recommendation. NSW Maritime partially implemented two of the corruption prevention recommendations that it received. Is the Commission satisfied with these responses?**

From the reports received, it appears both agencies have made significant efforts to implement the recommendations. Due to circumstances largely beyond their control, they have not been able to fully implement the recommendations as contained in the report.

Operation Columba

Recommendations were made to the Office of Liquor, Gaming and Racing (OLGR) in the report on Operation Columba - *Corruption in the Provision and Certification of Security Industry Training (Dec 2009)*. The OLGR provided its final implementation report in February 2012. The OLGR did not implement recommendation 13.

Recommendation 13: *The Office of Liquor, Gaming and Racing should review the validity of all responsible service of alcohol and responsible conduct of gaming certificates and statements of attainment issued through Roger Training Academy since 2006.*

When OLGR provided a 12-month implementation report, its intention was to implement this recommendation. However OLGR found a number of impediments to reviewing the certificates and statements of attainment issued through Roger Training Academy. As outlined in the Operation Columba report, Roger Training Academy was not licensed to issue responsible service of alcohol and responsible conduct of gaming certificates and so had entered into an agreement with Amstar Learning to issue the certificates in their name. When OLGR sought to obtain student records from Amstar, it was difficult to distinguish between the certificates issued legitimately by Amstar Learning and the certificates issued improperly for Roger Training Academy. In a related development, in 2010 Amstar Learning took action in the Supreme Court to review OLGR's decision to cancel Amstar Learning's approvals to conduct

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responsible service of alcohol training. OLGR obtained advice from the Crown Solicitor's office and, as a result, the matter was settled.

Given the difficulties in implementing the recommendation, the OLGR established an industry hotline, which received approximately 300 calls from industry stakeholders. The OLGR also took steps to inform the industry of these issues. The Commission recognises the difficulties encountered by OLGR in implementing this recommendation, and is satisfied with its response.

The OLGR only partially implemented Recommendation 14.

Recommendation 14: *The OLGR should reduce the likelihood of fraud in the issue of RSA and RCG certificates by:*

- (a) conducting a comprehensive corruption risk assessment of the corruption risks present in RSA and RCG training and licensing. This risk assessment should include but not be limited to:*
 - i. analysis of the risks associated with training by training providers*
 - ii. analysis of the risks associated with any new procedures the OLGR may introduce to review RTOs*
- (b) develop a corruption risk management plan describing the corruption risks identified and the strategies the OLGR will adopt to manage each of these risks.*

The OLGR commissioned a consultant to conduct an independent fraud and corruption risk assessment report. The report made nine recommendations to minimise fraud and corruption in the responsible service of alcohol and responsible conduct of gambling training sectors. When the OLGR reported its progress to the ICAC, all but one of the nine recommendations were fully implemented.

Operation Vargas

Recommendations were made to NSW Maritime in the report on Operation Vargas - *Report on allegations of corrupt conduct involving NSW Maritime officers*. In August 2011 NSW Maritime provided its final report on the implementation of recommendations from Operation Vargas. NSW Maritime accepted and intended to implement all seven recommendations however two recommendations were only partially implemented; one and seven.

Recommendation 1: *That all employees of NSW Maritime in a supervisory role undertake training (and refresher training) in the operation of policies on:*

- secondary employment, including guidance on the identification and management of possible conflicts of interest that can occur within secondary employment*
- use of public resources, including how to identify and manage possible conflicts of interest that can occur when using public resources for personal purposes*
- recruitment processes, including their obligations under the personnel policies of NSW Maritime and applicable circulars, and ministerial memoranda issued by the Department of Premier and Cabinet. Particular attention is to be given to the requirements of merit*

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selection, disclosure of conflicts of interest, and impartial decision-making during recruitment of staff.

NSW Maritime developed two training programs for supervisors titled 'Ethics and Accountability' and 'People Management'. As at August 2011 NSW Maritime had commenced delivery of these courses but had not trained all supervisors. NSW Maritime anticipated that all supervisors would be trained by December 2011.

Recommendation 7: *That NSW Maritime ensures that managers and supervisors understand their responsibilities in relation to performance management, and requires managers and supervisors to hold annual, formal and documented performance discussions with their staff.*

NSW Maritime reported that it has revised and reissued guides and tools for developing performance management plans. Supervisors have been trained on performance management as part of the training developed for recommendation 1. It was intended that all staff would have had formal performance discussions with their manager and developed new management plans by August 2011. In July 2011, however, the new Roads and Maritime Services agency was established and some functions were transferred from NSW Maritime to Transport for NSW. This affected the time lines for implementing this recommendation.

Compliance and accountability

- 21. The Committee notes that table 13 (p 62) of the Annual Report shows the time interval between completion of a public inquiry and furnishing the report, including the duration of the public inquiry. What factors influence the timeframe within which the Commission furnishes a report?**

The main factors which influence the timeframe for furnishing a report are the complexity of the evidence requiring analysis and the degree to which other work priorities affect the ability of Commission officers responsible for drafting, reviewing and editing the report to complete those tasks.

The factors affecting the complexity of the evidence include the number and nature of the issues under investigation, the number of witnesses who gave evidence and the length of their evidence, whether admissions were made, the extent to which evidence given by some witnesses was contradicted by that of other witnesses, the number and complexity of exhibits and the length and complexity of submissions received from affected parties.

- 22. The Annual Report states that the corporate goal for furnishing investigation reports is 60 days where the duration of a public inquiry was five or less days and 90 days otherwise, and that the Commission intends to improve the time taken to finalise and publish investigation reports (pp 62-63).**
- a. Please inform the Committee of the strategies you have in place to meet this target.**

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b. Have time intervals for furnishing reports been reduced in the year to date?

The Commission's corporate target is to furnish 80% of its reports within these target times.

- a. The Commission has two main strategies to meet the relevant targets. The first is to ensure, as far as practical, that those responsible for drafting the investigation report are quarantined from other work. The second is to give investigation reports priority in the allocation of editing and desk-top publishing resources.

With the increase in the Commission's operational workload it has not been possible over at least the last two years to quarantine those drafting reports from other operational work. Instead, progress in report drafting is actively monitored and, when other operational work is assigned, it is selected for assignment on the basis that it will have as little direct impact as possible on the timeliness of drafting the report.

- b. Table 13 (page 62) of the 2011-12 annual report shows that of the six investigation reports published in 2011-12, only one (Operation Barrow), was furnished within the Commission's target timeframe. The remaining five reports exceeded the target timeframe by between three and 53 days.

In the 2012-13 period to 20 March 2012 the Commission has furnished four investigation reports (Operations Crusader, Petrie, Citrus and Jarek). Of these, two (Crusader and Citrus), have been furnished within the target timeframe. The Petrie report was furnished 100 days outside the target time. This was primarily due to the lawyer responsible for drafting the corruption exposure chapters being involved in the preparation for the Operation Indus public inquiry and the longer than expected time taken to complete the review process. The Jarek report was furnished 62 days outside the target time. This was not unexpected given a combination of factors including the length of the public inquiry, the number of witnesses involved (55), the number of public authorities involved, and the significant corruption prevention issues which needed to be addressed.

Our organisation

- 23. During the previous year's review, the Commission indicated that although the office relocation planned for 2010-11 was not proceeding, it is likely that the Commission will move premises due to its lease expiring in late 2014.⁵ Please update the Committee on work on the planned office relocation.**

The Commission has updated its Facilities Plan and has been given in principle approval to remain located in the Sydney CBD area. The Commission also submitted a Minute in March 2013 to the Cabinet Budget Committee to approve funding for an office fit-out (either in the current leased accommodation or in a new location) and relevant relocation expenses, in the event of relocation. Government Property NSW has been assisting the Commission in this process and in late January 2013 called for leasing proposals

⁵ Committee on the ICAC, report 1/55 June 2012, p 39

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based on the Commission's office accommodation requirements. Government Property NSW and ICAC reviewed the leasing submissions and culled these to 10 in mid-February 2013 and building inspections were carried out in mid-March. Government Property NSW will soon request formal leasing proposals from the short-listed properties and thereafter conduct economic appraisals and ranking of proposals. It is anticipated the Commission will decide in mid-April on the preferred building. The Commission will be issuing a request for a fee proposal to provide interior design services to allow the Commission to go to open tender around July/August 2013.

24. Please provide the Committee with an update on the construction of a new hearing room, as discussed on page 73 of the Annual Report.

Relevant design work commenced in June 2012 and construction in August 2012. The room was completed in early October 2012. Compulsory examinations were held from mid-October to ensure any technical issues were resolved prior to the Jasper Public Inquiry commencing on 1 November 2012. Rent and outgoings for the new space are \$182,000 p.a. The lease commenced on 1 August 2012 and expires on 31 July 2013. The Commission has recently exercised its option to extend the lease for another term to 15 October 2014, to coincide with the expiration of its current office accommodation lease. The Department of Premier and Cabinet provided a recurrent expenditure grant to meet, amongst other things, the rental expense and also a capital grant of \$700,000 to fund the cost of construction (capitalised amount \$981,497). The shortfall was funded from the Commission's annual minor capital works provision.

25. The Annual Report (p 65) notes that the Commission has requested changes and product enhancements to the Timekeeper module. Please inform the Committee of the nature and status of these changes.

Aurion provided a software release patch addressing some of the issues/difficulties that staff were experiencing with the Timekeeper module. The patch was loaded in the Aurion TEST database for testing before loading to the Aurion live PRODUCTION database.

Testing has been completed and the following issues resolved:

1. The minimum and maximum hours for both Flex and Banked Flex carried forward hours for staff on a part-time work pattern are now being calculated automatically, negating the need for HR staff to do manual adjustments at the end of each Flex period. This has been tested and appears to be working correctly.
2. Staff are now able to apply for future Banked Flex that does not currently fall into the current Flex period and the pre-booked leave is not taken into account when calculating the Banked Flex carried forward. This has been tested and appears to be working correctly.
3. Timekeeper forms that are pending approval and are recalled now have their related "pending approval" mail message cancelled. Previously the mail message remained "pending approval" until the receiver of the message tried to action the message.

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4. Timekeeper forms that have a Flex leave type and have been approved now have a grid showing the credit and debit history for that leave type.
5. In Timesheets, adding a new row places a new row beneath the selected row. If no row is selected the new row is added as the first row. Previously, selecting a new row would always place it at the top of the timesheet forcing staff to scroll to the top of their timesheet to input data.

- 26. According to the Annual Report (p 66) an unprecedented 70 referrals were received for the implementation of security vetting in the 2011-12 reporting year. How did the Commission ensure that the vetting process was thorough with such a large number of security vetting procedures to complete?**

Despite this larger number of vetting requests (caused largely by the employment of additional staff for mining-related inquiries (14) and the use of external building contractors and technicians for work on the new communications room and other projects) the standard vetting procedures and processes were followed in each case. The Security and Risk Assessment Officer at times exclusively worked on the vetting of new employees. Additionally, another officer was also trained to assist this officer at the peak of vetting demand.

- 27. The Annual Report (p 68) states that a new ICT infrastructure architecture has been designed to better serve the ICT needs of the Commission. Please update the Committee on the status of this project.**

This project has been only partially implemented (construction of new IT communications room) as a result of a substantial funding shortfall identified from the preparation of detailed design specifications. The Commission's IT consultants significantly underestimated the amount (\$1.4 million) required to implement fully the ICT strategy. In March 2013, the Commission submitted a Parameter and Technical Adjustment request for an additional \$3.4 million to complete the project, including an amount of \$1.2 million to set up a disaster recovery site and \$475,000 as contingency. The project is now on hold pending the outcome of the funding request, albeit planning is well advanced for the issuing of tender specifications to implement the project as well as to engage a project manager. NSW Treasury has been advised that the Commission will seek a rollover of unspent capital allocations.

- 28. Page 68 of the Annual Report indicates that the Commission continued with enhancements of the MOCCA system.**

- a) Please outline the enhancements made.**

The enhancements arose out of new user requirements and requested modifications to existing functionalities. These are:

- Addition of new Assessment Panel Decision codes.

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- Addition of automated workflows such as new tasks or email alerts activities to notify users of certain actions to take.
 - Creation of new reports to gather information about related matters more effectively.
 - Addition of fields on some forms to capture more information, e.g. Formal Power/Property Items Due Date, Demographics information, and Submission Date in Brief of Evidence.
 - Addition of items in drop down list, e.g. new items in SIG Decisions
 - Cosmetic changes/customizations such as increase of field sizes, renaming of listed items, re-organising field placements and default sorting of results in searches or reports.
 - Visual notification of Identities/Organisations involving Protected or Highly Protected matters when accessing them.
- b) **How have these enhancements assisted with the management of cases, complaints and assessments?**

These enhancements have been done in order to improve information capture, improve business flow and processes, complement changes to operational processes, improve usability of the system, and directly or indirectly facilitate decision-making and intelligence gathering.

29. The Annual Report (p 68) refers to the ICAC's upgrade to computer forensics capabilities. Please update the Committee on the status of this upgrade.

Towards the end of the 2011-2012 financial year, the Commission completed an upgrade of its electronic forensics capability. Key features of the upgrade included:

- Reviewing and revising the position description for the computer forensics specialist to better reflect the requirements of that position. The Commission has since recruited a suitable expert to the revised position, now titled *Electronic Evidence Specialist*. An additional position of *Forensic Technical Officer* was also established to provide support across both the Commission's electronic forensics and TI capability.
- Purchase of *NUIX* software application which provides a framework for processing, investigation, analysis, review and production of large quantities of collected electronic data in multiple formats. The upgrade included purchase of complimentary computer hardware (server and storage devices).
- Purchase of *Abbyy Recognition Server* software which provides optical character recognition capability to enable text searching of hard copy documents which have been scanned to PDF format.
- Purchase of *Cellebrite* mobile telephone collection and analysis technology.

Report of suspected corrupt conduct under s. 11 ICAC Act

The notification form and any other related documents can be sent to the ICAC by:

- mail
- hand delivery, or
- courier.

Correspondence addressed to:

The Commissioner
Independent Commission Against Corruption
GPO Box 500
SYDNEY NSW 2001

Attention: Manager Assessments

Personal delivery:

Level 21
133 Castlereagh Street,
SYDNEY NSW 2000

The notification form and relevant documents can be sent by email. However care should be taken to ensure that the documents are correctly addressed, are not copied to persons who are not entitled to the information and cannot be accessed by unauthorised persons. The notification form can be emailed to:

icac@icac.nsw.gov.au

As the duty to report suspected corrupt conduct resides with an agency's principal officer and cannot be delegated, there needs to be a covering letter accompanying this form, signed by the principal officer.

Any queries can be directed to the Manager Assessments on (02) 8281 5786.

1. Agency

1.1	Name:	Your ref number:
-----	-------	------------------

2. Contact officer

2.1	Name:	
2.2	Position title:	
2.3	Address:	
2.4	Telephone:	E-mail address:

3. Details of each person against whom the allegation/s has been made

3.1	Does this notification contain allegations of corrupt conduct against more than one person? <input type="checkbox"/> Yes <input type="checkbox"/> No
3.1a	If yes, how many? <i>(Please copy this page for each person)</i>
3.2	Family name:
3.3	Given names:
3.4	Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female Date of birth: Employee no:
3.6	Home address:
3.7	Home phone:
3.8	Position title at time allegation made:
3.9	Employment status with agency at the time the allegation was made (tick all applicable): <input type="checkbox"/> Permanent <input type="checkbox"/> Part-time <input type="checkbox"/> Casual <input type="checkbox"/> Contractor <input type="checkbox"/> Other (state)
3.10	Work address at the time of the alleged incident:
3.11	Is the person/s aware that corrupt conduct allegations have been made against them? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown If yes, please complete sections 3.12

3.12	Who informed the person the subject of the allegation/s?: <input type="checkbox"/> Your agency (name of person): <input type="checkbox"/> Another agency (state which): <input type="checkbox"/> Other (describe): <input type="checkbox"/> Unknown Date informed, if known:
3.13	Have prior corrupt conduct allegations been made against the employee? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown
3.14	If yes, when was the most recent? <input type="checkbox"/> Within 2yrs <input type="checkbox"/> 2-5yrs <input type="checkbox"/> More than 5yrs ago
3.15	What was the result or finding of the investigation in regard to the prior allegation/s ?
3.16	What action has been taken or is proposed by the agency in respect of the subject employee while the current allegation is being investigated and until final decisions are made? <input type="checkbox"/> No action (state the current reason) <input type="checkbox"/> Increased supervision (describe) <input type="checkbox"/> Restriction on current duties (specify) <input type="checkbox"/> Transferred to alternate duties (specify) <input type="checkbox"/> Suspended with pay <input type="checkbox"/> Suspended without pay <input type="checkbox"/> Not re-engaged <input type="checkbox"/> Not relevant as matter finalised

4. Details of the allegations of corrupt conduct

4.1	Date of alleged incident/s:
4.2	Location of alleged incident/s:
4.3	Detailed description of corrupt conduct. Attach relevant documentation where available:
4.4	Is the conduct a one-off event or part of a wider pattern or scheme? <input type="checkbox"/> One-off <input type="checkbox"/> wider pattern/scheme
4.5	When did your agency become aware of the allegations?
4.6	Contact details of the source of the allegations. If the matter is being treated as a public interest disclosure, please complete Section 5
4.7	Do the allegations involve money or resources? <input type="checkbox"/> Yes <input type="checkbox"/> No. If Yes, outline the approximate amount or value of the resources:

5. Disclosures under the Public Interest Disclosures Act 1994 (the PID Act)

Under s. 27 of the PID Act, the Commission may be required to notify the discloser of ICAC action. If you have any concerns about releasing contact details, please let us know.

5.1	Does this notification arise out of a public interest disclosure? <input type="checkbox"/> Yes <input type="checkbox"/> No
5.1a	If yes, how many persons are to be protected? <i>(Please copy this page for each person and provide details below).</i>
5.2	Family name:
5.3	Given names:
5.4	Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female
5.5	Home address:
5.6	Home phone:
5.7	Position title at time allegation made:
5.8	Employment status with agency at the time the allegation was made (tick all applicable): <input type="checkbox"/> Permanent <input type="checkbox"/> Part-time <input type="checkbox"/> Casual <input type="checkbox"/> Contractor <input type="checkbox"/> Other (state)
5.9	Work address at the time of the alleged incident:
5.10	Has support been offered/provided to the employee? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown
5.11	If yes, what kind?
5.12	If no, why not?

6. Interim action taken or proposed in respect of the corrupt conduct allegation(s)

6.1	Have you informed another agency? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/> Not applicable
6.1a	If yes, name/s
6.1b	When was that agency notified?
6.1c	Contact details of the person to whom it was reported (telephone, email and postal address)
6.1d	Does that agency intend to take, or has that agency taken, any action? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown If yes, detail that action taken:
6.2	Other than action outlined in 3.16, what action has your agency taken to date and why?
6.3	Other than action outlined in 3.16, what action is your agency proposing to take and why?

**PROSECUTION TIMESCALES
FOR
MATTERS CURRENT
FROM
1 JULY 2011 TO 31 DECEMBER 2012**

REPORT	DATE OF REPORT	DATE BRIEF TO DPP	DAYS FROM REPORT TO BRIEF TO DPP	DATE OF DPP REQUISITIONS	DATE OF RESPONSE TO DPP REQUISITIONS	DATE OF FINAL DPP ADVICE	DAYS BETWEEN DELIVERY OF BRIEF AND FINAL DPP ADVICE
CASSOWARY							
Whitcher	14/12/05	14/12/07	730	4/8/09 & 13/8/09	13/9/09 & 11/9/09		On 28/6/12 the Commission advised the DPP that it would take no further action in this matter – see page 112 of the 2011-12 annual report.
Whaanga	14/12/05	14/12/07	730				
Fraser	14/12/05	14/12/07	730				
Ratkovic	14/12/05	14/12/07	730				
Browning	14/12/05	14/12/07	730				
Gomez	14/12/05	14/12/07	730				
Mohammad	14/12/05	14/12/07	730				
Abboud	14/12/05	14/12/07	730				
Leon	14/12/05	14/12/07	730				
Noel	14/12/05	14/12/07	730				
Ritchie	14/12/05	14/12/07	730				
Kalland	14/12/05	14/12/07	730				
Burton	14/12/05	14/12/07	730				
Bacon	14/12/05	14/12/07	730				
Bishop	14/12/05	14/12/07	730				
McAndrew	14/12/05	14/12/07	730				
Atkins	14/12/05	14/12/07	730				
McMaster	14/12/05	14/12/07	730				
Moya	14/12/05	14/12/07	730				
Senior	14/12/05	14/12/07	730				

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AMBROSIA							
Williams	21/12/05	16/3/07	450			7/8/12	1971
More	21/12/05	16/3/07	450			17/9/12	2012
Younis	21/12/05	16/3/07	450			20/8/12	1984
Kayrouz	21/12/05	16/3/07	450			13/8/12	1977
Aboulhosn	21/12/05	16/3/07	450			18/12/12	2104
Sleiman	21/12/05	16/3/07	450			3/3/11	1448
Karam	21/12/05	16/3/07	450			26/6/12	1929
Bazouni	21/12/05	16/3/07	450			4/11/11	1694
Punz	21/12/05	16/3/07	450			4/11/11	1694
Borovina	21/12/05	16/3/07	450			4/11/11	1694
Akiki	21/12/05	16/3/07	450			4/11/11	1694
Ayoub	21/12/05	16/3/07	450			6/8/12	1970
Allem	21/12/05	18/9/07	636			13/4/12	1855
Megas	21/12/05	22/4/08	853			19/1/12	1367
Constantin	21/12/05	18/9/07	636			13/4/12	1669
Barrakat	21/12/05	17/3/08	817			27/4/12	1501
GREENWAY							
Murray	31/1/08	30/9/08	243	6/2/09	29/06/09	6/12/10	797
MONTO D							
Stanic	8/9/08	7/7/09	302	Nil	N/A	20/9/11	805
Szoboszlai	8/9/08	7/7/09	302	Nil	N/A	20/9/11	805
Kouraos	8/9/08	7/7/09	302	Nil	N/A	20/9/11	805
Palombo	8/9/08	7/7/09	302	Nil	N/A	20/9/11	805
MONTO A							
Hetman	25/9/08	14/10/09	384	Nil	N/A	23/3/12	891
Murdocca, D	25/9/08	14/10/09	384			23/3/12	891
Murdocca, S	25/9/08	14/10/09	384			23/3/12	891
Murdocca, P	25/9/08	14/10/09	384			23/3/12	891

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ATLAS Morgan (Ch 5) Vellar (Ch 5) Younan (s.87) Carroll (s.87)	8/10/08 8/10/08 8/10/08 8/10/08	17/7/09 17/7/09 13/7/09 13/7/09	282 282 278 278	20/5/11	N/A	27/3/12 27/3/12 ----- 2/7/12	See page 117 2011-12 annual report
MONTO G/H/J & MINERVA Laidlaw Kotevski Hansen Araldi Hili Schliebs Severino Petrovski Affleck Penny Skinner Dulhunty	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 19/11/09	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 25/11/09	371 371 371 371 371 371 371 371 371 371 371 371 371	Nil	N/A	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
TAMBO Pevec. G Murdocca Pevec. L	9/9/09 9/9/09 9/9/09	8/2/10 11/2/10 11/2/10	152 155 155	Nil	N/A	23/9/11 2/4/12 9/3/12	592 780 756

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MIRNA Sanhueza C. Taylor A Taylor Xuereb Guirgis	18/12/08 18/12/08 18/12/08 18/12/08 18/12/08	8/1/09 8/1/09 8/1/09 8/1/09 8/1/09	21 21 21 21 21	Nil	N/A	10/7/12 10/7/12 10/7/12 10/7/12 10/7/12	1248 1248 1248 1248 1248
ARGYLE Smith	4/11/09	12/10/10	342	12/1/11	5/9/11	5/10/11	358
COLUMBA Merchant Hyland Moosani Camilleri Alqudsi Shipway Raghavan Brandusoiu Wheeler	9/12/09 9/12/09 9/12/09 9/12/09 9/12/09 9/12/09 9/12/09 9/12/09 9/12/09 9/12/09	24/5/10 24/5/10 24/5/10 24/5/10 24/5/10 24/5/10 24/5/10 24/5/10 24/5/10 24/5/10	166 166 166 166 166 166 166 166 166 166			19/1/12 19/1/12 19/1/12 19/1/12 19/1/12 19/1/12 19/1/12 19/1/12 19/1/12 19/1/12	605 605 605 605 605 605 605 605 605 605
CENTURION Pyo	13/5/10	13/5/10	0	Nil	N/A	19/8/11	463
CORINTH Paluzzano	13/7/10	19/7/10	6	24/2/11 & 1/5/11	3/3/11 & 8/7/11	21/9/11	429

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SEGOMO* Hart Paul Kelly Trinder Nankivell (*Dealt with by Crown Solicitor)	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	176 176 176 176 176	11/3/11 & 11/10/11 " " "	17/5/11 & 17/5/12	14/9/12 14/9/12 14/9/12	738 738 738
VARGAS Kelly Dacombe	1/9/10 1/9/10	19/11/10 19/11/10	79 79	10/2/11	13/9/11	12/6/12 2/8/11	256
SYRACUSE D'Amore	7/12/10	10/3/11	93	29/4/11, 21/9/11& 24/12/12	8/7/11, 23/1/12 & 1/3/13		
CHALLENGER Higgs Turner	21/12/10 21/12/10	21/12/10 21/12/10	0 0	8 & 20/9/11	27/9 to 17/10	18/7/11 18/7/11	209 209
SIREN Buckley Funovski Kane Harvey Makucha	22/3/11 22/3/11 22/3/11 22/3/11 22/3/11	1/4/11 1/4/11 1/4/11 1/4/11 1/4/11	10 10 10 10 10	2/5/11 & 10/11/11	28/11/11 & 5/12/11	3/9/12 23/5/12 19/10/12	520 418 567
MAGNUS Romano	20/4/11	12/9/11	145	14/10/11& 15/8/12	8/3/12 & 15/11/12	15/8/12	338
DANBY Chau	12/5/11	12/7/11	61	Nil	N/A	9/1/12	181
CHURCHILL Karkowski	22/6/11	8/7/11	16	Nil	N/A	11/1/12	187

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CHARITY S Lazarus M Lazarus	31/8/11 31/8/11	20/1/12 20/1/12	142 142	Nil	N/A		
NAPIER Kelly Watkins Costello	12/12/11 12/12/11 12/12/11	16/7/12 16/7/12 16/7/12	217 217 217	20/7/12, 6/8/12 & 18/12/12	17/8/12, 15/10/12 & 20/2/13		
VESTA Kelly Kazal	16/12/11 16/12/11	19/3/12 19/3/12	94 94	21/5/12	25/5/12		
BARCOO Johnson	18/1/12	29/2/12	42	Nil	N/A	24/10/12	238
BARROW Au	14/6/12	9/10/12	117	10/12/12			
CRUSADER McCallum McLean	31/8/12 31/8/12	3/10/12 3/10/12					
CITRUS Demirilay Kantarzis	24/10/12 24/10/12	28/11/12 28/11/12					

OUTSTANDING PROSECUTIONS SUMMARY REPORT

DATE OF REPORT: 14 MARCH 2013

SECTION 1: BRIEFS WITH DPP

(* Date of publication of investigation report)

MATTER	FINAL SUBM	DATE TO DPP (4 months from final submissions)	ICAC ADVISED OF DPP LAWYER (within 3 months from brief)	DPP CONFERENCE (4 weeks from brief)	DATE OF REQS	DETAILS	RESPONSE DATE	STATUS
CITRUS (*24/10/12) Demirilay Kantarzis	6/9/12	28/11/12	15/1/13	14/2/13				
CRUSADER (*30/8/12) McCallum McLean	23/7/12	3/10/12	10/10/12					
BARROW (*14/6/12) Au	3/5/12	21/9/12	10/10/12	10/12/12	10/12/12	1 x statement, bank records		Underway
NAPIER (*12/12/11) Kelly Watkins Costello	25/8/11	16/7/12	20/7/12	15/10/12	16/7/12 20/7/12 6/8/12 18/12/12	Transcripts, statements.	17/8/12 (transcripts) 15/10/12 (statements) 20/2/13	Only non critical matters outstanding. DPP to proceed to consider advice without these.

OUTSTANDING PROSECUTIONS SUMMARY REPORT

SECTION 2: OUTCOMES

(* Date of publication of investigation report)

MATTER	DPP ADVICE DATE	OFFENCES ADVISED	DATE CANS SERVED (4 weeks from advice)	CURRENT STATUS
SIREN (*22/3/11) Harvey Makucha	9/2/13	Insufficient evidence "	N/A	Finalised "
CHARITY (*31/8/11) S Lazarus M Lazarus	22/2/13	42 x s300 (false instrument), 16 x s178BB (fraud) 7 x s.87 ICAC Act	5/3/13 5/3/13	For mention For mention
BARCOO (*18/1/12) Johnson	24/10/12	10 x s.178BA, 4 x s.178BB	20/11/12	PG to 2 x s.178BA & 2 x s.178BB. For sentence 16/5/13
SYRACUSE (*7/12/10) D'Amore	30/9/12 (interim)	N/A	N/A	Under further consideration by the DPP.
MONTO GH/MINERVA (*19/11/08) Laidlaw Araldi	21/9/12 21/9/12	s.249C s.87 ICAC act	8/2/13 8/2/13	For mention For mention
SEGOMO (*15/3/10) Hart Paul Kelly Trinder	Dealt with by Crown Solicitor 14/9/12 14/9/12 14/9/12 5/10/12	s.319, s.179 s.319 s.249B Awaiting outcome of Kelly matter.	9/12 9/12 9/12	For committal 4/4/13 For committal 12/4/13 For Mental Health Act hearing 29/4/13

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Attachment C

MATTER	DPP ADVICE DATE	OFFENCES ADVISED	DATE CANS SERVED (4 weeks from advice)	CURRENT STATUS
MAGNUS (*20/4/11) Romano	15/8/12	Misconduct in public office, 6 x s.178BA, 1 x s.249B, 1 x s.125, & 23 x s.87 ICAC Act.	21/9/12	For mention
MIRNA (*16/12/08) Sanhueza C Taylor A Taylor Gurguis Xuereb	10/7/12 10/7/12 10/7/12 10/7/12 10/7/12	130 x s.249C, 4 x s.178BB, 1 x s.249B, 2 x s.474.17 Crim Code, 2 x s.300, 2 x s.87 ICAC Act. 130 x s.249C, 1 x s.178BB, 1 x s.249B, 1 x s.315 1 x s.315 (hinder investigation) 1 x s.249B 1 x s.138, 2 x s.300, 3 x s.87 ICAC Act.	31/1/13 TBS (in UK) TBS (in UK) 18/9/12 18/9/12	For mention For mention To be assessed for home detention
VARGAS (*1/9/10) Kelly	12/6/12	2 x s.87	21/6/12	Adjourned (part heard)
COLUMBA (*9/12/09) Brandusoiu	19/1/12	1 x s.178BB, 1 x s.300	8/2/12	Part heard
CORINTH (*13/7/10) Paluzzano	21/9/11	Misconduct in public office, 2 x s.178BB, 2 x s.87	2/11/11	Sentenced 6/9/12 – 18 months imprisonment (to be served by way of home detention). Appeal upheld. Suspended sentence & 14 mth GBB.
ARGYLE (*4/11/09) Smith	5/10/11	1 x s.176A, 1x cl 3(2) SOC Act	28/10/11	For committal hearing 5/4/13 and 8/5/13
MONTO B (*8/9/08) W Kuipers	1/2/11	1 x s87	4/3/11	PG 11/10/12. For sentence.
MONTO F (*13/8/08) Blackstock	12/1/11	Misconduct public office, 6 x s178BB, 3 x s87(1)	16/3/11	Sentenced 16/2/12 to 4.5 years with NPP of 3.5 years. Appeal lodged. For CCA hearing 30/4/13

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Attachment C

MATTER	DPP ADVICE DATE	OFFENCES ADVISED	DATE CANS SERVED (4 weeks from advice)	CURRENT STATUS
MONTO C (*13/8/08) Hughes	3/9/10	5 x s.178BA, 8 x s.178BB, 1 x s.308C Crimes Act	17/3/11	Sentenced 17/2/12 to 3.5 years with NPP of 2.5 years. Appeal lodged. For hearing 14/5/13.
BERNA (*20/12/07) Tasich	30/7/09	1 x s.249B, 3 x s.87 ICAC Act	19/11/09	Acquitted of s.249B matter 21/11/11. Hung jury in trial for other matters. Listed for new trial 20/5/13.
AMBROSIA (*21/12/05) More Aboulhosn Megas Allem Constantin Kayrouz	17/9/12 18/12/12 19/1/12 13/4/12 13/4/12 13/8/12	5 x s.178BA, 6 x s.87 ICAC Act 10 x s.178BA, 1 x s.87 ICAC Act 1 x s.178BB, 2 x s.178BA, 12 x s.300 2 x s.178BA, 1 x s.178BB, 1 x s.87 ICAC Act 1 x s.87 ICAC Act s.178BA, 3 x s.300 (false instrument)	14/2/13 28/2/13 Unable to serve To be served 19/9/12 To be served	For mention For mention Seeking warrant Further material sought and provided. CANS now ready to issue. For mention. Further material sought and provided. CANS now ready to issue.