

REPORT OF PROCEEDINGS BEFORE

**COMMITTEE ON THE INDEPENDENT COMMISSION
AGAINST CORRUPTION**

**INQUIRY INTO REVIEW OF THE 2008-2009 ANNUAL REPORT OF
THE INDEPENDENT COMMISSION AGAINST CORRUPTION**

At Sydney on 27 August 2010

The Committee met at 10.30 a.m.

PRESENT

Mr R. S. Amery (Chair)

Legislative Council

The Hon. G. J. Donnelly
The Hon. T. J. Khan
Reverend the Hon. F. J. Nile

Legislative Assembly

Mr V. M. Dominello
Mr N. Khoshaba
Mr J. R. O'Dea
Mr P. R. Pearce
Mr G. J. West

CHAIR: I thank everybody for attending this morning, in particular the Commissioner and team from the Independent Commission Against Corruption who are present to answer questions on the annual report and other reports of the Commission. I take this opportunity of welcoming new members who joined the Committee since we last met—the member for Ryde, Victor Dominello, and the member for Campbelltown, the Hon. Graham West—and I hope they find membership of this Committee very beneficial.

It is the function of the Committee on the Independent Commission Against Corruption to examine each annual and other report of the Commission and the Inspector and report to both Houses of Parliament in accordance with section 64(1)(c) of the Independent Commission Against Corruption Act. The Committee welcomes the Commissioner of the Independent Commission Against Corruption, the team from ICAC and other members of the executive who attend for the purpose of giving evidence on matters relating to the Commission's annual report 2008-09. On behalf of all the Committee, I thank them for their presence today.

I also thank the Commissioner and the executive for welcoming me and other members of the Committee on the Independent Commission Against Corruption on the two occasions we visited the Commission since our last hearing. The first occasion was to witness a hearing and the second occasion was to have an informal roundtable discussion. Having spoken to members of the Committee, I am able to say that we found the visits most beneficial. I hope that trend will continue in the future between formal parliamentary hearings.

DAVID ANDREW IPP, Commissioner, Independent Commission Against Corruption, Level 21, 133 Castlereagh Street, Sydney, 2000, and

ROBERT WILLIAM WALDERSEE, Executive Director, Corruption Prevention Education and Research, Independent Commission Against Corruption, Level 21, 133 Castlereagh Street, Sydney, 2000, affirmed and examined:

THERESA JUNE HAMILTON, Deputy Commissioner, Independent Commission Against Corruption, Level 21, 133 Castlereagh Street, Sydney, 2000

ROY ALFRED WALDON, Solicitor, Independent Commission Against Corruption, Level 21, 133 Castlereagh Street, Sydney, 2000

MICHAEL DOUGLAS SYMONS, Executive Director, Investigation Division, Independent Commission Against Corruption, Level 21, 133 Castlereagh Street, Sydney, 2000, and

ANDREW KYRIACOU KOUREAS, Executive Director, Corporate Services, Independent Commission Against Corruption, Level 21, 133 Castlereagh Street, Sydney, 2000, sworn and examined:

CHAIR: The Committee has received a submission from the ICAC in response to a number of questions on notice related to the annual report for 2008-09. Commissioner, do you wish the submission to form part of the evidence given today?

Mr IPP: Yes.

CHAIR: I now invite you to make an opening statement before members of the Committee ask questions related to the annual report.

Mr IPP: Thank you for providing me with the opportunity to make an opening statement. Some of what I propose to say is similar to what I said to those members of the Committee who visited the Commission in July. I hope they will forgive the repetition, but these matters are of considerable importance to the Commission. For that reason, I wish to bring them to the attention of the entire Committee.

Since February this year the work of the Commission has increased to a significant extent; indeed, exponentially. We are very busy. We have reached a point where we are not investigating matters to which we would have directed attention had we had greater resources. The following figures tell their own story.

There has been a marked increase in the number of preliminary investigations referred to the investigation division—from 57 matters in 2008-09 to 133 in 2009-10. This is an increase of more than 100 per cent. For the financial year 2008-09 we held seven public inquiries. For the financial year 2009-10 we held 12

public inquiries. Some of the public inquiries we held in the 2010 financial year have been particularly complex, and that has made them longer.

Public inquiries held in the financial year 2008-09 took 28 days. Public inquiries held in the 2010 financial year took 70 days. Thus by June this year we had almost doubled the number of public inquiries we held last year and the rate of increase is growing. This trend is demonstrated by the fact that in the seven months since February 2010 we have held 12 public inquiries over 68 days.

Again, a useful comparison is the seven public inquiries held over 28 days in the whole of the 2008-09 financial year. Regard must also be had to the fact that in the 2008-09 financial year, 33 compulsory examinations were held whereas in the 12 months from 1 July 2009 we have conducted 124 compulsory examinations. The continuing increase has demonstrated that in the eight months since January 2010 we have already held 126 compulsory examinations. There has been an increase of more than 400 per cent, and the number of compulsory examinations is growing.

I would add that we propose to hold at least one public inquiry a month until December this year and the next calendar year looks similar to 2010. The increase in inquiries is due not so much to the actual number of cases referred to us but to the potential seriousness or importance of those cases; that is, there has been a marked increase in the number of cases that we have decided to investigate. This has led inevitably to a marked increase in the number of public inquiries. It is difficult to discern the cause of this phenomenon. It may be that the economic climate has had an influence. It may be that persons now have greater confidence that referring serious cases to ICAC will bring about desired results.

In addition, the quality of the information received from the public has improved, not least because the assessment division of the Commission has tailored the online complaint form for use by the public to ensure that mandatory details of alleged corruption are provided. All these causes probably play a role. In addition, we have made a deliberate decision to increase the number of public inquiries. Public inquiries are the sharp end of the Commission and we have attempted to make that sharp end sharper and more effective.

The increase in public inquiries and compulsory investigations has brought about a significantly heavier workload for most of the Commission staff, in particular, the investigative, legal and corruption prevention divisions. There is no doubt that presently the Commission is working at a degree of considerable intensity. To support this increased output we are making our processes more efficient. For example, we are introducing a more detailed and informative process of time costing. We have asked our internal auditors, Deloitte, to advise us on how best to collect the information produced from the time sheets and other sources and how to present that information to management in a way that will facilitate management decisions.

A program has been recommended which will gradually be introduced. We have made several other procedural changes that are intended to enable us to use our resources to their optimum extent. An important example is the processes in the investigative division which have been changed to give them greater focus. Mr Symons, the head of this division, is available to answer any questions you may have on this aspect. In 2010 we were assisted by additional funding that enabled us to increase our staff by some seven full-time equivalents [FTE]s. This funding increase has been made permanent and is a real assistance. It is, however, inadequate to enable the Commission to deal with the increased workload.

I would like to give you an example of the increased demands placed on the Commission staff and the level of commitment that has been shown. The four chief investigators, by working excess hours and for that reason not taking all their entitled flex leave, have forfeited an aggregate 108 days of leave during the 2010 financial year. This equates to approximately \$38,000. Others have also forfeited their flex leave in order to try and reduce the backlog. I do draw your attention to this level of commitment amongst the Commission staff.

The current position is that there are nine full-scale operations underway, 41 preliminary investigations are being conducted and there are 28 matters on hold awaiting completion of preliminary investigations. We are being ruthless in selecting the more important matters to investigate. The reasonable possibility of discovering evidence that can be obtained to support a finding of corrupt conduct is a major factor. Our assessment division is receiving some 50 to 60 complaints a week. Only a very small percentage of these complaints can proceed to investigation and only a proportion of the matters under preliminary investigation can proceed to full investigation.

It follows inevitably that there are a number of matters involving corrupt conduct that will slip under the radar but we can only use our resources to their optimum effect in an attempt to investigate the more serious cases. The lack of resources caused by the increase in work during the last financial year has also caused the time taken to investigate matters to become longer. This is not a good thing because, as time goes by, memories fade, witnesses are more difficult to trace, evidence disappears, the sting tends to go out of the case, but again we can only attempt to use our resources to their optimum effect.

An ongoing difficulty with resources is the mandatory budget cut of 1 per cent becoming 1.5 per cent in 2012 and 2013 imposed as an efficiency dividend on all government agencies. The ICAC is a small agency and there comes a time when no more efficiency cuts can be made. The only way to comply with this mandatory budget cut is to reduce staff. That time, in reality, has arrived for the Commission. This is a serious issue for the Commission. For these reasons, the ICAC will be requesting Treasury for more funds for the coming year's allocation and forward estimates. I respectfully ask for this Committee's support in this request. The Committee's support is also sought for the Commission's capital funding business case. This is currently being developed for New South Wales Treasury's consideration as part of the forward estimates budgeting process.

A highly reputed firm of information technology consultants has recently conducted a review of the Commission's information communications and technology infrastructure. This infrastructure has been built up over time on an ad hoc basis and is not optimally integrated. Some of the equipment is more than 10 years old and is way past its technological use-by date. The Commission's capital funding request will total \$4 million over four years from 2011-2012, that is, \$1 million a year. I need to place on record that I have not previously asked the Government for more funds. I deliberately decided not to make any requests of this kind until I had familiarised myself with the work of the Commission. I am now satisfied that that time has now arrived and the Commission, for the first time under my stewardship, will be seeking additional resources for the reasons I have expressed.

I need to inform the Committee of two policy changes the Commission has made. The first concerns public inquiries. In the past the Commission has focused on persons against whom allegations of corrupt conduct have been made. The Commission has now resolved that while that focus will continue, the Commission will also direct its attention to those members of the executive or management of the agency concerned whose neglect or mismanagement has allowed the corruption to occur.

Secondly, the Commission has resolved to offer its training and education services to other government agencies and departments and also local councils free of charge. The Commission regards its training and education functions as extremely important. It is about to refocus its marketing strategy to train public sector agencies. It hopes to make training and education a more attractive and accessible proposition for those who need this kind of assistance. The theory we are now adopting is that training and education should be for those who need it, not those who can afford it. By this change in policy we are making training and education available to small agencies and agencies which have tight budgets. Stopping charging other agencies will reduce the budgeted income of the Commission by some \$102,000. Of course, the agencies which are not charged will benefit proportionately. As far as the Commission is concerned, it will have to seek an appropriate adjustment from New South Wales Treasury. That, as I am sure you appreciate, will not affect Treasury's overall financial position.

This year has also illustrated the importance of holding public inquiries to remove from the public arena false perceptions of corruption. The pervading belief that public officers are guilty of corruption when they are not is harmful to our system of government. The McGurk inquiry was important in this context. One of the aims of the lobbying inquiry which the Commission is presently undertaking is to recommend practical and effective systems that will make lobbying more transparent so as to combat the perceptions of corruption that are attached to the practice of lobbying government officers.

The questions on notice include several questions concerning the Commission's relations with the Director of Public Prosecutions [DPP] and brief preparation. The Commission is working well with the DPP although neither the Commission nor the DPP has fully complied with the memorandum of understanding [MOU] between us. There have been delays on our part in briefing the DPP. We are conscious of our shortcomings in this regard and steps are being taken to remedy this. One of those steps has been to obtain the secondment of a lawyer from the DPP during this year and she has been a great help to us in advising us of the DPP's requirements and how to brief the DPP more efficiently. We have learned much from her as to the practical requirements of the DPP. We would like to have someone with her experience permanently on our staff but this is likely to depend on the outcome of the application we will make to Treasury for additional funds.

There have been delays on the part of the DPP in prosecuting cases. We make no complaint about this, not being in a position to do so until we comply with our own obligations. It goes without saying, of course, that delays in prosecutions bring problems in proving the case and in persuading the court to impose an appropriate sentence. They should be avoided. These comments are not intended to detract from the fact that both the Commission and the DPP have improved their performance. Meetings occur every two months between the Deputy Commissioner and a senior representative of the DPP, and through this channel ideas are exchanged, reports are made and improvements are suggested. There has indeed been an overall improvement.

It is a truism that the more time spent in taking statements for the DPP and in briefing the DPP means less time available to investigate corruption. Unsuccessful prosecutions result in a negative use of the Commission's resources. In order to reduce this waste of effort the Commission is focusing on recommending only those offences for prosecution which, in the Commission's opinion, have a good chance of success, and in not recommending trivial or duplicated charges. The effort the Commission is now making to comply with the MOU is also designed to ensure that the Commission does not have to go back to investigate old cases and thereby have to spend time in refreshing memories and in repeating work. This is time that would otherwise be more usefully directed elsewhere.

These comments lead me to another issue that I regard as of particular importance. That is that the Commission's performance should not be judged by reference to the number of convictions obtained by the DPP. There are a number of reasons for this. Firstly, evidence that supports a finding of corrupt conduct is almost always inadmissible in a criminal prosecution. Thus different evidence, often of a far less cogent quality, has to be used in a criminal prosecution. Secondly, the prosecution is entirely in the hands of and controlled by the DPP. The Commission therefore can have no responsibility for the outcome.

Thirdly, there are very many public inquiries where the Commission does not recommend a criminal prosecution but nevertheless the purpose of the public inquiry has been achieved. Sometimes the Commission may establish compelling evidence of corrupt conduct but that evidence, being inadmissible in criminal proceedings, cannot be used in the prosecution so no recommendation for a prosecution is then made. Nevertheless, the Commission has fulfilled its function in exposing corrupt conduct. McGurk and the lobbying inquiry are further examples of the Commission dealing properly with perceptions of corruption without recommending prosecution. The questions on notice, if I may say so, are far-reaching in their scope and cover all important aspects of the Commission's work. We hope to give you a full picture of the Commission's operation in answering them and any other questions that you may pose to us.

CHAIR: Thank you, Commissioner, for those very comprehensive opening comments. There may be some questions about the budget very shortly. Looking at the annual report, which I found a very comprehensive document, you go through a number of issues you have addressed here this morning in relation to corruption prevention. I was particularly impressed by the statistic that since the inquiry into Wollongong Council the Commission has done presentations and seminars to something like 1,100 councillors, managers, planners and personnel in local government. Was that just in response to Wollongong or is this continual work with the local government sector an ongoing process? Backing up where I am coming from, in your annual report you also list the number of complaints and categories of organisations that are the subject of complaints. I understand 37 per cent of them come from the local government sector. They also top the top five when it comes to protected disclosure allegations by the government sector. The annual report addresses this aspect. Is this part of an ongoing process or was it more of a reaction to the Wollongong situation?

Mr IPP: Dr Waldersee is best able to answer that.

Dr WALDERSEE: One of the ways corruption prevention has its effect is to get a message to people when they are thinking about the issue, so Wollongong raised the issue of corruption within planning in local government. It was opportunistic to move quickly while people were paying attention to that to talk to all the local governments in the high-risk areas, which was essentially the eastern seaboard where the land is valuable. That is what we did. We do have ongoing work with local government but there are just so many times you can go and talk to the same people before you lose the effect, so we have to keep moving to different approaches.

CHAIR: But is it ongoing as far as other issues are concerned? Are you taking up some aspects of the allegations coming through and looking at preventing them in the future? Obviously that is a fairly heavily weighted statistic in your annual report.

Dr WALDERSEE: It is. Going forward from here we are looking at the governance structure of local government too in terms of how audit works, the risk management systems, et cetera. Again, we have a local government area and that is the sort of work we do.

Mr IPP: If I may add to that, local government matters, as you rightly point out, are probably the greatest source of complaints that are made to us. In your letter to us you asked about trends. It is difficult to say that there is more from local government, but certainly it is maintaining its leading role in corruption. On the question you asked, Mr Chairman, one of the reasons for us deciding not to charge for education and training is to enable us to really direct our education and training facilities to local councils, because when they do not have to pay they are much more ready to receive our people for training and education.

Mr PAUL PEARCE: Following up on the local government matter, unlike the Chair I do not have quite the same cynicism about local government.

CHAIR: No, I was just reading the annual report.

Mr PAUL PEARCE: Part of the issue you identified there was the fairly steady and relatively high rate of complaint in relation to local government matters. Are you finding that is indicative of problems in local government in terms of corrupt conduct or poor governance and poor auditing and the like or is it because the complexity of the planning laws causes people to believe something dodgy has gone on when in fact it is simply a consequence of those planning laws?

Mr IPP: I think all of us here would have views on this. As far as I am concerned I have not noticed the complexity of the planning laws being in themselves a cause of corruption.

Mr PAUL PEARCE: I am not suggesting it is a cause of corruption.

Mr IPP: Or enable corrupt—

Mr PAUL PEARCE: I am suggesting rather that the complaints from members of the public in relation to local government, because they invariably relate to planning decisions and a belief in the public mind that certain planning decisions have been arrived at because of corrupt conduct—is that due to the public's lack of understanding of the complexities of the planning laws or is it because in your view there is a real nub of a problem in local government in terms of corrupt conduct?

Mr IPP: I do not think it is the first. If it is a problem with government in relation to planning, I suppose it is just a human phenomenon. The thing about planning is that it deals with property, the status of which can be changed to result in people making a great deal of money, so naturally it attracts some people who want to make money at any cost, so there is more temptation put in the way of planning officials than other officials. I certainly do not regard planning officials as being more corrupt than any other officials or particularly corrupt. One does get a lot of planning complaints but I do not think that is a reflection on the individuals. It is more a reflection of the nature of the activity. I should also say that we get very many procurement complaints in local authorities.

Mr PAUL PEARCE: In relation to procurement, a number of councils are forming groups of councils for purchasing across a region. Has any analysis been done of whether those groups of councils and centralised procurement have improved the situation or is there no particular measure yet? Some councils still procure their road equipment, asphalt, paper et cetera individually. Others such as the regional organisation councils do centralised procurement. Is one indicating a better model than the other?

Mr IPP: The Commission has investigated procurement to a considerable extent. Dr Waldersee should be able to answer that question.

Dr WALDERSEE: We currently have a procurement discussion paper out—the extension is closing this week—and the issue of how procurement works across the whole State and the risks, the nature of markets, the skills, systems, panels and so on are all part of that discussion paper. We are waiting for submissions to come in. We have a second survey of suppliers out so we are getting that perspective too. We have some thousand responses from suppliers to government to go through. That discussion paper will be put together into either a position paper or a report, probably within a six months period. We have not done a specific analysis of this issue yet, but we are in the middle of a procurement exercise.

Reverend the Hon. FRED NILE: Commissioner, you mentioned that you have 50 to 60 complaints per week, and indicated the pressure on your staff. You said that many complaints cannot be investigated. Do you publish a list of those complaints that are not investigated? Or would it help the Committee to have a list of those complaints to establish the need for the Commission to have additional funds, for us to lobby on behalf of the Commission?

Mr IPP: All complainants are informed of the result of their complaint. Anyone who complains will be told whether we are not investigating pretty soon. If we are investigating, the complainant will eventually be advised—not necessarily immediately, because it is our policy to not reveal what we are investigating. There is a danger in publishing the complaints because many of the complaints are unfounded and can be unfairly harmful to the reputation of people against whom complaints are made. So, while I would like to do anything to be able to persuade you to support us to get more resources, I have to say that I do not think it is appropriate to publish the lists of details of the complaints for the reasons that I have explained.

Reverend the Hon. FRED NILE: I was not thinking of every complaint. However, you indicated that some complaints may have some basis, but because of the lack of staff you cannot investigate them?

Mr IPP: No.

Reverend the Hon. FRED NILE: If you had a priority—

Mr IPP: I should explain that better. Whenever we think there is a real basis for corrupt conduct, we will investigate; we will at least have a preliminary investigation. Our experience has been that in the initial stages it is often difficult to work out the depth of the corruption, whether there is serious corruption of the kind that we are required by our Act to investigate. And it is only by investigation that we discover this. We do not have the time to investigate all of these. All I am really trying to convey is that in the nature of the figures, and in the nature of our experience, we probably miss cases because we are not investigating when we look at them and think that there is nothing there.

Reverend the Hon. FRED NILE: On another matter, you indicated that sometimes you have to make a decision to not refer a case to the DPP, because you believe it will not be successful. The Commission itself makes that judgement?

Mr IPP: Yes.

Reverend the Hon. FRED NILE: Do you feel you have the expertise to make that judgement? Or should it be made by the DPP?

Mr IPP: I have had only 50 years in the profession, Mr Nile.

Reverend the Hon. FRED NILE: Yes, I know, that is you, personally.

Mr IPP: And no decision is made without me being involved.

Reverend the Hon. FRED NILE: You personally make that decision?

Mr IPP: I personally make that decision.

Reverend the Hon. FRED NILE: Good. You probably could advise the DPP.

The Hon. TREVOR KHAN: Commissioner, you have given the Committee some raw figures in terms of the increase in the number of hearing days that the Commission is now experiencing. You also told us that there has been a significant increase in the number of compulsory examinations undertaken. Are you able to indicate the number of, if it be the appropriate term, sitting days that the compulsory examinations have increased by in the same way as you have with actual sitting days of public hearings?

Mr IPP: I am not sure what you mean by "sitting days".

The Hon. TREVOR KHAN: I am interested in identifying this: The Committee has a raw number of the increase in the amount of public hearing days. Plainly there is a lot of back work, work that leads up to the holding of the public hearing in terms of compulsory examinations with investigation work.

Mr IPP: That is correct.

The Hon. TREVOR KHAN: And whether it is capable to get a clearer picture of the increase in man days that are expended because of the increase in the number of actual sitting days.

Mr IPP: Do you mean what is the average number of compulsory examination days for each public hearing?

The Hon. TREVOR KHAN: That would be a start, Commissioner.

Mr IPP: I cannot give that to you. That is not a figure that we have taken out. I think it just needs a bit of arithmetic.

CHAIR: You can take that question on notice.

Mr IPP: We just need to divide the figures I have given you—they are all there. I am not sure how helpful that will be. In some cases there are not many days of compulsory examinations because they are just not required; the issues are pretty simple or the investigators have been able to get from the witnesses all information necessary to have a public inquiry. Sometimes, when we are not certain of the veracity of the witnesses, and the witnesses are not forthcoming, we have a compulsory examination to try to get the evidence out. It is a pretty ad hoc situation.

The number of compulsory examinations is not necessarily indicative of the importance of the public inquiry, although, because of our present situation, we are paying a great deal of heed to the cost of the Commission of having a public inquiry on a particular issue. For example, if we have an issue where there seems to be corruption of a certain degree, and to prove it will involve the whole Commission for several months in investigation, we probably will not do that because it means excluding us from other inquiries that are as or more important, and more of them. That is the kind of judgement that we have to make all the time now. I am quite happy to let you have the average figure of compulsory examinations to public inquiries that you asked for and any other information in this regard that you seek, Mr Khan. I am not quite sure, though, what other information you would like.

The Hon. TREVOR KHAN: I suppose it will lead on to this: You have referred to what I took to be the introduction of some form of what I would have called in the old days some sort of time-costing program?

Mr IPP: Yes, that is correct.

The Hon. TREVOR KHAN: Is that Locus, or one of the commercially available systems that you are looking to introduce?

Mr IPP: Mr Koureas will explain that.

Mr KOUREAS: It is Aurion time-keeper module.

The Hon. TREVOR KHAN: So, it is just one of the off-the-shelf programs, and that is not to belittle it?

Mr KOUREAS: It is an additional module in the current data system that we have.

Mr IPP: It is off-the-shelf, but it has taken a lot of time for them to adapt to our requirements, I can tell you. Although off the shelf, it is customised to what we want. We are not really after how much it costs us in terms of dollars; we are after how much it costs us in terms of time.

The Hon. TREVOR KHAN: I understand your objective. Commissioner, I understand from what you have said that you indicated that the supplementation payment of \$850,000 that you received is now, in a sense, a permanent addition to your budget?

Mr IPP: That is correct.

The Hon. TREVOR KHAN: Do I take it that in addition to the \$850,000 supplementation payment you are now looking at a further increase over and above?

Mr IPP: Oh, yes. Getting six FTEs does not double the staff of the Commission, but we have doubled our work.

The Hon. TREVOR KHAN: On that basis, what is the further increase you seek this Committee to become enthusiastic about?

Mr IPP: Well, Mr Khan, you will forgive me for saying that we are working on it!

The Hon. GREG DONNELLY: Commissioner, you might delegate my question to others. In the annual report there is the comment that there is increased challenge associated with the complexity of matters and also the demands of supporting those matters in the court process. Could you explain what is meant by the "complexity of matters" and the additional support required to deal with such matters?

Mr IPP: I can best explain this by reference to a notional example based to a degree on fact.

The Hon. GREG DONNELLY: Is this something with which the Committee members would be familiar?

Mr IPP: No. A disappointed tenderer to a local council complains to us that the person getting the contract has paid the council officer. We go and investigate;. The council officer says, "Oh, there is nothing wrong with this. This happens all the time. It happens at A, B, C, D, E, F and G councils." We say, "Tell us who it is", and he replies, "No, I don't know who it is. But that is just the talk". This is rife. What then happens, we then have to go to A, B, C, D, E, F and G councils and do some investigations there. We may then find one or two people who will tell us what is happening there, or say that nothing is happening there but something is happening at another council that he knows about.

Once we have identified the people who have been said to have obtained bribes, we then have to get what we call the "financials"; we have to get their bank statements and their credit card statements, all unbeknown to them. That requires a considerable amount of investigation. That investigation may show that they are receiving money not only from the people who we suspect they are receiving money from but also from others. That means we have to investigate those others. When we investigate those others we find that they are paying not only this council but also a lot of other councils—new ones which we have not looked at yet. Off we go to find them. Do you want me to stop now, or do you follow?

The Hon. GREG DONNELLY: I think we get your drift, yes.

Mr IPP: That is something that is happening.

CHAIR: So, the time factor is involved with that?

Mr IPP: For us to deal with that, you can ask Mr Symons. He is better able to deal with this. We have only a limited number of investigators. If we put them all on this case, we have no-one for anything else. But you can see a case like this can demand the time of investigators, not only people who take statements but also people who understand financial accounts, people who understand IT. If they are all focused on this, it is to the detriment of other matters. Therefore, we have to be very careful about what cases we take on. It is better to get one done properly than a few half-baked.

Mr PAUL PEARCE: Is there an assessment? When you are looking at that hypothetical situation, where essentially you chase a whole lot of rabbits down different holes, is there an assessment of the initial complaint as to the actual seriousness in dollar terms or impact?

Mr IPP: There is no investigation in dollar terms in writing, but there is a written assessment that is made and a report made to a committee of the executive every two weeks on every ongoing preliminary investigation, and an assessment is made at that point. That is the most important meeting we have. At that

meeting, an assessment is made as to what investigation has been done in the last fortnight; what are the results; what needs to be done in future; how many people have to be involved in it; what does it mean to the rest of the investigation that we are doing; does it mean that the results are good enough to warrant carrying on with this number; does it mean that if we are going to do this properly we will have to take too many people off others, so, therefore, should we stop it?

Every two weeks, on every single full investigation that we are doing, we have that kind of meeting. We have our full investigations, as I have mentioned. We have nine going on now. When I first came I thought a figure like nine was small. But, if you think about it, in the kind of scenario that I have given you with the number of investigators that we have, they have to give up their holidays to do the job properly.

The Hon. GREG DONNELLY: Commissioner, the matter of the MOU with the DPP has a long history associated with it. Long-term members of this Committee are aware of the history. Have you formed a view about the MOU? Do you believe it needs to be refined further or re-examined to enhance the way it operates? Do you believe there are other issues that are the cause of the matters you referred to in your opening statement?

Mr IPP: I would ask the Deputy Commissioner to speak to that because she has taken the briefs under her wing. I should only say as far as I am concerned, and I do not know enough about this as she does, that the MOU is okay. The fact that we have not complied with it is our fault. We are trying to do better. I will ask the Deputy Commissioner to speak to it.

Ms HAMILTON: In general terms the MOU is a good document. You will recall that we recently changed it last year to put a time limit on ourselves. A lot of the MOU was directed towards what the DPP would do. We have now put in the MOU that we will get briefs to the DPP within three months of the end of an inquiry. That is one of the elements that the Commissioner referred to that we are not always meeting. That is simply a matter of resources, staff—other priorities. It is worth having it in there as the goal and we are meeting it on many occasions, but we are not always meeting it. The MOU is working and it is focusing both the DPP and us on what needs to be done. We just need to get better at fully complying with it.

The Hon. GREG DONNELLY: In your view it is fundamentally sound?

Ms HAMILTON: Yes. The obligations on both parties are good and fundamentally sound.

Mr IPP: That is my view as well. You will understand that when you have all these things hopping around, people, corrupt conduct that we are investigating, there is a temptation to press with the corrupt finding cases on operation and not to the briefs. Once we have got a corrupt finding made and a report made to Parliament this is the end of the exercise for us. That is why, in some respects—I am not saying it is the only reason—this period has dragged on. But we are really trying to get back to what it should be as far as we can.

Mr JONATHAN O'DEA: Commissioner, I have three issues. The first relates to the funding request. It is good to see that you are perhaps not as shy as your predecessor in putting your hand out. The Committee has been supportive, and I personally have been supportive of pushing for more resources for the Commission. This Committee strongly supported the \$850,000 which has now been made permanent. I give credit to the Premier's Department for concurring with our recommendation and request in that regard. We have heard your comments on the increased need for resources and the increased workload, particularly over one year. In assessing the need for resources and putting forward a solid submission, I ask that some regard be given to trends over a longer time frame, including projections going forward. The doubling of workload that you have referred to may not be permanent, particularly if you put increased resources and increased availability into training, education and prevention and making that more easily accessible. I ask for a longer-term projection and, likewise, to look back over a longer term so we can justify or support any request for increased resources, which I am inclined to do. That is a question or a request.

Mr IPP: Would you like me to reply to it?

Mr JONATHAN O'DEA: If you wish.

Mr IPP: I accept the sentiments behind the question. We are not asking for resources that will double our staff, even though our workload may have doubled. That is probably for the very reason that you mentioned.

It is very difficult to make forecasts as to the level of corruption that will continue. All I can say is that it looks as if it will continue this way until the end of next year.

Mr JONATHAN O'DEA: Is that until March next year?

Mr IPP: Until the end of 2011. We can make that assessment by reference to the number of preliminary investigations we have and ones we have put into the refrigerator. If 12 public inquiries a year extend us and we have 60 or so preliminary investigations, of which, say, 48 are good, we have enough work now for four years with our staff as it is with the preliminary investigations and having public inquiries in four years' time. If that is a good idea, then let us keep our resources as they are. That does not mean to say that we will not be modest in our requests. The people on the executive have been involved in dealing with government and Treasury and in their own work for a long enough time to understand the realities of life.

We will put in a request. We are working on it now. That is why I was not able to answer Mr Khan properly because I cannot nominate a figure. We are working towards justifying the figure. The systems we put in place to establish the amount of hours being spent will be a very important key to this. It is only going to start working properly in October and our budget submission will have to be in October. It will not be in place properly to help us but we are going to do our best to justify our request by facts and not make excessive demands. We hope to be able to put up a figure that you will be able to support.

Mr JONATHAN O'DEA: The second issue relates to the Commission's dealings with the New South Wales Crime Commission. In the same way you have put in place the MOU with the DPP, which seems to have been a successful and positive step, I note in your response to the question on protocol in relation to matters referred to the New South Wales Crime Commission that there is no written protocol. Is it your view that there should be a written protocol or a MOU, even in a preventative sense, to make sure that no problems arise?

Mr IPP: This is a matter for the Deputy Commissioner.

Ms HAMILTON: There probably is validity in our entering into a MOU or a protocol with the Crime Commission. Our relationship is fairly straightforward in one way in that any matter where we feel there are proceeds to be seized we will refer it to the Crime Commission. It is always helpful for both parties to know what their responsibilities are. We will certainly work on that.

Mr JONATHAN O'DEA: The third and final issue is in relation to training programs. Again, Commissioner, you may wish to refer this but I will direct the question to you. There is an increased use of web cast training programs and technology-based or computer-based training, which is a good thing. However, inherent in that is the risk that the training is not verified or assessed for competency unless there is a tracking mechanism or an appropriate assessment tool that is used in tandem with the web cast or whatever the often remote delivery of technology allows. To what extent have you built in those sorts of controls within your training, particularly when you have local governments that might want to be seen to be doing the training but may not actually do it effectively?

Dr WALDERSEE: You can either have breadth without depth or you can have depth without breadth. It is very hard to get depth and breadth and volume all in the one. So to some extent what is done electronically et cetera, and those approaches, will have breadth as you get the volume of a lot of people but you cannot assume it would have the same impact as a week long course such as the ANU program that is run for senior executives—we sponsor senior executives—that has less volume and more depth. The other one has more breadth, more volume, less depth. So one is a bit sheep dip the other is very intense. They are different products for different purposes. We cannot be sure that people who would proceed down in some form of e-learning would ever take it back to their workplace. I do not know that you can ever do anything about that. There is no way that a small group of trainers can ensure that 360,000 public servants have learned what they were supposed to learn and take it away and have implemented it.

Mr JONATHAN O'DEA: You can have tests or assessments at the end of the training and my question was directed in that regard.

Dr WALDERSEE: In terms of e-learning we are currently developing an e-learning system that will have those checks in place. They are self-checks. You check yourself. If you did not answer the questions it will either give you the correct answer or send you back to do it again. But we are not going to be looking for who failed and then following that up. We would not do that.

Mr NINOS KHOSHABA: How does the Commission determine which cases are appropriate for full investigation involving a public inquiry? Is it fair to say that the ICAC through its investigations is confident of finding corrupt behaviour before making a case into a public inquiry or is it more about the nature of the complaint and its seriousness?

Mr IPP: We do not have a public inquiry where the aim of the public inquiry is to find corrupt conduct without coming to the view that we have strong prospects of success in establishing corrupt conduct. We will not put somebody through a public inquiry, with all that entails and all the publicity that that entails, without coming to the firm view that there is corrupt conduct.

The Hon. TREVOR KHAN: Although McGurk was an exception?

Mr IPP: That is not a public inquiry where the aim was to find corruption. That was a public inquiry to show that there was no corruption and that the perceptions were false.

Mr NINOS KHOSHABA: What is the average cost of investigating cases, especially those that later become an inquiry? As you said earlier, many hours are spent on such cases.

Mr IPP: We have no mechanism of working out the average cost. To do that would make us spend a lot more money.

CHAIR: We do not want you to do that.

Mr IPP: It is an entirely valid question, if I may say so. It is one that I have thought about myself and raised. I have come to the conclusion that it is not worth working out. There are a number of problems with it, one of which is that we can spend months investigating a case and then decide not to have a public inquiry. In fact, we are about to can two in the next two weeks which have required about four investigators working full-time for three months. That does not show up in our end-of-year figures. You might see that we have done 12 inquiries but we have spent three months working flat-out on two where we have come to a decision that our evidence does not warrant putting these people up and making a public show of them. Whatever figure one comes up with is not a reliable indication of how we spend our money so that is why I thought "What is the point?"

Mr NINOS KHOSHABA: I asked that question because most people, including myself until today, do not know how much time and effort is put into investigating these cases.

Mr IPP: Knowing how much time and effort is spent in investigating the cases is an extremely important aspect of the work. That is what I asked Deloitte to do. Deloitte have provided us with a program which will be implemented at the beginning of October, which is coupled with the new time recording Aurion program, which is designed to do that very thing. We need it as a management tool as far as I am concerned because without knowing how much time and effort has been spent on a particular investigation it is often difficult to know whether to go on with it or to stop it. Obviously if you have spent a great deal on a matter it is worth going on to finish it. Also it is very helpful to decide how many investigators need to be put on to a particular job and then afterwards to see if we have made a mistake and put too many on it if it has been wasted, what lessons can we learn from it? It is a very important management tool that we do not have. I hope that when I speak to you again we will have it and it will be working.

Mr GRAHAM WEST: I am new to the Committee and I base my questions on your evidence today. You said about 50 to 60 complaints a week arrive at the ICAC so that is about 2,500 to 3,000 complaints. You also said about 133 move to preliminary investigations, so about 5 per cent of the complaints move to investigations?

Mr IPP: That is right.

Mr GRAHAM WEST: Does that suggest, leaving aside your budgetary issues, there are a lot of, for want of a better word, false complaints made?

Mr IPP: Yes.

Mr GRAHAM WEST: Is that because people do not understand the role of the Commission and what is corruption or is it because there are political or malicious motives at play? Do you have a body of evidence around that?

Mr IPP: I think all of the above. I will give you two extremes. The first, neighbour gets a DA approved. That can only be corruption. Off you go to ICAC. The second, a politician gets a complaint from a constituent. What do you do with it?

Mr GRAHAM WEST: Write to you.

Mr IPP: Send it to ICAC.

CHAIR: And put out a press release.

Mr IPP: Exactly. You decide into which category those two fall.

Mr GRAHAM WEST: Related to that though, except for those two—and I will admit to passing constituent complaints to you—there is the education role. I imagine that a lot of people that you find corrupt findings against are tertiary educated either through TAFE or university. Have you had discussions with our tertiary institutions—some of which run ethics and some do not—around what constitutes corruption and what steps to take, both from the point of actually making sure people do not cross the line into corruption, and also to reduce those false complaints that are made by people by understanding what is corruption?

Dr WALDERSEE: We do almost always following an investigation, working with the institutional body and provide training on: What is corruption? What should you look out for? How do you put in place preventative measures, systems and so on? That has involved universities, the TAFE system.

Mr GRAHAM WEST: My understanding is that those are related to where you have found corruption in those institutions?

Dr WALDERSEE: They are.

Mr GRAHAM WEST: My question is more around, have you actually thought of getting incorporated into their training courses—degrees, diplomas and certificates—an actual corruption hardening process.

Dr WALDERSEE: No, you are not talking about the staff of universities?

Mr GRAHAM WEST: I am talking about educating the students, using the opportunity that we have got them as a captive audience to educate them long before it gets to the stage of corruption.

Dr WALDERSEE: We only do a small amount. Our education officer speaks particularly in TAFEs to English classes for non-English speaking new immigrants because they, we believe, are a particular risk if they come from certain countries not to understand what "corruption" is in this country, and about our tolerance or intolerance of corruption. We have a proposal in high schools. We are looking at the new curriculum in schools, particularly in legal studies, and we are awaiting them coming back to us. Other than that we have not focussed on that area. We have limited resources, as the Commissioner has made fairly clear. We have, in fact, a grand total of two trainers.

Mr GRAHAM WEST: You said you were going to increase them. Do you plan to make part of your course a registered training module under the national framework and, therefore, would allow it to be incorporated in those facilities?

Dr WALDERSEE: We had not thought of that but we will definitely consider that now that you have raised it.

Mr GRAHAM WEST: Mr Koureas, you talked about moving to Aurion. Did the Commission go through a process to consider moving to an open source type of environment rather than a proprietary system, given that you have said that you have had to do a lot of work to modify that particular program to meet your needs. Therefore, in the future, I imagine that means a lot of cost. Did you consider going open source?

Mr KOUREAS: No, let me outline the situation. The program is a module within the Aurion Human Resources Management System. It is an integrated human resources management system as such. The timekeeper module is just one of a number of modules that the system contains. It is built in within the system so the Commission has not considered going open source, it would just create additional problems with the integration issues, and interfaces et cetera. It is built within Aurion so there are no issues of matching tables, data et cetera. It is designed specifically for job costing or time costing. The Commission is planning to use it to ascertain information on the number of hours expended on various projects or activities within the Commission. For example, on a particular investigation it would be able to record the types of tasks we have captured under that investigation or project-related work. We will be able to look into a more detailed level of activities within the Commission to be able to deploy our resources more effectively and efficiently by reviewing the data that is collected on an ongoing basis.

Mr VICTOR DOMINELLO: You indicated that compulsory examinations increased in 2008-09 from 33 to 124 in 2009-10. Is that right?

Mr IPP: Yes.

Mr VICTOR DOMINELLO: It is a significant increase.

Mr IPP: Yes.

Mr VICTOR DOMINELLO: You also indicated that in your observation there was a marked increase in the seriousness of the matters being investigated?

Mr IPP: Yes.

Mr VICTOR DOMINELLO: Based on what you have seen thus far is that seriousness related to the systemic nature of the corruption? Is the seriousness related to the level of the official involved or the quantum of money involved?

Mr IPP: All of that. I am not saying that everyone has got all of that but the more serious ones have one of those elements in them.

Mr VICTOR DOMINELLO: Do you believe some of these investigations are skewing one way. For example, there is a disproportionately high amount of money involved and investigated these days compared with previous years?

Mr IPP: I am not qualified to answer that because I have only been there nine months.

Mr VICTOR DOMINELLO: Would the Deputy Commissioner know?

Ms HAMILTON: Not in any definitive way but I can certainly say that a lot of the recent cases do seem to involve very high levels of money and that might be an indication of how much procurement is worth these days or, as the Commissioner said, how much a planning approval is worth. But, yes, the amounts involved—and you can get some indication of it from some of the referrals to the Crime Commission. We are having the Crime Commission seize back \$900,000 from people. That is the sort of money that they can get through bribes or through contracts being put to their companies. I can just say in general terms, yes, the money seems to be getting higher. It has always been the case that the people we investigate tend to be middle management or above because obviously they are the people who have the power to make the decisions. So yes, we are getting people at relatively high levels. We are getting high levels of money and some of it, as the Commissioner referred to, is systemic involving a broad-ranging, inter-related set of entities.

Mr VICTOR DOMINELLO: Procurement seems to be a large source of concern. Are there any legislative reforms that you would see that we would need to consider in order to correct some of those issues?

Ms HAMILTON: I think as Dr Waldersee indicated, we are presently doing a big project on procurement and at the end of that I expect there will be recommendations made about issues which could include a legislative amendment or at least policy changes to how procurement happens within the public sector.

Mr VICTOR DOMINELLO: Do you know when will that be released?

Dr WALDERSEE: No, we do not. We have had requests for submissions to come in much later than we expected so we are extending that date. So we have not even got to looking at the submissions. They may well raise a whole series of new issues rather than answer questions so I do not want to be overly firm in committing, but hopefully towards the end of this year or, not the Christmas period, but straight after.

Mr VICTOR DOMINELLO: What are your views as to whether an authority should be entitled to use evidence obtained from the Commission in relation to the unexplained wealth provisions?

Mr IPP: That is a personal view. I think so, yes.

Mr PAUL PEARCE: Dr Waldersee, you may be aware that the police are currently looking at an early intervention system which essentially will work amongst junior officers and raises an orange flag, if you like, of an officer whose behaviour or contacts are likely to lead him/her up a dangerous path in the future. Has the Commission considered that sort of approach? My question dovetails with the question from Mr West amongst junior planners, people who are just starting off in the industry and are just beginning to start in the procurement side. Corruption by its nature requires at least two parties, so how do you propose to get those types of ideas into the private sector that is often the beneficiaries, if you like, of the corruption. One is a personal benefit and the other is a sort of corporate benefit.

Dr WALDERSEE: The issue of active intervention with junior staff who may be throwing up red flags is not something we have pushed normally. However, in the case of the Corrective Services report that was released very recently one of the recommendations there was that the Commissioner has the power for such intervention where staff show signs but have not actually crossed the line. That is a significant change in the power of management because it is acting on a suspicion—a very vague suspicion, some indicators. To actively intervene on staff across the public sector on such a basis I think would be a very significant change, but it would require a change I think, probably to the Act.

Mr PAUL PEARCE: But from the number of complaints coming through, in a sense you would have identified certain areas where that risk is higher than other areas. Obviously, if you are looking at local government—I know the chairperson likes local government—clearly the procurement area are the ones where there is a high level of issues arising more so than the library and the park supervisor?

Dr WALDERSEE: Oh yes.

Mr PAUL PEARCE: So you could narrow that down. You would not be looking at 360,000 public sector workers.

Dr WALDERSEE: No. We go talk, we visit, we train, we put out publications, they are in the areas of planning, they are in procurement and one would hope that the agencies—the amount of times we have talked to them—understand that planning and procurement are two of the big areas and that they should watch what is happening; they should ensure the systems are tight, watch their staff, watch the friendships. But again, it is a giant leap from there to suggesting—I do not know if you are suggesting—almost an active management of people showing early warning signs.

Mr PAUL PEARCE: That is certainly where the New South Wales Police are looking at the early intervention system.

Dr WALDERSEE: Yes, that is what the police do.

Mr PAUL PEARCE: Do you see some merit in that sort of approach?

Dr WALDERSEE: I think there is merit in managers acting early in terms of if they noticed a planner is having coffee or something with a developer that they act early and say, "You really should not do that", or, if it is against the code, say, "Look, that is against the code. Don't do it." But to go beyond that and to give that power that the Police Commissioner has to actively intervene on warning signs would be an enormous shift in the way the public sector is managed. You could not just give it to planning departments and procurement departments, for example; there would have to be a fundamental shift in the way the public sector is managed.

Your second question was about the private sector. The private sector of course is not under our jurisdiction until it does something against the public sector. So, all we can do is work with the public sector in trying to get more and more into the contracts that if you offer gifts, if you violate the terms of the contract, then this contract will be cancelled without question. So those sorts of clauses we are interested in, in getting the message out. Where we can, we talk to the private sector. I have given addresses myself, for example, to EnergyAustralia's suppliers, saying, "You cannot offer this sort of hospitality", et cetera. I have given talks when the Metro was up and running to all of their staff. They were a particular risk area because they were contracted in from the private sector.

Mr PAUL PEARCE: They were a risk area in a number of ways.

Dr WALDERSEE: It was the fact that they were on contract and coming from the private sector. I talked to all of them saying, "You cannot take hospitality and you must tell your suppliers that". Other than that there are limits to what we can do.

Mr PAUL PEARCE: Just a further question to Mr Ipp. You mentioned, if I heard it correctly, two policy changes you were looking at. The second one related to training services free of charge, et cetera, which I think has got a lot of merit in it, quite frankly. The first one you referred to the nature of the public inquiry, that you would still be obviously pursuing individuals whose names are coming up, but you also would be looking to direct some of the inquiry towards the management level who allowed this to occur. Firstly, how do you propose to do that given the nature of corruption is often very hidden, it is not apparent, and the objective of the corrupt individual is clearly to disguise their activity not only from their colleagues but also from their supervisors, managers, town clerks or whoever? Also, how would that sort of approach relate to your powers under the Act, because I am not sure that the fact that a manager has not picked something up would actually be corrupt conduct under the terms of the Act?

Mr IPP: I am not suggesting that it is. That is not what I mean at all. Under the Act, where you have a power our powers include taking steps to avoid corruption. When we focus on management it is not to suggest that the management was corrupt at all, it is to explore how this situation was allowed to occur. Where the management has done everything that is appropriate it will not be an issue, but in many of the cases management has been characterised by a lack of management and in the past it is the foot soldier who has been sanctioned. We have got no sanction and we do not intend to sanction management.

But where there has been no management and where there has been obvious neglect in areas that have allowed corruption to flourish we think that it is appropriate to ask the managers responsible to attend at the public inquiry so that for the sake of procedural fairness they can answer the points made against them and so that in our report we can make recommendations for changes, and we inevitably make criticisms of management. Those criticisms cannot be made unless the managers have had a chance to answer them. The best place for them to answer those criticisms, as far as I am concerned, is in the public inquiry and not in private.

The Hon. TREVOR KHAN: I suppose I am looking at the more punitive end as opposed to the educative end. I have three questions which I think can be bundled together and they arise in part out of certain matters that have occurred in recent times. Do you consider that the penalties for giving misleading evidence before the Commission are adequate? Secondly, should the offences of the nature of giving misleading evidence be strictly indictable? Finally, would you consider it appropriate to make a recommendation for there to be a standard non-parole period specified for offences under the Act?

Mr IPP: The first question, yes I think the sentences are appropriate as laid down, but I certainly do not think that the courts give appropriate sentences very often. We had a very recent case where a suspended sentence was given for someone who had lied to us. I regard that as very serious and I think that the person who gave a suspended sentence really just does not understand what that means. One of our major tools is the fact that people are obliged to tell us the truth. If people can lie to us and get a suspended sentence it makes our life very difficult and it makes us much less effective. I personally am in despair at times when I see the kind of sentences that are handed down, especially, if I may say so, in the Magistrate's Court, when people who have committed egregious lies get suspended sentences. That question I answered with a degree of passion that has caused me to forget the other two questions.

The Hon. TREVOR KHAN: You might have half answered them already, although I suspected that might have been your response. The second question was do you consider that offences in the nature of giving

misleading evidence before the Commission should be strictly indictable? Finally, do you consider it appropriate that there be a standard non-parole period specified with respect to the offences?

Mr IPP: My answer to both is no. I am quite content with the present system as laid down by the law as long as the judicial officers concerned deal with them appropriately. I was too long a judge to agree to any such thing as mandatory non-parole sentences.

The Hon. TREVOR KHAN: I was not putting that. I would not go that far.

CHAIR: I am conscious of the time. Mr West would like to say something.

Mr GRAHAM WEST: Rather than a question I just wanted to say that Mr Symons and your investigation team previously joked about referring people to ICAC from my office, but I recently had a case where a constituent had someone using their identity to go and try and pretend to invite corruption. They were writing to people saying, "Give me a job and I will give you \$10,000". Through the involvement of ICAC, which we initiated, that constituent no longer has that problem. The Independent Commission Against Corruption coming down and getting involved convinced those people that it was not a good idea. I wanted to thank the investigators for their professionalism in that result. I know they often do not get those thanks, but the sensitivity they showed in the entire situation made what was a very distressful situation for a constituent an excellent outcome. If you could pass that on?

Mr IPP: Mr Chairman, may I mention one other thing? I am conscious of the time. You gave us some indicative questions concerning reporting by the Inspector. I have spoken to the Inspector and we are in agreement, so I am quite content to let him answer those questions. But there is one matter that has occurred to us too late to discuss with the Inspector. If I may have an opportunity to mention it now?

CHAIR: Go ahead, Commissioner.

Mr IPP: It concerns the publication of a report by the Inspector of the ICAC and I draw attention to the fact that in the report of 22 April 2010 of the Committee on the Office of the Ombudsman and the Police Integrity Commission the Committee suggested that the PIC Act be amended so that where the PIC disagrees with an adverse comment in the Inspector's complaint report the PIC's response to that comment is included in the report. That Committee considered that the Commission's view should be available to a reader of the Inspector's report. This Commission endorses those views and submits that a like provision should be included in any amendment of the ICAC Act. Otherwise, the Inspector and I are in complete agreement and I am quite content for him to explain the position when his turn comes.

CHAIR: Thank you for that. We will be moving to the Inspector. Before so doing can I say to everybody from the ICAC, Commissioner and all of you, thank you very much for being involved in the Committee here this morning and answering virtually all of the questions today, although a number will be taken on notice. We also have a couple of other questions that we have not had time to ask. If we could send them to you as questions on notice? Once again, thank you very much, and I look forward to visiting the ICAC—of course, in an informal way—in the not too distant future.

(The witnesses withdrew)

(The Committee concluded at 12.35 p.m.)