

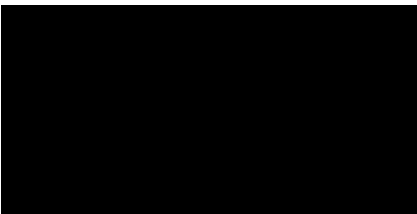
**INQUIRY INTO PROTECTIONS FOR PEOPLE WHO
MAKE VOLUNTARY DISCLOSURES TO THE
INDEPENDENT COMMISSION AGAINST
CORRUPTION**

Organisation:

Name: Mr Andrew Tink AM

Position:

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Mr Damien Tudehope MP,
Chair,
Joint Committee on the ICAC,
Parliament House,
6 Macquarie Street,
Sydney, NSW, 2000.

Dear Mr Tudehope,

I refer to your letter dated 4 May 2017 seeking a submission from me in connection with your Committee's inquiry into protections for people who make voluntary disclosures to the ICAC.

Having studied the Member for Balmain's second reading speech in support of his Independent Commission Against Corruption Amendment (Disclosure of Information) Bill 2016, I agree with the thrust of what he is attempting: 'to protect individuals who voluntarily disclose information to ICAC from criminal or civil liability in connection with that disclosure'.

Generally speaking, it seems to me that it is in the public interest for those who may have knowledge of corrupt conduct to be able to report it to ICAC without fear of thereby being liable for breaching confidentiality clauses in their employment contracts and such like.

But under Mr Parker's proposed section 109 (6), acting in good faith may also absolve someone from criminal liability. And it seems to me that, in some circumstances, these two concepts may not easily sit side by side.

Mr Parker refers to an ICAC submission which states: 'Other Australian corruption commissions, to varying degrees, have legislative protection for voluntary provision of information for the purpose of a complaint, report or investigation'. And this is followed by a very brief summary of the Queensland position.

It seems to me that as it is the ICAC which is pushing for this legislative change, it is incumbent upon it to provide to provide full details of the legislative provisions applying in the other jurisdictions, together with an assessment of the pros and cons of each model and how they have operated in practice.

I guess what I am trying to say is that while I think the policy aim is admirable, the devil will be in the legislative and operational detail.

Yours sincerely,

Andrew Tink.

17 May 2017.