

**Submission
No 1**

**INQUIRY INTO PROPOSED AMENDMENTS TO THE
INDEPENDENT COMMISSION AGAINST CORRUPTION ACT
1988**

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OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS

PROPOSED AMENDMENTS TO THE ICAC ACT 1988

I wish to comment in support of the proposed amendment to the *Independent Commission Against Corruption Act 1988 (NSW)* to make the assembling of admissible evidence for criminal prosecutions a primary function of the ICAC.

The present Memorandum of Understanding between this Office and the ICAC provides for the furnishing by the ICAC to this Office of admissible evidence obtained as a result of an ICAC investigation. It also sets out liaison arrangements between our two agencies. These procedures have improved over the past few years but problems will always remain with the compiled briefs of evidence because they are not put together at the time of the investigation and hearing. The focus is not placed on assembling evidence for criminal prosecutions until after the investigation and hearing have been completed. This often leads to issues with witnesses providing statements and the necessity for requisitions to be raised. This in turn leads to delay, which is a factor taken into account in any subsequent sentencing proceedings.

The suggested amendment, in my view, would sit easily with the principal objects of the ICAC Act and the present functions of the ICAC. To make the assembling of admissible evidence for criminal prosecutions a primary function seems to be a logical step whilst investigating corrupt conduct with the possibility of forwarding a brief to the ODPP for advice. If the amendment is put in place and internal procedures within the ICAC changed to implement the amendment, then I am of the view there will be shorter delays in sending the material to this Office, there will be less need for requisitions to be raised, the issues will be clearer and the status of each witness known. These and other improvements that flow from assembling admissible evidence for a criminal prosecution (hopefully at the time of the investigation and hearing) will ensure the turnaround time for solicitors within the ODPP to analyse the evidence and for a final determination to be made will also be greatly improved.

N R Cowdery AM QC

Director of Public Prosecutions