

**Submission  
No 15**

**REPUTATIONAL IMPACT ON AN INDIVIDUAL BEING ADVERSELY  
NAMED IN THE ICAC'S INVESTIGATIONS**

**Name:** Name suppressed

**Date Received:** 29 July 2020

Partially  
Confidential

[REDACTED]  
[REDACTED]  
[REDACTED]

29 July 2020

Mrs Tanya Davies MP  
Committee on the ICAC  
Parliament of NSW  
Macquarie Street  
SYDNEY NSW 2000

[icaccommittee@parliament.nsw.gov.au](mailto:icaccommittee@parliament.nsw.gov.au)

cc: Ms Jessica Falvey

Dear Mrs Davies

**INQUIRY INTO THE REPUTATIONAL IMPACT ON AN INDIVIDUAL BEING ADVERSELY NAMED IN  
ICAC'S INVESTIGATIONS**

- A. WHETHER THE EXISTING SAFEGUARDS AND REMEDIES, AND HOW THEY ARE BEING USED ARE ADEQUATE, AND
- B. WHETHER ADDITIONAL SAFEGUARDS AND REMEDIES ARE NEEDED, AND
- C. WHETHER AN EXONERATION PROTOCOL SHOULD BE DEVELOPED TO DEAL WITH REPUTATIONAL IMPACT, AND
- D. RELEVANT PRACTICES IN OTHER JURISDICTIONS, AND
- E. ANY RELATED MATTERS

**BACKGROUND:**

[REDACTED]  
[REDACTED]

I want to present facts to the Committee of how I observed my son, [REDACTED] and our family name being abused and maligned by ICAC and the effect that it has had on us over the years even though [REDACTED] was never a "person of interest" to ICAC.

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]



"Mr Kear is making all kinds of allegations against [REDACTED] who's not here, who has not been called as a witness and [REDACTED] circumstances [REDACTED] have, have a pretty remote connection with what we're talking about here". (Page 32 of Transcript 6 December 2013). In relation to Mr Oates' subsequent probing over the alleged fraudulent diary entries, Commissioner Ipp said "I do not regard it as fair that these allegations go into, or gone into any depth because [REDACTED] not here to, to answer them." (Page 33 of Transcript 6 December 2013).

[REDACTED]  
[REDACTED].

Further still at no stage of the public inquiry was [REDACTED] offered the services of a lawyer by ICAC to protect him and his interests.

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
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[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



their privacy breached by ICAC, the DPP should ensure that person's privacy also be protected in a Court of Law. We ask that your Committee recommend under similar circumstances to Mr Nicholson, that court documents and Magistrate Grogin's decision be redacted to protect [REDACTED] privacy.

[REDACTED] assistance to the Lynelle Briggs' investigation on behalf of ICAC, has never been acknowledged and like her report it has been buried and totally hidden from the public and taxpayers of NSW, who I note financed the report.

We attended the Parliamentary Joint Committee on ICAC Public Hearing held at Parliament House on [REDACTED] and were excluded from an "in camera" session. [REDACTED] is still waiting to receive an apology from ICAC amongst other things. Is it too much to ask for what he has been forced to suffer???

My concern that to this date, [REDACTED] has not been given the courtesy of an apology from the NSW Government or ICAC as recommended by the Acting Inspector of ICAC for all their invasion of [REDACTED] reputation and privacy which has seriously impacted him, his family and our family, [REDACTED]. I believe ICAC do not want to recognise the detrimental affect that they have had on [REDACTED] and are not prepared to at least offer him an apology, [REDACTED]. A lone voice from an individual who has been forced to suffer so much without being given an opportunity to defend himself. What has happened to procedural fairness?

Now to address the particular reference points:

a) *Whether the existing safeguards and remedies, and how they are being used are adequate*

The existing safeguards and remedies **at the time of Operation Dewar** were obviously **inadequate** due to the ICAC's failure to properly interview [REDACTED] and to hear his version of all the allegations raised and documented against him. [REDACTED]

[REDACTED] Also, he was not provided with any legal support by ICAC which should have then flowed on into the trial *NSW DPP v Murray Kear*.

[REDACTED] Why did ICAC not pursue this point further in the Public Inquiry? [REDACTED] an individual but not at the status of Deputy Commissioner? Discrimination?

b) *Whether additional safeguards and remedies are needed*

**Yes. Most certainly.** More consideration should be given to an individual and their reputational impact once exposed at a Public Inquiry by ICAC. [REDACTED]

[REDACTED] ICAC stated that following the recommendations made by the Acting Inspector, "the

Commission added a note to their website entry on Operation Dewar to the effect that [REDACTED] conduct was not examined at the public inquiry, there were no adverse findings in relation to him and that he was not represented at the public inquiry. The purpose of such an addition was simply to make those matters clear if they were not clear already." I still don't think ICAC went anywhere near far enough [REDACTED] [REDACTED]!

I believe the Commission also has amended its Operations Manual procedures in relation to public inquiries "to ensure that the public interest in protecting the privacy of persons who may be mentioned in a public inquiry is taken into account in the planning for, and conduct of, a public inquiry." (ICAC Annual Report 2016-2017, Page 46). [REDACTED] [REDACTED]

c) *Whether an exoneration protocol should be developed to deal with reputational impact*

Yes.

Especially as it would have helped [REDACTED] when he was not utilised as a witness at the Public Inquiry.

I consider ICAC has been totally ignorant about the impact that this has had on [REDACTED], especially due to the severe depression he has had to endure and the subsequent bullying and harassment in his endeavours to clear his name.

d) *Relevant practices in other jurisdictions*

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

e) *Any other matters*

Please refer to my comments detailed in the Background Section that you may wish to consider.

I thank you for the opportunity to make a submission and look forward to hearing from you.

Yours sincerely

[REDACTED]