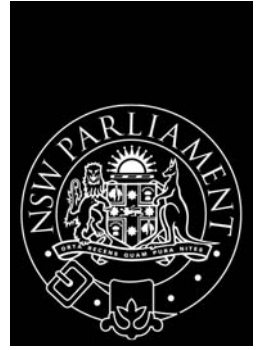


PARLIAMENT OF NEW SOUTH WALES



Committee on the Independent Commission Against Corruption

EXAMINATION OF THE 2004-2005 ANNUAL REPORT OF
THE INDEPENDENT COMMISSION AGAINST CORRUPTION

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TERMS OF REFERENCE

The Committee on the Independent Commission Against Corruption is required under section 64(1)(c) of the Independent Commission Against Corruption Act 1988 to examine each annual and other report of the Commission and to report to both Houses of Parliament on any matter appearing in, or arising out of, any such report.

CHAIRMAN'S FOREWORD

The Hon. Kim Yeadon MP
Chairman
Committee on the Independent Commission Against Corruption

I welcome the opportunity to thank the Commissioner of the Independent Commission Against Corruption and his officers for a year in which they again directed their attention to investigating serious and systemic corrupt conduct. The Commissioner personally undertook the carriage of all hearings. Two major investigations associated with these hearings exposed corruption in the construction industry involving builder licences and certificates of competency. The Commissioner reports that these investigations revealed evidence of serious and systemic corruption with the potential to compromise construction and safety standards Australia-wide. A further major investigation included an inquiry into allegations of bribery and blackmail involving local developers and two councillors at Strathfield Municipal Council.

The Independent Commission Against Corruption's investigative labours were balanced by its extensive service of corruption prevention advice to public sector staff. Its corruption prevention initiatives included workshops for public sector staff and workshops for local high school students. The Commission also organised, with the NSW Ombudsman and Institute of Public Administration Australia NSW Division, the 5th National Investigations Symposium in November 2004.

The financial and administrative burden associated with the Operation Review Committee was removed when that body was abolished following amendments to the Independent Commission Against Corruption Act 1988. Further financial relief arose from the decision by the Government to meet the costs of the Office of Inspector of the Independent Commission Against Corruption otherwise than through the Commission's budget.

The papers relating to this annual review comprise the text of the answers by the Independent Commission Against Corruption to written questions on notice and the transcript of the public hearing at which the Commission presented evidence to the ICAC Committee on 4 August 2006. For the interested reader the information on those pages, when taken with the Commission's annual report, demonstrate the complete range of activities conducted by this dedicated organisation.

Acknowledgments

It has been a pleasure to work with my colleagues on the ICAC Committee—government, opposition, and cross bench members—over the period of the 53rd Parliament, 2003-2006. During this time, we have seen the most significant positive reforms to the operations of the Independent Commission Against Corruption since its establishment.

I would also like to acknowledge the assistance and hard work of the secretariat to the ICAC Committee: Mr Ian Faulks, Committee Manager, Mr Jim Jefferis, Senior Committee Officer, Ms Elayne Jay, Senior Committee Officer, Ms Annette Phelps, Committee Officer, and Ms Millie Yeoh, Assistant Committee Officer. No request was too difficult for these staff to fulfil.

I also thank the staff of the various areas who support committee activities—Hansard, the Parliamentary attendants, the Catering section, and the Printing Section—for their assistance.

CHAPTER ONE – INTRODUCTORY REMARKS

1.1 It is a function of the Committee on the Independent Commission Against Corruption (the ICAC Committee) to carry out an examination of each annual report of the Independent Commission Against Corruption and report to Parliament upon it in accordance with section 64(1)(c) of the Independent Commission Against Corruption Act 1988.

1.2 The Independent Commission Against Corruption Act 1988 section 76 prescribes the matters to be reported in an annual report of the Commission:

76 Annual reports

(1) The Commission shall, within the period of 4 months after each 30 June, prepare a report of its operations during the year ended on that 30 June and furnish the report to the Presiding Officer of each House of Parliament.

(2) A report by the Commission under this section in relation to a year shall include the following:

(a) a description of the matters that were referred to the Commission,

(b) a description of the matters investigated by the Commission,

(ba) the following details with respect to matters investigated by the Commission:

(i) the time interval between the lodging of each complaint and the Commission deciding to investigate the complaint,

(ii) the number of complaints commenced to be investigated but not finally dealt with during the year,

(iii) the average time taken to deal with complaints and the actual time taken to investigate any matter in respect of which a report is made,

(iv) the total number of compulsory examinations and public inquiries conducted during the year,

(v) the number of days spent during the year in conducting public inquiries,

(vi) the time interval between the completion of each public inquiry conducted during the year and the furnishing of a report on the matter,

(c) any recommendations for changes in the laws of the State, or for administrative action, that the Commission considers should be made as a result of the exercise of its functions,

(d) the general nature and extent of any information furnished under this Act by the Commission during the year to a law enforcement agency,

(e) the extent to which its investigations have resulted in prosecutions or disciplinary action in that year,

(f) the number of search warrants issued by authorised officers and the Commissioner respectively under this Act in that year,

(g) a description of its activities during that year in relation to its educating and advising functions.

1.3 The 2004-2005 annual report of the Independent Commission Against Corruption outlines the Commission's work in investigating and preventing corruption during the 2004-2005 financial year. The annual report is structured around four key result areas outlined in the Commission's strategic plan 2003-2007:

- investigating corruption
- preventing corruption
- accountability
- our organisation.

1.4 It includes full financial statements and appendices that provide detailed information on aspects of the Commission's policies and procedures, in compliance with statutory requirements.

1.5 This report of the ICAC Committee provides a record of the examination of the annual report of the Independent Commission Against Corruption for the 2004-2005 financial year.

1.6 The ICAC Committee had the benefit of a detailed submission from the Independent Commission Against Corruption in response to a number of questions on notice relating to the 2004-2005 annual report. Many of these written responses were the subject of further questioning by Committee members in the course of the Committee's public examination of the annual report, or in a series of supplementary questions forwarded to the Commission for further comment and advice.

1.7 This report comprises an edited record of the written documentation forwarded by the Independent Commission Against Corruption and the examination of witnesses representing the Commission at a public hearing on Friday 4 August 2006.

CHAPTER TWO – EXAMINATION OF THE 2004-2005 ANNUAL REPORT OF THE INDEPENDENT COMMISSION AGAINST CORRUPTION

This chapter contains an edited transcript of evidence taken in a public hearing held by the ICAC Committee on Friday 4 August 2006 with the Commissioner of the Independent Commission Against Corruption and his senior staff, and the text of replies to questions on notice forwarded to the Commission prior to the meeting.

Testimony in the public hearing

The representatives of the Commission who testified to the Committee were:

The Hon. Jerrold Sydney Cripps QC, Commissioner

Mr John William Pritchard, Deputy Commissioner,

Mr Clive Thomas Small, Executive Director, Strategic Operations

Mr Roy Waldon, Executive Director, Legal Division

Ms Linda Michele Waugh, Executive Director, Corruption, Prevention, Education and Research Division, and

Mr Lance Favelle, Executive Director, Corporate Services

The Hon. KIM YEADON (CHAIRMAN): The ICAC Committee welcomes witnesses for the purpose of testifying on matters relating to the 2004-05 annual report of the Independent Commission Against Corruption. I convey the thanks of the Committee for your appearance today. It is a function of the Committee to carry out an examination of each annual report of the commission and to report to the Parliament upon it in accordance with section 64 (1) (c) of the Independent Commission Against Corruption Act.

The ICAC Committee has received a detailed submission from the Independent Commission Against Corruption in response to a number of questions on notice relating to the 2004-05 annual report. I direct that this correspondence be tabled at this time. Commissioner Cripps, do you wish this submission to form part of your evidence today?

Commissioner CRIPPS: Yes.

The Hon. KIM YEADON (CHAIRMAN): I direct that those materials be attached to the evidence and form part of the evidence given today. I am advised that you have been issued with a copy of the Committee's terms of reference and also a copy of the Legislative

Assembly's Standing Orders 332, 333 and 334, which relate to the examination of witnesses. Is that correct?

Commissioner CRIPPS: That is correct.

The Hon. KIM YEADON (CHAIRMAN): I draw your attention to the fact that the evidence you shall give is privileged and you are protected from any legal or administrative action that might otherwise have been able to be taken with regard to your evidence. Do you wish to table any further documents relating to the matters under examination at this hearing today?

Commissioner CRIPPS: Not at this stage, no.

The Hon. KIM YEADON (CHAIRMAN): Would you like to make an opening statement before the commencement of questions?

Commissioner CRIPPS: Just a very short one, if I might. On the last occasion you may recall—and it has been referred to in the report—we had a problem with our budget. I made some comments about that in the report. Since then a few things have happened to which you should have regard, which obviously will be in the next report.

The first is that the Operation Review Committee has now been abolished, so the expense incurred in that no longer devolves upon us.

The second is that we do not lose the money that we were going to lose, which is over half a million dollars, for the maintenance of the Office of the Inspector of the Independent Commission Against Corruption.

The third is that the year of the report was certainly a very big year. This year has not been so big but, in any event, I have taken a position that I will conduct, so far as I can—and to date I have been able to do all of them—the compulsory examinations and the public inquiries, which eliminates a fair amount of external expenditure to the legal profession which previously we had to meet. I add that we do not know at present how much extra money we have to spend meeting the inspector's requirements, but we will know that later on. It is sufficient for me to say at present that I work well with the inspector. I meet him once a week and I meet all the requests that he makes.

The Hon. KIM YEADON (CHAIRMAN): Your two earlier points are contained in my first question relating to your budget. But you said that you are okay at present, notwithstanding what further investigations are required of you?

Commissioner CRIPPS: Yes.

The Hon. KIM YEADON (CHAIRMAN): I assume they were not generous enough to give you all the money that was used to fund the Operations Review Committee? You have made savings because you are no longer participating in that body?

Commissioner CRIPPS: That is right.

The Hon. KIM YEADON (CHAIRMAN): Among the positive events that you listed in your response to the first question on notice was the establishment of the Inspector of the Independent Commission Against Corruption. I note, however, that in response to question No. 7 you expressed concern that the Inspector did not meet special legal qualifications and that there was no time limit on the conduct of a Commission officer, which may be subject to a complaint to the Inspector. Do these issues still cause the Commission concern?

Commissioner CRIPPS: No, they do not. In regard to the first question, the Inspector has legal qualifications. If I can be so impertinent as to make this statement, he has been a very good inspector and I worked very well with him. So far as the other question was concerned, that is, how far back these complaints should go, you might recall that no limit was put on it. It can go back to 1989. We have had a few that have gone back a long way and it has caused us a bit of expense and time to dig them out. Having said that, I have no real problem with it.

The Hon. KIM YEADON (CHAIRMAN): One would assume that will come to an end and that any outstanding matters will be dealt with in any event?

Commissioner CRIPPS: That is what I anticipate, yes.

The Hon. KIM YEADON (CHAIRMAN): In your response to the first question on notice you mentioned the guidelines and toolkit you produced with Queensland's Crime and Misconduct Commission on how to manage conflicts of interest. Is that proving useful to staff and managers?

Commissioner CRIPPS: I think it has been, but I will let Ms Waugh speak about it. It is probably not appropriate to mention it, I suppose, because we are dealing now with the report ending June 2005. But after 2005 we have been asked, I think by the Canadian Defence Force, whether it can use our toolkit. I will let Ms Waugh answer your question.

Ms WAUGH: We have not yet done a formal evaluation but we have received lots of requests for the toolkit and we get a lot of advice requests about its application. My understanding from my colleagues in Queensland is that their experience has been similar. So we think generally it has been positively received.

The Hon. KIM YEADON (CHAIRMAN): What has been the impact of the Independent Commission Against Corruption's rural and regional outreach strategy? Are you satisfied with the results of the program?

Ms WAUGH: Yes. We did quite an extensive evaluation. Generally, it is very positive in all aspects.

Commissioner CRIPPS: I have taken a particular interest in this. My predecessors did not always do this, but I always go on these trips to the country because I think it is a good idea for someone to go there and speak to them.

The Hon. KIM YEADON (CHAIRMAN): One of the ongoing research projects mentioned in response to question No. 4 is to produce a publication to address the issue of identity fraud and misuse of identity documents. Is this area currently showing up in the Independent Commission Against Corruption's investigations, because it is certainly getting a lot of currency in a number of other areas?

Ms WAUGH: From a corruption prevention point of view we would say it is related to the criminal conduct of identity fraud and what not. The Commissioner has presided over quite a few hearings that have looked at issues relating to false documents and false licensing. I think that is probably all I can say on that topic.

The Hon. KIM YEADON (CHAIRMAN): I note at page 52 of the annual report in regard to accounting for the use of statutory powers that in the review period the Independent Commission Against Corruption granted seven new assumed identities to its officers and varied four others. The report states that these were used in regard to surveillance operations. The use of these identities allows the creation of an intricate range of entries and documentation such as false entries in the register of births, marriages and deaths, and false entries in government and private bodies. During the review period what was the cost to the Commission of maintaining these identities? Do you keep a separate record of those costs?

Commissioner CRIPPS: I do not know. Perhaps Mr Favelle can answer that, but I will take it on notice and let you know, subject to what Mr Favelle wants to say.

Mr FAVELLE: No, I would not know the exact cost of those things.

Commissioner CRIPPS: I will let you know.

The Hon. KIM YEADON (CHAIRMAN): Under section 11 of the Law Enforcement and National Security (Assumed Identities) Act the records relating to assumed identities are to be audited by a person appointed by the chief executive of the Independent Commission Against Corruption either from within or outside the Commission. Will you in future be appointing the Inspector of the Independent Commission Against Corruption to audit the records relating to these assumed identities?

Commissioner CRIPPS: I must say I have not given thought to that. What I will do, the next time I meet the Inspector I will raise with him that if he would like me to do that I certainly will do it.

The Hon. KIM YEADON (CHAIRMAN): The Independent Commission Against Corruption recently published a report containing its follow-up research on its 2003 report on corruption risks facing New South Wales public sector organisations. The purpose of the follow-up research was to determine whether those organisations had put in place the strategies recommended by the Commission. You report that out of the 49 agencies you contacted, 16 of them did not bother to respond. The research questions related to such core issues as the existence of codes of conduct and internal audit and investigation systems. Who were those agencies and do you intend to follow up their lack of response in view of the significance of the issue?

Ms WAUGH: In terms of who were the agencies, because it is the same as the profiling, we tell them that their responses are confidential, we would not be identifying them. I think that we are actually looking to redo profiling in conjunction with the Queensland Crime and Misconduct Commission. So I think we would probably leave any follow-up until we do.

The Hon. KIM YEADON (CHAIRMAN): Until you initiate that process?

Ms WAUGH: Yes, which is scheduled for this financial year.

Mr ANTHONY ROBERTS (ICAC COMMITTEE): So you are not prepared to give us the list of those agencies that did not co-operate?

Ms WAUGH: No, we would not.

Commissioner CRIPPS: We could not at this stage, having told them that that is confidential. If we think it is necessary to revise this we would probably have to go back to them. I have to say also perhaps if you really wanted to find out you could get the Inspector of the Independent Commission Against Corruption to do it, but whether the Inspector would be bound by that confidentiality—I mean, once I tell someone they can give me something in confidence it stays in confidence unless the law provides that it cannot.

Mr ANTHONY ROBERTS (ICAC COMMITTEE): I suppose my point is they have not given you anything to remain in confidence. This is sort of name and shame. If they are not co-operating, they are not prepared to put the resources there, I think the ICAC Committee has the right to know.

Commissioner CRIPPS: If you wish I will raise it and let them know and let you know what I can do.

Ms WAUGH: We did actually have to deal with this issue the very first time we did profiling before we did the follow-up and it was the same issue. So what this Committee did, I think at Ian Faulks' suggestion, was write to all of the Ministers and Director Generals and they had to report to this Committee on the implementation of their recommendations, which was generally very favourable. I think most of them had taken them up.

Mr JOHN MILLS (ICAC COMMITTEE): So it did work, did it, that method of chase up?

Ms WAUGH: Yes. And this Committee provided us with the responses they got as well.

The Hon. KIM YEADON (CHAIRMAN): In regard to question on notice 21 you advise us that the Independent Commission Against Corruption is currently reviewing the operations manual. Do you intend to involve the Inspector of the Independent Commission Against Corruption in this and other efficiency reviews?

Commissioner CRIPPS: Perhaps I will let Mr Waldon deal with this and then I will deal with the second part later.

Mr WALDON: There are no plans to involve the Inspector of the Independent Commission Against Corruption in actually reviewing the operations manual, but as each procedure in the operations manual is reviewed it is taken to the meeting of the executive directors within the Commission before it is approved. Once it is approved a copy is then sent to the Inspector so the Inspector is informed as to what changes have been made to the operating procedure.

The Hon. KIM YEADON (CHAIRMAN): So he is made aware of them?

Mr WALDON: Yes, that is correct. I should say, he has also got electronic access to the operations manual and also has a hard copy version of the operations manual.

The Hon. KIM YEADON (CHAIRMAN): He is visiting us later this afternoon and that was one of the questions I was going to ask him, as to whether his system in relation to electronic entry into the Independent Commission Against Corruption was set up. I assume from your response that that is the case.

Mr WALDON: I understand they have access, yes.

Commissioner CRIPPS: He has told me that something went wrong but it was not our fault, it was his. So you can raise it with him and let him explain that.

The Hon. KIM YEADON (CHAIRMAN): In response to question on notice 23 you advise that the Independent Commission Against Corruption and the Office of the Director of Public Prosecutions signed a new memorandum of understanding on 24 October 2005. Has this reduced delays in finalising decisions on the action to be taken on recommendations of the Commission?

Commissioner CRIPPS: Yes. I think we have given a copy of the new memorandum of understanding. I suppose the best person to speak about this is Mr Small.

Mr SMALL: Yes, there was a new memorandum of understanding put in place. About 18 months ago we also started to change the way we conducted investigations. That is, from the outset we started to take more formal statements rather than taking a statement for Independent Commission Against Corruption purposes and going back, and it would appear at this stage that there has been a significant reduction in the time taken from the conclusion of a Commission inquiry to the referral of a brief of evidence to the Office of the Director of Public Prosecutions for consideration. With these things they take a long time to get a trend, but over the past 12 to 18 months I would suggest there has been a reduction in the order of about 25 per cent in terms of time.

The Hon. KIM YEADON (CHAIRMAN): At page 33 of the annual report in regard to the subject of investigation outcomes it states that the Independent Commission Against Corruption does not have a direct role in any prosecutions or disciplinary action arising from its investigations. I note, however, that the new memorandum of understanding with the Office of the Director of Public Prosecutions gives the Commission the function of advising the Office of the Director of Public Prosecutions of the charges open on the evidence,

identifying difficulties of proof, identifying willing witnesses, providing all relevant transcripts, statements and exhibits, and any other additional evidence required by the Office of the Director of Public Prosecutions. The memorandum also says that the Commission has the right, after considering advice from the Office of the Director of Public Prosecutions, to put the view that other charges are preferable on the evidence to those put forward by the Office of the Director of Public Prosecutions. The Commission also has the duty to institute the prosecution, which is later taken over by the Office of the Director of Public Prosecutions. The statements in the annual report that the Commission has no direct role in any prosecutions seems to me to be somewhat inaccurate in the face of the function it has of doing everything in a case short of actually attending the court or taking it over in the last instance. Could you comment on that?

Commissioner CRIPPS: I think the report actually says it does not have a direct role in the prosecutions. I can recall when I was doing this inquiry when I started, before I became Commissioner, I had thought that the Office of the Director of Public Prosecutions did everything—laid the charges as well as prosecute. It does not, of course, and that is why the Independent Commission Against Corruption Act 1988 was amended to say we should ask for their advice before we do it. That is what we have done and they have changed the Act to do that. It is a bit of a tricky question because I am frequently asked what the Independent Commission Against Corruption's role is and I often say to people, look, it really is a fact-finding and investigative body concerned with the exposure of and dealing with corruption; it is not a law enforcement agency. But that is not entirely true because, as you people know, a secondary function we have is to assemble admissible evidence for possible use. So we are doing that too. I think Mr Small has instituted a number of amendments or procedures that are allowing that secondary process to move at a more efficient pace than previously.

The Hon. KIM YEADON (CHAIRMAN): Table 4 of the annual report lists the matters by category that the commission received during the reporting period. One category is disclosures by public sector employees that meet the criteria of the Protected Disclosures Act 1994. The table states that disclosures that do not meet the criteria are treated as section 10 complaints. I take it that you formally advise the public official on whether or not their complaint meets the criteria of the Protected Disclosures Act so that they know whether they are protected under the Act or under the Independent Commission Against Corruption Act 1988 provisions?

Commissioner CRIPPS: We do. I will let the Deputy Commissioner deal with that because he deals with that more directly.

Mr PRITCHARD: The short answer is yes. If, for various reasons, it does not meet the requirements under the Protected Disclosures Act 1994 for a disclosure as opposed to just a complaint of corrupt conduct then the person is told how it has been classified by the commission, yes.

Mr PAUL PEARCE (ICAC COMMITTEE): What is the criteria that you apply to advise?

Mr PRITCHARD: The Protected Disclosures Act 1994, I suppose is a better way of putting it, has a higher threshold of what has to be shown when the complaint is made compared to

what the Independent Commission Against Corruption regarded as having to be shown before it gets accepted as a section 10 complaint. The Protected Disclosures Act talks about 'showing or tending to show' corrupt conduct whereas section 10 simply says it 'involves or may involve' corrupt conduct. So it is a bit lower, I suppose, compared to the Protected Disclosures Act, and sometimes it may not necessarily meet that. We take a liberal view of what involves or may involve corrupt conduct for the purposes of section 10. Sometimes we do not know they are a public official, normally they are anonymous, but if there is enough information from surrounding circumstances you can often gauge that. There are some subtle differences but that is probably the main one.

The Hon. KIM YEADON (CHAIRMAN): You may or may not be aware that the ICAC Committee has been given carriage of the current two-yearly review of the Protected Disclosures Act 1994. One of the interesting things that has come out of that review is matters of definition and there has been a High Court case that does not go directly to protected disclosure but matters of evidence. In that case the court said the question of whether facts fall within the provisions of a statutory enactment is a question of law which would need to be determined by a court or appropriate tribunal. We have asked a range of other agencies that are involved in this area how they come to a judgment on that, and really at the end of the day it is a subjective judgment without at some time going to court to have it tested. What is your view on the situation when you decide it is a protected disclosure and you can say that to the complainant when in fact subsequently it may not turn out to be so and that whistleblower is then subject to legal action by the subject of the complaint? Do you understand what I am saying? Unless it is tested at court you really cannot determine it. Because one of the categories is gross waste: as the Audit Office or the Ombudsman said, \$200,000 would be gross waste on the basis of their budget whereas if you went to the Roads and Traffic Authority, for instance, it is probably just 'fish and chips' money. I say that lightly just to let you understand the concept, but you understand what I am saying, that it is all just a matter of definition. What is your view on how secure the subject or the complainant under the protected disclosures legislation is, given that it is an opinion given by you in good faith on the criteria that exist within the Act, but it in no way gives them any real protection if subsequently it ends up in the court and the court says that it is not a protected disclosure? It will not be you that is sued by the subject of the complaint but indeed the complainant. It leaves them a bit vulnerable, does it not?

Mr PRITCHARD: That is a difficult matter. We probably take a liberal view of what should be classified as a protected disclosure.

The Hon. KIM YEADON (CHAIRMAN): But if I understand you correctly, in terms of the word "liberal", that could leave the complainant more vulnerable than not in a sense. Do you mean by that you take a very cautious view of determining it is a protected disclosure or you try hard to get it into that category rather than a section 10 complaint?

Mr PRITCHARD: I would not say we try hard but we can only interpret, I suppose, the legislation as it is as best we can. I am not aware of any cases off the top of my head where we may have, after an initial classification, for whatever reason, received other information that suggested that that classification should be reviewed.

Generally we make an assessment, on the information we have, that it falls into the category of a protected disclosure. To a large extent, the legislation often leaves us in a difficult position, in that you may be seized of sufficient information that suggests it is a protected disclosure, albeit the person is not saying they want to mention those words "protected disclosure". The legislation seems to suggest that you do not have to wait for them to say that before you classify it as such; if you are seized of sufficient information, it should be categorised as such.

Off the top of my head, I cannot think of any cases where we have had to come back and review an initial assessment because of further investigation or some aspect about the complaint has not been established, such that some element for it to be a protected disclosure no longer exists so it has been reviewed. I might have to think about that.

The Hon. KIM YEADON (CHAIRMAN): You may want to forward your views to us at a subsequent time. It may be a little out of the scope of this meeting, and you may not want to respond to it, but it could be helpful to us. In a succinct way, if you look at other models that have been adopted around the country, they basically fall into one of two categories. One is that you have a checklist of criteria against which you measure the complaint and determine that it is a protected disclosure, and therefore the legislation provides protection on and from that point. The other is that the difficulty remains and it rests with the people who determine protected disclosures.

Do you have any views on how the legislation might be modified to better deal with these areas? What do you think of the checklist proposal to try to get around the obvious problems of definition and how the matter might be tested, other than in court?

Mr PRITCHARD: I think that is probably not a bad idea. We made a joint submission to the review as part of our participation in the Protected Disclosures Act steering committee. As I said, the only criteria we can use from the point of view of the Independent Commission Against Corruption is that it still has to be showing or tending to show corrupt conduct, given that corrupt conduct is our jurisdiction. The Ombudsman's Office, in conjunction with that committee, has prepared a guidebook for agencies such as ours as to things to take into account. But I agree that without something like that the section itself is not particularly helpful in helping you to assess.

The Hon. KIM YEADON (CHAIRMAN): What do you think about the notion of a checklist, which could be incorporated into the legislation? Do you think that could simply become too bureaucratic, that it would simply pick up too many cases that are really are not protected disclosures? I acknowledge that it is a very difficult area. You may want to think about it and respond later.

Mr PRITCHARD: Yes, I think that might be best.

The Hon. KIM YEADON (CHAIRMAN): Table 18, at page 101 of the annual report, contains the percentage staff targets for equal employment opportunity groups. On behalf of the Committee, I would like to commend the Independent Commission Against Corruption for

its efforts and the diversity of its programs, especially in relation to women. In most categories it appears that the Commission has roughly met its targets.

However, I notice that with regard to Aboriginal and Torres Strait Islander people, no person from this group has been employed by the Independent Commission Against Corruption since 2001. Can you shed any light on what may be the difficulties there, and would you look at the possibility of being more proactive in that regard, or are you being proactive and simply cannot get there?

Commissioner CRIPPS: I will let others answer this. I spoke to a number of people last year, in Cooma I think it was, and I raised this question with—I cannot remember his name now, but he was a middle to senior management Aborigine—about how I would like to fulfil our quota of 2 per cent. He was very gloomy about whether we would get it. He said he was finding it increasingly difficult to encourage people to take up the positions that are set aside for them.

Mr FAVELLE: I think that this might have been raised at the previous hearing. We certainly do regard it as a difficult situation to try to make a positive impact on it. However, as might have been indicated in the annual report, we have looked to attract people by setting out some of our positions in the appropriate indigenous media. But we have also recently made a submission to the Elsa Dixon Aboriginal Employment Program for some financial support for a specific position. It relates to providing liaison with complaint assessment and corruption prevention with a liaison officer. We have been granted approval and support funding for a position that will involve itself with this assessment and corruption prevention liaison. Over the next month we will be going out to recruit that position. I think it is fair to say that it will not be easy to recruit, but we do plan to do that and we will be going through all the channels to make sure we do have some contributions.

Mr PAUL PEARCE (ICAC COMMITTEE): With regard to recruitment, whilst the figures indicate you meet the various benchmarks in terms of numbers, an analysis of table 20 would indicate that there is a disproportionate number for women in the lower salary ranges.

Mr FAVELLE: I think 95 per cent would earn more than \$50,000. While we still might have a lower number in some of the lower ranges, I think we are still fairly high in terms of a benchmark payment for female staff. Obviously, we operate under total employment opportunity principles in terms of recruitment action and also have female representation and independent representation and we select the best applicant on the merits. As I say, I think 53 per cent of our staff are women. As to what position attracts what style of people, we cannot do much about that but we do have an integral approach to selecting people.

The Hon. KIM YEADON (CHAIRMAN): Commissioner, can you advise the Committee on the status of the three-year project with the Australian Research Council on the Whistling While They Work project, which is a national study of internal witness management, or would you like to delegate that?

Commissioner CRIPPS: I will delegate that. I will let Ms Waugh speak about that.

Ms WAUGH: The steering committee has now met a few times since the project started. In each State—and the Commonwealth is included as well—we have started recruiting. We have just administered the first set of surveys to organisations to find out about their policies and procedures. Most of that data has come back in from New South Wales and, I think, the other jurisdictions, and now we are moving onto the next phase of the project, which is looking at case study agencies—I think there are four in each State; we have four here—which will be a more detailed analysis where we will look at people who have made protected disclosures, people who have handled protected disclosures, and people who are support for people who make protected disclosures. So it is much more in-depth and more like a qualitative study.

It is progressing well. It is probably three months behind its time frames. But it is not unusual for a project of this size to have that little bit of lag.

The Hon. KIM YEADON (CHAIRMAN): Appendix 3 of the annual report, at page 86, deals with the implementation of recommendations arising from the Independent Commission Against Corruption's investigations. I note that in regard to the Commission's report on the regulation of secondary employment for members of the Legislative Assembly, 12 of the 14 recommendations have been implemented. What are the two recommendations that have not been implemented?

Ms WAUGH: The two that have not been implemented are recommendation 4, which is "Defining Paid Advocacy in the Code of Conduct", and recommendation 7, which is "Greater Detail in the Register of Pecuniary Interests". I think that is still under way though, because I understand the two ethics committees are looking at those regulations at the moment, so I think that is probably not a fairer assessment.

With regard to the issue of paid advocacy, I think we had recommended that paid advocacy be in the title, so it would say, "Paid Advocacy and Bribery". I think the committee has formed the view that it was not necessary, that it was clear that it included paid advocacy. I understand that the establishment of an electronic database, that is, having the register electronically available, is still being debated.

The Hon. KIM YEADON (CHAIRMAN): I confirm the ongoing work of the Legislative Assembly Privileges and Ethics Committee, as a number of us have cross-membership of that committee.

Ms WAUGH: Yes. They have written to us, and we will be responding to that written request next week.

The Hon. KIM YEADON (CHAIRMAN): At page 60, under the heading "The Year Ahead", that is 2005-06, you advise that the feasibility study would be completed of complaint handling and case management processing options. Were the views of the Inspector of the Independent Commission Against Corruption sought as to the appropriateness of any of the new procedures?

Commissioner CRIPPS: I know you will be speaking to the Inspector of the Independent Commission Against Corruption subsequently. The Inspector is in the process, as I understand from what he tells me, of completing a fairly comprehensive audit of our complaint handling process. He has not brought to me yet anything that suggests that he is dissatisfied with that. I have no doubt he will, if there is anything, but he has not mentioned it yet. I meet with him every month, and he has not raised it yet. But we are keeping him informed.

The Hon. KIM YEADON (CHAIRMAN): And he has been provided with the material?

Commissioner CRIPPS: Yes, he has.

Mr FAVELLE: That particular item refers to the development of a computer system to replace the old, outdated system. Once we reach the stage of developing a list of specified requirements, obviously we will consult the inspector to see whether he has any other issues he would like to add, and then we will look at appropriate systems and develop a business case for submissions to Treasury because it will involve a substantial investment to replace the current computer system.

The Hon. KIM YEADON (CHAIRMAN): You will, of course, be familiar with the Kite, National Parks and Wildlife Service and Ryan case, which has been the subject of a number of tribunal or court proceedings. I understand that those court proceedings and disciplinary matters have not proved any of the charges made. I assume that if the Independent Commission Against Corruption follows its historical practice of never revisiting a matter that its administrative findings of corrupt conduct will remain on the books to be around individuals and their families, notwithstanding vindications in those types of proceedings that are being brought against them. Would you like to comment on that?

Commissioner CRIPPS: I will just make this comment. You hardly need reminding, of course, Mr Yeadon, about the difference between our function and the criminal justice function and the admissibility of what evidence is there, the onus of proof, and the fact that it is secondary function in any event.

Could I perhaps answer your question so far as Kite is concerned by saying this. I simply cannot understand what happened in the Kite case. Perhaps the Director of Public Prosecutions ought to be asked whether there it is an explanation there. There was a lot of evidence about it; I will not go into the detail.

More significantly, I made it clear at the conference last year, which I think you attended, where something like this was raised, that although I had not applied my mind to it I was fairly confident that if someone wanted to come back to the Independent Commission Against Corruption and say, "Look, these events have happened. I want you now to reassess whether you are going to maintain that finding", I would deal with it on whatever application came forward. I could say, I have never had one from Kite.

The Hon. KIM YEADON (CHAIRMAN): Certainly I was there and a range of other people who are interested in these matters. I wonder whether your sentiments are conveyed widely

enough cross the land so that people who may have been in that situation to become aware of it come and ask the question.

Commissioner CRIPPS: I do not know. I suspect Mr Kite has his own reasons for thinking this is all well buried, but I do not know.

The Hon. KIM YEADON (CHAIRMAN): In relation to Mr Kite, I acknowledge you have said that and I think that is a positive thing. I wonder how widely it is known so that generally people understand they are able to do that.

Commissioner CRIPPS: The short answer is I do not know. I would not have a problem including such a thing in an annual report if this Committee thought that were appropriate to be done. I do not have a problem with that, so long as it is understood that the finding of the Independent Commission Against Corruption may be changed by reference to the information that comes from the Commission. I would, I suppose, make it clear that because people survive a criminal charge, the gravamen of which was a finding of corrupt conduct, it would not follow that the Commission would change its view about the finding it had made. I understand the problems associated with it. I think you have identified some and some have been identified, namely, if you get not guilty what does that mean in relation to the presumption of innocence and the like? I tried to deal with this last year when I said, you may recall, we have a large number of bodies in our community that regulate the conduct of people. The fact that they get acquitted of a charge arising from conduct does not mean anyone revisits it. If a doctor is struck off for indecently assaulting a patient, for example, they do not get struck back on again because a jury finds them not guilty. There may be other reasons why you would, but that would not be one of them.

The Hon. KIM YEADON (CHAIRMAN): I hear and understand what you say. You say if there was a revelation that came out of the conduct of the court that the Independent Commission Against Corruption was unaware of and it had a material bearing on your initial decision you would look at it.

Commissioner CRIPPS: We would certainly reassess it in the light of our obligation to assess it.

The Hon. KIM YEADON (CHAIRMAN): But not on the basis of simply that the charges were not found to be proven because you do not need to operate at such a high level of onus of proof.

Commissioner CRIPPS: Yes.

Mr ANTHONY ROBERTS (ICAC COMMITTEE): Can we safely assume, this not being a local government election year, that complaints about councillors have fallen off?

Commissioner CRIPPS: I do not know about that.

Ms WAUGH: They do not fall off. You just get a little spike maybe before the election.

Mr PRITCHARD: Do you mean for 2004-05?

Commissioner CRIPPS: Are you talking about this year or last year?

Mr ANTHONY ROBERTS (ICAC COMMITTEE): This current year.

Mr PRITCHARD: We are in the process of putting the figures together now for the 2005-06 annual report. I am sorry, I have not seen anything yet that would suggest there was a spike or a profile. I think we were asked last year a question about whether there was an increase in complaints.

Ms WAUGH: We have been asked and I think there have been. We usually issue something about it.

Mr JOHN TURNER (ICAC COMMITTEE): Will you follow that principle over the next nine months? Your predecessors have written formally to us asking us not to use the Independent Commission Against Corruption as a board for political advantage coming up to an election.

Commissioner CRIPPS: I think most members of Parliament are quite aware of that and any letter we wrote would have no effect one way or the other.

Mr JOHN TURNER (ICAC COMMITTEE): We realise that. My next question is probably outside the parameter of this hearing and you may want to take it on notice. Have you noticed an increase in local government complaints associated with the code of conduct imposed on them?

Commissioner CRIPPS: No, but it is a subject that is warming to my heart. I have given a large number of talks in the country, which are mostly attended by local councillors and the like. They find it very hard to comprehend this code of conduct that was put in, as you know, in order to provide a mechanism whereby there could be a finding of corrupt conduct. In particular, they are very concerned with that part of it that deals with what is called non-pecuniary conflicts of interest. It has real problems in the country. No doubt you go to a place like Bourke or Wagga Wagga and everyone knows everybody. I think there are problems in it in the sense that the code says that conflicts of interest can be controlled by the council. That surely cannot mean that five councillors can disqualify four on their view of a conflict of interest. They then say non-pecuniary conflicts of interest could result, which does not really help anyone to understand why that happens. Then they say they can do one of five things without saying which one they should do. Having said that, whenever I do speak about this, and I have a view about it, I make it quite clear that the Commission's role is to apply the law. No matter how bad I think it is or how difficult it is to apply we have got to do it. Secondly, the local government department is currently revising that code, I am told, and they have asked for our input into it. I will be giving them the benefit of my views, if they think they are of benefit.

Ms WAUGH: My division has quite a lot of dealings with the Department of Local Government. I think they have seen an increase in issues coming to them regarding the

model code of conduct and the operation of the conduct committees. I think you would need to talk to them about that.

Mr PAUL PEARCE (ICAC COMMITTEE): The feedback I am getting is that the code is largely incomprehensible to a large number of councillors. A number of councillors either ignore it or err on the side of caution to the extent that they restrain themselves from acting where they could act reasonably in their office.

Commissioner CRIPPS: Let me say, it is sometimes fashionable to just dismiss that and say, "That is local government for you." In point of fact, I think they have real concerns about applying it and it has real consequences for them if they get it wrong.

Mr PAUL PEARCE (ICAC COMMITTEE): If you get two general managers to give an interpretation for a councillor, you get two different interpretations.

Mr ANTHONY ROBERTS (ICAC COMMITTEE): Or even three—

Mr PAUL PEARCE (ICAC COMMITTEE): —and that is not appropriate.

Commissioner CRIPPS: I try to explain to people when I speak to them in the country that this is all about integrity and most people know what they should or should not do. Even the people who do not do the things they should know they should not do so. It is all about integrity. If they try to apply their minds to that they will probably overcome it. But it does not solve a lot of the problems where everyone knows everybody in a country town.

Mr ANTHONY ROBERTS (ICAC COMMITTEE): It is not just country towns. Hunters Hill has a very small council, and particularly on the Hunters Hill peninsula everyone knows everyone else and lives within less than one kilometre of each other. Two or three councillors could be deciding on a development that is 50 or 100 metres away from their residences. Those types of insular communities have the same issue.

Commissioner CRIPPS: Right. We are currently doing a project on planning, and issues of corruption can arise in planning. We are trying to deal with that on the basis that we do not take the view that because we can get into local planning we are going to tell the government or the Parliament how they should run local planning. We are endeavouring to identify aspects of the way it is administered that could be conducive to corruption. One of the worst is for people to never know where they stand on anything.

The Hon. KIM YEADON (CHAIRMAN): I have a question I missed about the Office of the Director of Public Prosecutions. As a result of new statutory reporting requirements, the annual report now carries informative data on time intervals and time taken to perform various actions such as investigation of particular complaints. Details are also given on the time intervals between the completion of each public hearing and the issuing of a report on the matter. What is not available is the time taken by the Office of the Director of Public Prosecutions to respond to the recommendations in those reports. I will be so bold as to suggest perhaps they should be added. The final column would sometimes contain information that showed that the response time was quite lengthy, up to two years. I know

that you are working on this problem with the Office of the Director of Public Prosecutions. There is something self-defeating in the fact that the Independent Commission Against Corruption is being exemplary and efficient in getting these things up to the gate but then we still have the situation that from that point in time it languishes. Would you give consideration to a final column in the report showing how long it took the Office of the Director of Public Prosecutions to act? Given that may have direct implications for you, you may be willing to do so.

Commissioner CRIPPS: Could I take that on notice and I will consider it? As Mr Small has mentioned, we are doing things that we hope will expedite this, for example, not waiting until public inquiries are all finished before we go back preparing briefs. He has organised quite efficiently a system whereby all this work is being done while we are doing it, so that the Office of the Director of Public Prosecutions gets it. Also I am conscious of the fact that the last thing I want in my relationship with the Office of the Director of Public Prosecutions is a mutual slanging match because that never gets anybody anywhere. I will take it on board.

The Hon. KIM YEADON (CHAIRMAN): I am simply putting a recommendation or proposition to you. If you feel it is self-defeating or would be detrimental to your relationship with the Office of the Director of Public Prosecutions, I have no powers of direction. That concludes our questions. I will not be so bold to speak on behalf of my Committee colleagues, but personally I commend all of you for the way the Independent Commission Against Corruption is being conducted at the present time.

Commissioner CRIPPS: Thank you very much.

This concluded the hearing.

Replies to Questions on Notice

QUESTION: What were the positive events – perhaps better described as the memorable events – of 2004-2005, regarding corrupt activity and corruption prevention in New South Wales?

RESPONSE: In 2004-2005 the Independent Commission Against Corruption undertook several investigations which uncovered serious and systemic corruption. One investigation concerned allegations of bribery and blackmail involving local developers and two councillors at Strathfield Municipal Council. As a result of the investigation the Commission recommended charges be considered against six individuals, including a councillor and a former mayor.

In addition, two Independent Commission Against Corruption investigations exposed corruption in relation to the construction industry, which revealed evidence of serious and systemic corruption with the potential to compromise construction and safety standards.

Other investigations included the inquiry into the handling of plagiarism allegations at Newcastle University; and the investigation into financial and property dealings at the Koombahtoo Local Aboriginal Land Council which resulted in the Independent Commission Against Corruption recommending the consideration of criminal proceedings against six individuals.

Another positive event in the year was the review of the Independent Commission Against Corruption and the subsequent establishment of the Inspector of the Independent Commission Against Corruption, which the Commission had been calling for some time.

In relation to corruption prevention initiatives, the Independent Commission Against Corruption In conjunction with Queensland's Crime and Misconduct Commission (CMC), produced guidelines and a toolkit for staff and managers in public sector agencies on managing conflicts of interest. As well, the Commission co-organised the 5th National Investigations Symposium in November 2004, which attracted 224 delegates from across Australia and the region.

Lastly, the introduction of the Local Government Amendment (Discipline) Act 2004 is expected to have a positive impact on corruption prevention in the local government sector.

QUESTION: What were the low points during 2004-2005, regarding corrupt activity and corruption prevention in New South Wales?

RESPONSE: One low point was the sophistication and the lengths by which corrupt individuals were prepared to go to attempt to blackmail former Strathfield Mayor Alfred Tsang to obtain advantage over the Council's planning processes.

Another low point was the evidence uncovered in two Independent Commission Against Corruption investigations into the construction industry (Operations Cassowary and Ambrosia), which demonstrated how safety standards in New South Wales and across Australia had potentially been compromised due to serious and systemic corruption in the industry.

QUESTION: Based on monitoring literature and policy development activities in Australia and overseas, could the Independent Commission Against Corruption indicate the major political, research, and social issues concerning corrupt activity and corruption prevention involving the public sector debated during 2004-2005?

RESPONSE: Compared with previous years the level of debate about corruption and corruption prevention seems to have been less vigorous in favour of more practical and investigative work. This may be due to the fact that a number of long term corruption prevention initiatives have been established in the last 5-10 years. These are still continuing and occupying the attention of officials and agencies who work in the field.

Prominent among these initiatives is the United Nations Convention Against Corruption (UNCAC). In 2004-05 11 more countries signed and 23 countries ratified the convention.

The United Nations Office of Drug Control and Crime Prevention is engaged in implementation of the convention in member countries throughout the world.

Similarly, the Organisation for Economic Co-operation and Development anti-corruption work is currently focused on monitoring the implementation of the OECD Anti-Bribery Convention in member countries and other signatories. As part of this initiative, the Organisation for Economic Co-operation and Development and the Asian Development Bank issued "Anti-Corruption Policies in Asia and the Pacific" (2004). This publication surveyed the anti-corruption institutions and frameworks across 21 countries, including Australia.

The other principal area of interest—also a continuation of previously established initiatives—is that of evaluating the effectiveness of integrity (or prevention) policy. At the national and international level the National Integrity Systems Assessment program has continued. The Australian input to this project is run by a research project managed by the Key Centre for Law Justice and Governance at Griffith University and the Centre for Applied Philosophy and Public Ethics, Charles Sturt University, (CAPPE).

A review of research on integrity (or corruption prevention) policy, at the institutional level, to the end of 2004 reports the areas of:

- Ethical decision making and moral development
- Operation of ethics laws and agencies
- Organisational performance and ethics
- Operation of ethics initiatives in organisations
- The relationship between ethical behaviour in an organisation and the external environment

These issues are consistent with the themes found in a number of reports during the year. The Crime and Misconduct Commission has reported that its prevention work in 2004-2005 focused on capacity building for public sector managers by producing resources and cited "responsibility for preventing and dealing with misconduct in their own agency by helping build the capacity of public sector agencies to carry out this responsibility effectively. The Crime and Misconduct Commission's prevention goal is to achieve an integrated system where all Queensland government agencies regard misconduct prevention and detection as core business. During 2004-2005 it continued to produce resources to build this capacity including significant corruption prevention publications for public sector managers on managing conflicts of interest and controlling workplace fraud and corruption.

The themes found in the international context consistently concern development and international transactions. For example the annual "Global Corruption Report", issued by Transparency International, addressed corruption in construction and post-conflict reconstruction; and the report of the Independent Inquiry Committee into the United Nations Oil-for-Food Programme (the Volker Committee) issued a series of interim and status reports during 2004/05.

In Canada, the Commission of Inquiry into the Sponsorship Program and Advertising Activities (Gomery Commission) investigated and reported on the sponsorship program and advertising activities of the Government of Canada. The investigation touched on issues of

the responsibility of ministers and their advisers, and the effectiveness of government probity policy and procedures.

Similar issues were intended to be addressed by a new Ministerial Code and codes for special (ministerial) advisers issued in the United Kingdom in July 2005.

Also in the United Kingdom, the Committee on Standards in Public Life released its "Survey of public attitudes towards conduct in public life" (September 2004). This report assesses the types of official conduct that are seen as acceptable and unacceptable and ranks certain public sector professions by trust. In its "Tenth Report" (January 2005) the Committee made a range of recommendations concerning public sector appointments and recruitment, management of codes of conduct in local government and implementation of previous recommendations.

QUESTION: What were the research projects commenced, completed or otherwise in progress in 2004-2005 commissioned by or involving the Independent Commission Against Corruption concerning issues of corrupt conduct, or which had major implications for corruption investigation or corruption prevention, organised under sub-categories of:

- terms of reference of the research project;
- brief background notes to inform the ICAC Committee of the information or events which led to the research project;
- a status report of the current position and any proposed actions, so that the ICAC Committee is made aware of the intended direction of the research project;
- the resources required for the research project; and
- the project manager, and consultant (if any).

Terms of Reference	Background	Status	Resources Required	Project Manager
<i>Managing Conflicts of Interest (completed)</i>				
<p>In conjunction with the Crime and Misconduct Commission, to develop a practical better practice guide focusing on strategies and options for managing conflicts of interest, consistent with the Organisation for Economic Co-operation and Development's guidelines.</p>	<p>Conflicts of interest are at the heart of much of the work and advice of the Independent Commission Against Corruption and the Crime and Misconduct Commission. However, a gap in our publications was identified in terms of providing practical advice about how to recognise conflicts of interest and case study examples to explain options about how best to manage them.</p> <p>It was decided that the Independent Commission Against Corruption and the</p>	<p>Four separate publications were produced in November 2004:</p> <ul style="list-style-type: none"> • Conflicts of interest policy guidelines • Manager's toolkit for conflicts of interest policy development and implementation • Brochure for staff to assist in 	<p>Independent Commission Against Corruption / Crime and Misconduct Commission staff and publication costs</p>	<p>Executive Director, Corruption Prevention, Education & Research</p>

Terms of Reference	Background	Status	Resources Required	Project Manager
	Crime and Misconduct Commission would develop material to address the gap and be at the forefront of attempts to encourage a national standard on conflicts of interest.	identifying conflicts of interest <ul style="list-style-type: none"> • Management brochure to assist in identifying and managing conflicts of interest This project has been completed.		
<i>Review of the Corruption Resistance Review (CRR) program (completed)</i>				
The internal review was intended to provide an evidence-based assessment and redesign of the Corruption Resistance Review process.				
<i>Whistling while they work project (commenced)</i>				
As an industry partner, the Independent Commission Against Corruption was part of a research grant application to the Australian Research Council (ARC) to undertake a national collaborative project	The application was successful and the ARC grated \$585,000 for the three year research project. Including funding from industry partners, this project now has funding of over \$1 million.	During 2004-05, the steering committee met in Brisbane to discuss aspects of the research methodology. The project has made significant progress	Over the life of this three year project, the Commission will provide a \$60,000 cash contribution	The Corruption Prevention, Education & Research is a member of the Steering Committee.

Terms of Reference	Background	Status	Resources Required	Project Manager
to enhance the theory and practice of internal witness management in public sector agencies.		during 2005-06 with an industry partners' workshop held in Sydney in February 2006.	and make a \$12,800 in-kind contribution (i.e. staff time).	
<i>NSW Occupational Licensing and Accreditation Project (commenced)</i>				
To produce an outline of the corruption risks associated with occupational licensing in NSW and a guide for agencies on managing those risks, including a corruption risk management toolkit.	Independent Commission Against Corruption investigations involving the Office of Fair Trading, WorkCover, TAFE and the Department of Education and Training exposed a number of systemic risks affecting agencies with licensing and accreditation responsibilities. Chief among these was Operation Ambrosia which investigated corruption in the licensing of builders.	Guidelines have been drafted and are being reviewed by internal and external stakeholders. They are scheduled for release in 2006/07.	Independent Commission Against Corruption staff costs.	Deputy Director, Corruption Prevention, Education & Research
<i>Corruption risks in universities training module (commenced)</i>				
To produce a training module to assist universities to detect, address and report corruption. The module is to focus on: corruption risks facing the university sector, relevant prevention strategies, reporting requirements and the roles of the ICAC and the university in	The ICAC's 2002 publication " <i>Degrees of Risk</i> " identified a number of specific corruption risks in the university sector. These risks were further exposed in a number of subsequent ICAC investigations and complaint files, which suggested the need for a training module.	The training module has been piloted and it is expected that it will be finalised early in 2006/07.	ICAC staff and production costs. Staff from the University of Wollongong have also assisted the ICAC.	Deputy Director, Corruption Prevention, Education & Research

Terms of Reference	Background	Status	Resources Required	Project Manager
corruption prevention. It is intended that the module be developed for internal use by universities to meet the learning needs of senior staff.				
<i>Protected disclosures training module (commenced)</i>				
To develop a training module on protected disclosures to raise staff and management awareness of the Protected Disclosures Act 1994 and their rights and responsibilities under the Act.	The Independent Commission Against Corruption's research report <i>Profiling the Public Sector</i> (January 2003) found that there was a lack of understanding of protected disclosures among public officials. In consultation with the NSW Ombudsman and the Protected Disclosures Act Implementation Steering Committee, it was decided that a training module would help to address this problem.	The training module was finalised in 2005/06 and now forms part of the Independent Commission Against Corruption's suite of training products. It is a half day training session.	Independent Commission Against Corruption staff and production costs plus assistance from the NSW Ombudsman.	Manager, Education & Public Affairs
<i>Corruption resistance and the NSW public health sector (ongoing)</i>				
The overall aims of this project are to: <ul style="list-style-type: none"> • identify the main corruption risks in the public health sector in New South Wales • gain a comprehensive 	Different organisations within the health sector perform different functions and have different corruption risks. The project's target audience are organisations that are directly responsible for the provision of health care services to individuals or communities. This includes	A discussion paper was drafted and issued in September 2005. Liaison with the health sector has almost been completed and feedback is currently being	Independent Commission Against Corruption staff costs and printing costs for the	Executive Director Corruption Prevention, Education & Research

Terms of Reference	Background	Status	Resources Required	Project Manager
<p>understanding of the operating environment of different components of the health sector, particularly barriers and facilitators to corruption prevention</p> <ul style="list-style-type: none"> • identify and promote corruption prevention strategies that are realistic and appropriate for the public health sector • form a partnership with Department of Health in the promotion of corruption prevention in the public health sector in New South Wales. 	<p>area health services, the Children's Hospital at Westmead and other hospitals managed by religious and charitable organisations.</p>	<p>considered. The final report for this project is due to be completed in the second half of 2006.</p>	<p>discussion paper.</p>	
<p><i>Probity Advising (ongoing)</i></p>				
<p>To update and reissue the Independent Commission Against Corruption's 1996 publication <i>Probity Auditing</i> –</p>	<p>The demand for probity auditing and advising services has expanded in the last ten years and the Commission saw a need to update its existing resource. The resource</p>	<p>The project was ongoing in 2004/05 and was completed in November 2005.</p>	<p>Independent Commission Against Corruption staff</p>	<p>Deputy Director, Corruption Prevention,</p>

Terms of Reference	Background	Status	Resources Required	Project Manager
<i>When, Why and How.</i>	will help agencies to embed probity principles into their existing procedures, without necessarily requiring an external adviser.		and production costs.	Education & Research
<i>Direct Negotiations (ongoing)</i>				
To update and reissue the Commission's 1997 publication <i>Direct Negotiations in Procurement and Disposals.</i>	This publication is to focus more on non-traditional forms of contracting and the risks they create. In those situations where direct negotiations are desirable or unavoidable, the publication will provide practical advice for managing the risks.	The project was ongoing in 2004/05 and will be completed in May 2006.	Independent Commission Against Corruption staff and production costs.	Deputy Director, Corruption Prevention, Education & Research
<i>Identity Fraud (ongoing)</i>				
To identify the systems and process vulnerabilities in NSW public sector agencies that may enable the creation and issue of fraudulent or unlawful identity documents and produce guidelines to assist agencies to identify and manage related corruption risks	None of the Independent Commission Against Corruption's existing publications or resources specifically address the issue of identity fraud and misuse of identity documents, which is seen as an enabler of corruption.	Draft guidelines have been prepared and liaison with external agencies is ongoing.	Independent Commission Against Corruption staff costs.	Executive Director, Corruption Prevention, Education & Research

Terms of Reference	Background	Status	Resources Required	Project Manager
<i>Gifts and Benefits Guide (ongoing)</i>				
To update and reissue the Commission's 1999 publication <i>Gifts, benefits or just plain bribes?</i>	The Commission saw a need to reissue this publication so that it focused less on bribery and more on practical advice for managing gifts.	The project was ongoing in 2004/05 and is scheduled for completion in the calendar year 2006.	Independent Commission Against Corruption staff costs.	Executive Director, Corruption Prevention, Education & Research and Senior Research Officer
<i>Sponsorship Guidelines (ongoing)</i>				
To update and reissue the Independent Commission Against Corruption's 1995 publication <i>And Now a Word from our Sponsor.</i>	Over 100 public sector organisations identified sponsorship as a risk area in the Independent Commission Against Corruption's <i>Profiling the NSW Public Sector</i> report (January 2003). This suggested the need for a rewrite of the Commission's existing publication.	The project was ongoing in 2004/05 and is scheduled for completion in the calendar year 2006.	Independent Commission Against Corruption staff costs.	Manager, Executive Director, Corruption Prevention, Education & Research
<i>Non English Speaking Background Communications – Stage 3 (ongoing)</i>				
1. Develop and implement a training module to improve skills of multicultural officers on corruption issues, reporting and the role of the Independent Commission	The Independent Commission Against Corruption's NESB program has been in place since 2001. Earlier phases of the project led to the publication of a range of foreign language resources on corruption and bribery.	Part 1. was completed in August 2005. Part 2. is scheduled for completion in early in 2006/07. Part 3. entailed the release of an internal Independent	Independent Commission Against Corruption staff costs.	Manager, Education & Public Affairs

Terms of Reference	Background	Status	Resources Required	Project Manager
<p>Against Corruption</p> <p>2. Produce “Providing advice on corruption issues: a guide for community leaders” in Chinese and Arabic and reprint / promote of existing multilingual resources</p> <p>3. Embed the strategy into Independent Commission Against Corruption activities to maximise outcomes e.g. incorporate information on NESB resources into induction for Commission staff.</p>		<p>Commission Against Corruption publication, <i>Guidelines for culturally responsive public sector services</i>. A database of agencies and bodies that work with migrants and recent arrivals is also being established in calendar 2006.</p> <p>The Independent Commission Against Corruption is also currently working with the Anti-Discrimination Board and the Parramatta Migrant Resource Centre to make materials available to the Sudanese community.</p>		

QUESTION: Please provide bibliographic details of monographs, reports, chapters, journal articles or pamphlets on corrupt conduct, or which had major implications for corruption investigation or corruption prevention, written by officers of the Independent Commission Against Corruption or consultants contracted to the Independent Commission Against Corruption and published in 2004-2005. Please provide copies (hard copy, electronic copy) of each monograph, report, chapter, journal article or pamphlet.

RESPONSE: Corruption Prevention, Education and Research Division did not produce externally published monographs, reports, chapters, journal articles or pamphlets on corrupt conduct. However, within its own publication program ICAC staff produced significant publications in 2004-05 as follows:

Investigation Reports

Date	Name of Investigation report
30 June 2005	Report on investigation into the University of Newcastle's handling of plagiarism allegations
23 June 2005	Report on investigation into relationship between certain Strathfield Councillors and developers
13 April 2005	Report on investigation into the alleged mistreatment of nurses
01 April 2005	Report on investigation into certain transactions of Koompahtoo Local Aboriginal Land Council
17 December 2004	Report on investigation into the conduct of the Hon. Peter Breen MLC
15 October 2004	Report under section 14(2) of the Independent Commission Against Corruption Act 1988
2 September 2004	Report on investigation into the introduction of contraband into the Metropolitan Remand and Reception Centre, Silverwater
30 June 2004	Report on investigation into safety certification and training in the NSW construction industry

Corruption prevention and research publications

Date	Name of report
October 2004	Managing Conflicts of Interest in the Public Sector – Guidelines
October 2004	Identifying Conflicts of Interest in the Public Sector – Brochure
October 2004	Identifying and Managing Conflicts of Interest in the Public Sector - Brochure
October 2004	Managing Conflicts of Interest in the Public Sector – Toolkit
June 2005	The Local Government Amendment (Discipline) Act 2004 and the ICAC – Brochure

Date	Name of report
June 2005	Profiling the NSW public sector: Report on follow-up research conducted in 2004 (published on the ICAC internet)

Corporate Documents

Date	Document
28 October 2004	Annual Report 2003-2004

Corruption Matters newspaper

Date	Document
November 2004	Corruption Matters No. 24
June 2005	Corruption Matters No. 25

Independent Commission Against Corruption publications are also available in community languages.

QUESTION: Please provide a general summary of corruption awareness activities undertaken by officers employed by the Independent Commission Against Corruption, or consultants contracted to the Independent Commission Against Corruption, during 2004-2005.

RESPONSE: Independent Commission Against Corruption staff delivered training courses and speeches in the following forums (please note that the Commission did not engage contractors or consultants to delivered training courses and speeches).

A full list of the training and speaking engagements delivered in 2004-05 are attached at Annexure 1

Training engagements

17 sessions were delivered as part of the Central Coast and Illawarra RAROS programs. Other training sessions were delivered to New South Wales public sector agencies, local governments and New South Wales public schools. The topics ranged from procurement, managing conflicts of interest, code of conduct, corruption awareness and the role and functions of the Independent Commission Against Corruption.

Speaking engagements

Independent Commission Against Corruption staff were also involved in the delivery of speeches during 2004-05. These included international public sector agencies, conferences

and other forums. The Commission met with delegations from the Hong Kong Independent Commission Against Corruption, China, Thailand, Mongolia and the Kingdom of Cambodia.

QUESTION: Please provide general summaries of the circumstances where officers of the Independent Commission Against Corruption have provided formal advice on proposed legislation (including regulations), discussion papers, etc, during 2004-05.

RESPONSE: Advice and submissions have been made in relation to the following:

Independent Commission Against Corruption Act 1988

In September 2004 the Independent Commission Against Corruption made a submission to the Inquiry to Review the Independent Commission Against Corruption Act 1988. A supplementary submission was made in October 2004 to comment on submissions made to the inquiry by the ICAC Committee.

Subsequently the Independent Commission Against Corruption provided a written response to the proposed recommendations and the draft report of the inquiry.

In March 2005 the Commissioner wrote to the Premier advising of concerns with the proposed Independent Commission Against Corruption Amendment Bill 2005. Those concerns were retention of the Operations Review Committee, lack of any requirement for the Inspector of the Independent Commission Against Corruption to have special legal qualifications, and the absence of any time limit on the conduct of a Commission officer which may be subject to a complaint to the Inspector.

On 9 May 2005 the Commission made a submission to the Premier asking that section 112 of the Independent Commission Against Corruption Act 1988 be amended to enable the Commission to make and enforce non-publication orders in relations to submissions on available findings and recommendations it can make arising from evidence given in its hearings.

Independent Commission Against Corruption Regulation 2005

A submission was made to the Director General of the Cabinet Office on 3 May 2005 advising it was appropriate to make the above Regulation.

Telecommunications (Interception) Act 1979

A submission was made on 25 February 2005 requesting amendment to the definition of "exempt proceedings" in section 5B of the Telecommunications (Interception) Act 1979 to include "a proceeding of the Independent Commission Against Corruption". The proposed amendment was to overcome potential problems with admissibility into evidence in a compulsory examination or public inquiry of the Commission of lawfully obtained telecommunications intercept material and designated warrant information. The requested amendment has been made.

Law Enforcement (Controlled Operations) Act 1997

On 27 April 2005 the Independent Commission Against Corruption made a submission to the Ministry of Police on proposed changes to this Law Enforcement (Controlled Operations) Act

1997. The submission noted the proposed amendments did not affect the Commission's operations.

Report on review of Police Act 1990

At the request of the Director General of the Cabinet Office the Independent Commission Against Corruption reviewed the above report and draft Bill to amend the Police Act 1990. In its submission to the Director General on 28 June 2005 the Commission supported the report's recommendation to amend section 60(1)(c) of the Independent Commission Against Corruption Act 1988 to allow the Commissioner of the Police to delegate his/her membership of the Commissions Operations Review Committee to a Deputy Commissioner.

Model Law re Surveillance Devices

On 16 August 2004 the Independent Commission Against Corruption made a submission to the Ministry of Police regarding the proposed model law on surveillance devices. The Commissions submission requested changes to the proposed definition of "relevant proceeding" to include an investigation being conducted by the Commission. The amendment would permit the Commission to use information obtained from use of a listening device in its investigations, compulsory examinations and public inquiries.

QUESTION: Can the Independent Commission Against Corruption provide, where publicly available, copies of submissions made by the Commission to public and parliamentary inquiries (excluding the ICAC Committee) during 2004-05?

RESPONSE: The ICAC Committee has already been provided with copies of our submissions to the Independent Commission Against Corruption Act review referred to in the answer to the previous question on notice. No other submissions were made.

QUESTION: What was the Independent Commission Against Corruption's 2004-2005 operating budget, organised in terms of investigation and corruption prevention functions?

RESPONSE: The operating budget of the Independent Commission Against Corruption is structured on the basis of a business unit's direct financial management responsibilities. The budget model also includes the grouping of Commission-wide costs under a separate business cost centre that comprises salary on-costs such as superannuation, long service leave and workers compensation and indirect expenses that supported all organisation activities such as office and equipment rental, computer leases and maintenance, audit fees, training costs, postage & freight, insurances, general stores, contract security, etc.

	Salaries	Operating	Total
	\$	\$	\$
Strategic Operations	4,118,477	412,000	4,530,477
Complaint Handling & Assessments	922,577	17,000	939,577

Legal Services	1,028,409	446,000	1,474,409
	<u>6,069,463</u>	<u>875,000</u>	<u>6,944,463</u>

The operating budget for 2004-05 for investigations related to the direct costs controlled by that function and comprised the three business unit cost centres of Strategic Operations, Complaint Handling and Assessments and Legal Services:

Corruption prevention functions cover the advisory, education, research and corruption prevention initiatives and strategies delivered by the Independent Commission Against Corruption. Similar to Investigations, the Corruption Prevention budget only comprises the direct costs controlled by that function.

	Salaries	Operating	Total
	\$	\$	\$
Corruption Prevention	<u>2,022,411</u>	<u>300,000</u>	<u>2,322,411</u>

QUESTION: What was the Independent Commission Against Corruption's 2004-2005 budget for advertising, publicity and community relations activities?

RESPONSE: The 2004-2005 budgets for advertising, publicity and community relations activities were as follows:

Advertising and Publicity	\$95,400
Community Relations Activities	\$34,965

QUESTION: It is noted that the Commissioner's foreword makes reference to the severe impact of further budget cuts on the work of the Commission, particularly in relation to the escalating cost of increased investigation activity and support for the Operations Review Committee (ORC). How does the current budget affect your ability to resource operational and administrative needs? Does the proposed abolition of the Operations Review Committee improve your ability to redirect available funds to other functional areas?

RESPONSE: The growth in activity experienced by the Independent Commission Against Corruption since 2001-02 culminated in 2004-05 in an increase in public inquiries (public hearings) with 94 public inquiry days (33 days in 2003-04) and the consequential increase in external legal and transcript expenses which rose to \$1.1 million for the year (\$387,000 in 2003-04). This occurred during a period when the Commission in line with other sectors of Government was required to achieve cost savings of over \$500,000. In addition at the time of preparing the 2004-05 annual report, the Commission was advised that it would be required to meet the operating and capital costs of the Office of the Inspector of the Independent Commission Against Corruption.

Discussions have been subsequently held with Government on these financial issues and the stresses placed on the Independent Commission Against Corruption's limited resources. It has now been determined that the Commission will not be required to pay for the costs of the Inspector of the Independent Commission Against Corruption. At the time of writing, the Government has introduced a Bill before the House to abolish the Operations Review Committee, and if/when the Bill is passed the Commission will no longer be required to meet the expenses of supporting the Operations Review Committee.

These decisions have eased the financial pressures on the Independent Commission Against Corruption for 2005-06 and there has been a reduction in the number of public inquiry days resulting in a reduction in legal expenses for the year. In addition, the Commission has introduced efficiency measures such as entering into shared corporate services arrangements with the Health Care Complaints Commission whereby the Independent Commission Against Corruption provides a range of corporate services activities to the Health Care Complaints Commission on a fee for service basis.

Through these measures, including the proposed abolition of the Operations Review Committee, the Independent Commission Against Corruption has been able to redirect financial resources to priority investigation and corruption prevention activities.

QUESTION: The foreword to the 2004-05 annual report of the Independent Commission Against Corruption also refers to a Strategic Operations Division review identifying possible improvements relating to procedures and reporting systems, training requirements and team interaction. Can the ICAC Committee be provided with the results of the review and a detailed description of consequential changes made to internal processes by the Independent Commission Against Corruption?

RESPONSE:

(1) Review of the investigation process

In March 2005 the Strategic Operations Division (SOD) undertook an internal review to ensure that current investigation processes addressed the division's functions and obligations under the Independent Commission Against Corruption Act 1988 and that they remained efficient and effective.

The terms of reference were:

- To examine whether the Independent Commission Against Corruption's current investigation processes address its functions and obligations under the Independent Commission Against Corruption Act 1988 (including proposed amendments to the Act).
- To examine whether the Independent Commission Against Corruption's current investigation processes are efficient and effective

A number of consultations were held with Strategic Operations Division staff and discussed issues under the subject headings: efficiency and effectiveness of investigations work practices; risk and risk management; resources and professional development; and measurement and evaluation of our work.

As at July 2005 a program to implement the recommendations has been developed to address the issues raised in the review and to improve the investigation process. The Strategic Operations Division management team is proceeding to implement these recommendations.

(2) Surveillance team review

In September 2004 the Strategic Operations Division undertook a comprehensive review of the Independent Commission Against Corruption's surveillance capacity. The review considered operational capabilities (including team skills, methodologies and strategies, training and education), management practices, operational guidelines, interaction of the surveillance unit with investigation teams and the timeliness and production of surveillance product.

The review was undertaken between October–December 2004. All members of the Surveillance Team participated and input was obtained from Strategic Operations Division investigation teams. Interviews and discussions were also held with past and present investigators, management and outside service providers to the surveillance industry.

This report provides details of the Surveillance Team's current practices and policies, and actions undertaken and recommendations for improvement.

The implementations of the reports recommendations have now been completed.

(3) Technical services review

In September 2004, as part of the Surveillance Team review a number of issues were raised that related to the support of investigations but were the outside the terms of reference of the review and more appropriately relevant to the Technical Services Section (TSS) and Product Management Unit (PMU).

The Technical Services Section and Product Management Unit are functioning well and the majority of the issues raised have been addressed throughout the review process. This report is supplementary to the Surveillance Team Review (detailed above) and discusses the issues raised that affect the Technical Services Section and Product Management Unit specifically.

In the surveillance field, changes in technology and new products coming on to the market will mean that the Independent Commission Against Corruption will always be challenged in keeping up to date with the latest technology.

The additional purchasing recommended in the report has been spread over three years to reduce possible budgetary pressure.

As surveillance technology is constantly changing the purchasing program is reviewed at the end of each financial year to ensure the purchases remain relevant and are the best technology available to the Independent Commission Against Corruption at the time.

The implementations of the reports recommendations have now been completed.

QUESTION: In the ICAC Committee's examination of the Independent Commission Against Corruption's annual report 2003-04, recommendations were made to address the paucity of performance measures detailed in the Report. The Committee is pleased to note that there is a marked improvement in reporting to targets in the 2004-2005 Annual Report. However, in relation to specific performance information, there is no reference to action taken to implement the ICAC Committee's recommendations. Can this be provided?

RESPONSE: The Independent Commission Against Corruption did not receive the report on the ICAC Committee's examination of the Commission's annual report 2003-04 until after the tabling of the Commission's 2004-05 annual report.

It is noted that Recommendation No. 2 of the ICAC Committee's report recommends that the Independent Commission Against Corruption should in future show in its annual report a breakdown of complaints so as to disclose the type of complaint, the number received by public sector agency and the number of those complaints investigated.

The 2004-05 annual report of the Independent Commission Against Corruption, in Tables 8 to 11 of Appendix 1 "Complaints Profile" on pages 80-81, shows allegations of corrupt conduct by type and workplace activity. For the 2005-06 annual report of the Commission the number of complaints received by public sector agency group and the number of those complaints investigated will be reported.

QUESTION: While the 2004-05 annual report of the Independent Commission Against Corruption provides detailed statistics on a range of result indicators, there is no discussion or analysis of overall strategic objectives or set targets. Can this be supplied?

RESPONSE: The 2004-05 annual report of the Independent Commission Against Corruption discusses the achievements for the year against each of the Commission's strategic key result areas and related corporate objectives.

It is proposed to expand and reformat reporting on the Independent Commission Against Corruption's corporate objectives for the 2005-06 annual report, including reporting performance results measured against targets, where appropriate, as well as providing a commentary on future directions in relation to the key result areas.

QUESTION: The ICAC Committee is particularly interested in your internal auditing mechanisms. Can you describe how that process works?

RESPONSE: In accordance with the requirements of Section 11 of the Public Finance and Audit Act 1983, the Independent Commission Against Corruption maintains an internal audit function to assess adequacy and compliance with its systems of internal control and review operations and activities.

The Independent Commission Against Corruption has appointed independent auditors to do internal audits on an annual basis in line with the Commission's strategic audit plan. The

Commission applies a risk driven approach to its internal audit strategy that determines the key activities of the organisation to be audited based on a business risk assessment.

Internal audit projects assess the adequacy and effectiveness of internal controls and risk management structures and practices and are expected to add value and improve Commission efficiency. The terms of reference of each audit project are agreed between the auditors and the Commission before the commencement of each audit. The internal auditors are also required to review and report on the implementation of previous recommendations for improvement.

The Independent Commission Against Corruption has established an Audit Committee that oversees internal auditing and meets with the internal auditors to discuss the results of audit projects.

QUESTION: Is the Independent Commission Against Corruption conducting an audit of the ongoing costs of investigations and hearings with a view to developing activity-based costing information?

Yes. The Independent Commission Against Corruption implemented an activity-based costing model from July 2004 which focuses on identifying the costs of individual major investigations (Category 1) including hearings, Category 2 investigations, preliminary inquiries, complaint handling and assessment, corruption prevention and corruption education activities.

QUESTION: Can you provide the ICAC Committee with information about how the Independent Commission Against Corruption plans to benchmark its performance results to enable comparisons to be made with similar agencies in other Australian jurisdictions?

RESPONSE: Due to the diversity of functions and differing structures of similar agencies the benefit of any benchmarking exercise is limited as there is little if any scope to compare like with like. On this basis at this stage there are no plans to undertake benchmarking projects with similar agencies in other jurisdictions.'

The Independent Commission Against Corruption continues to work closely with similar agencies both in New South Wales and in other jurisdiction on joint projects such as the Conflicts of Interest toolkit and the "Whistling While You Work" project with the Crime and Misconduct Commission and the joint Investigation Symposium with the NSW Ombudsman's office.

The Independent Commission Against Corruption also continues to enhance development of its own indicators to assist in better measuring its own performance.

QUESTION: How well is the Independent Commission Against Corruption's revised staff performance management system working to improve operational and organisational objectives?

RESPONSE: The staff performance management system has been effective in aligning individual staff work objectives with the Independent Commission Against Corruption's corporate objectives and business targets.

For each employee an annual performance agreement is prepared. The first part of the agreement sets out the link between the employee's work program and the specific corporate objectives relevant to their area of responsibility. Performance targets and improvement projects for staff are determined from their Division's Annual Business plan which outlines the Division's contribution to the achievement of the Independent Commission Against Corruption's corporate objectives and to improvement of operations.

The performance management system also includes the assessment of staff performance against the employee's position accountabilities to ensure staff responsibilities in relation to the maintenance of services and improvement of operations are being achieved.

Regular feedback is provided to staff on their performance and formal six-monthly performance reviews are conducted with each employee where the successful implementation of improvement projects is reviewed and overall performance is rated. The improvements in operations, as outlined in the 2004-05 annual report of the Independent Commission Against Corruption, were effectively driven through the staff performance management system.

QUESTION: In Appendix 6 of the 2004-05 annual report of the Independent Commission Against Corruption, reference is made to complaints about Commission staff from internal and external sources. While it is noted that the external complaints were investigated and dismissed, what was the nature of these complaints? In particular, what was the substance of the internal complaint resulting in the disciplining of the Commission officer concerned and what disciplinary action was taken?

RESPONSE: The Commissioner of the Independent Commission Against Corruption received five complaints about Commission staff in 2004-05, four from external sources and one from an internal source. Of these, all but one of the complaints from an external source was dealt with by the Solicitor to the Commission in the reporting period.

No substance was found to the allegations from the external sources.

One of these involved a complaint that the Commissioner had engaged in corrupt conduct by failing to investigate an earlier complaint made by the complainant.

Another allegation was made by solicitors that their client was named by Independent Commission Against Corruption investigators as a person under investigation for bribing councillors and council officers. This was found not to have been the case.

The final matter involved an allegation by a Department of Corrective Services inmate that Independent Commission Against Corruption officers told him that if he did not co-operate he would be moved elsewhere within the prison system and the judge dealing with his matter

advised he was corrupting Department of Corrective Services officers so that he would get the maximum sentence for his offence. On investigation it was found the complainant had claimed that he had a corrupt relationship with an unknown prison officer from whom he was receiving contraband. When he refused to provide the name of that officer he was told by Commission officers that they would recommend he be moved in order to end his relationship with the unknown corrupt prison officer. The investigation found that nothing was said to the inmate about any approach being made to his sentencing judge.

The complaint received from an internal source was investigated and as a result disciplinary action taken against the Independent Commission Against Corruption officer, which involved annulling that officer's probationary appointment to a higher position. The allegation was that a Commission officer had travelled on a train after that officer's weekly ticket had expired without buying another ticket and that when approached by the transit officer gave that officer false information concerning his identity.

QUESTION: What proportion of the Independent Commission Against Corruption's investigative activities are taken up with protected disclosures matters? What is your view of current and future trends in state public sector corrupt conduct complaints and referrals?

RESPONSE: The below table sets out, as of the year ending June 30 2005, all matters either investigated or at that time, being investigated* (a total of 134 matters). Of this total 21 were classified as protected disclosures (approx 16%).

Classification	No. of matters	% of all matters
Protected disclosure	21	15.67
Section 10 complaint	37	27.61
Section 11 report	53	39.55
Own initiative (s.20)	10	7.46
Intelligence report	3	2.24
Dissemination	5	3.73
Information	5	3.73
Totals	134	100%**

* Defined as either Category 1, Category 2 or preliminary investigations

** Percentages have been rounded to two decimal places.

It is difficult to discern any specific trend or draw any definite conclusions from these figures. As the table on page 19 of the 2004-05 annual report indicates there was a drop in the number of protected disclosures received for the 2004-05 year compared to 2003-04, which represented an increase on the previous year.

As was also indicated during the ICAC Committee's review of the 2003-04 annual report of the Independent Commission Against Corruption, there does appear to be some correlation between an increase in protected disclosures and the restructuring and/or merging of government departments and agencies.

QUESTION: How, in both practical and procedural terms does the Independent Commission Against Corruption intend to refocus its activities on serious and systemic corrupt conduct and to concentrate investigative resources on obtaining admissible evidence to support subsequent prosecution, as expressed in the 2005-06 year ahead plan in the report?

RESPONSE: The question misquotes from the "year ahead" plan. That plan, which is at page 33 of the Report, refers to the Independent Commission Against Corruption planning to "focus" investigative activities on serious and systemic corrupt conduct. The Commission has traditionally focused on serious and systemic corrupt conduct. No changes are planned in this area.

The Independent Commission Against Corruption is currently reviewing the operations manual procedures in relation to the preparation of briefs of evidence with the view to streamlining procedures and improving efficiency. It should also be noted that the compilation of briefs are a secondary function of the Commission.

The Independent Commission Against Corruption has discretion under section 20 and section 20A of the Independent Commission Against Corruption Act 1988 to conduct an investigation or a preliminary investigation on its own initiative or on a complaint or report made to it. The Commission's Investigations Management Group (IMG) is charged with the responsibility to provide direction, advice and oversight on investigations and monitor progress on prosecution matters. The Investigations Management Group is responsible for classifying each investigation and ensuring that the Commission's resources are prioritised and allocated to ensure their most effective and efficient use and to provide general co-ordination of investigations. The Investigations Management Group will monitor each investigation and deal with any applications to escalate investigations.

The Chief Investigator or other designated person in charge of the investigation is responsible and accountable for the preparation of criminal briefs of evidence arising from Independent Commission Against Corruption investigations.

Once likely criminal charges have been identified the Chief Investigator ensures that, so far as is practicable, all statements and interviews conducted are in a form that is admissible in a court of law. So far as is practicable, the preparation of Independent Commission Against Corruption briefs and briefs for criminal proceedings are prepared in tandem.

The appropriate legal officer should be consulted during the preparation of briefs of evidence. Once criminal briefs of evidence have been prepared, they are to be referred to the appropriate Legal officer for a quality check before being forwarded to the Office of Director of Public Prosecutions for consideration.

The preparation of criminal briefs is not delayed until the completion of the public inquiry and/or publication of the investigation report

The Independent Commission Against Corruption's efforts in the area of prosecutions are also influenced by the ordering of its legislative priorities under the Independent Commission Against Corruption Act 1988. As the Commission has pointed out on previous occasions, assembling of briefs of evidence for prosecution action is a secondary function to its principal functions as set out in section 13 of the Act.

QUESTION: Has there been any feedback from the use of new terminology for hearings and other procedural refinements, resulting from the changes to the Independent Commission Against Corruption Act last year?

RESPONSE: The Independent Commission Against Corruption has not received any formal feedback regarding these changes. Anecdotal evidence does suggest some bemusement in doing away with the term "hearing" and in using the terms "compulsory examination" and "public inquiry".

QUESTION: What is the current state of finalisation of the revised Memorandum of Understanding between the Independent Commission Against Corruption and the Director of Public Prosecutions relating to delays in investigation referrals and prosecution decisions?

RESPONSE: A new Memorandum of Understanding between these two agencies was signed on 24 October 2005. A copy is attached (see Annexure 2)

QUESTION: Can you provide the ICAC Committee with an update on issues arising from the report of an investigation into matters concerning John Kite and the National Parks and Wildlife Service, particularly with regard to subsequent Court and Tribunal proceedings?

RESPONSE: It is assumed this question relates to recommendations in the Independent Commission Against Corruption's public report that consideration be given to the taking of disciplinary action against Ms Susanne Ryan and prosecution action against Ms Ryan and Mr John Kite.

Disciplinary action was taken against Ms Ryan under the Public Sector Management Act. She was dismissed on 8 July 2003. The Industrial Relations Commission declared the dismissal void on 4 June 2004. A subsequent appeal by the National Parks and Wildlife Service was dismissed and the matter settled on 6 June 2005. Terms of settlement are confidential and have not been communicated to the Independent Commission Against Corruption. Ms Ryan is no longer employed by the National Parks and Wildlife Service.

A recommendation was made in the report that the Director of Public Prosecutions give consideration to the prosecution of Ms Ryan for two offences of giving false or misleading evidence contrary to s.87 of the Independent Commission Against Corruption Act 1988. After considering a brief provided by the Independent Commission Against Corruption the

Director of Public Prosecutions advised on 3 May 2004 that it was considered there was insufficient evidence to warrant commencement of a prosecution. The Commission accepted that advice.

Recommendations were made in the report that the Director of Public Prosecutions give consideration to the prosecution of Mr Kite for offences under sections 319 and 327 of the Crimes Act 1900 (attempt to pervert the course of justice & perjury) and section 87 of the Independent Commission Against Corruption Act 1988. After considering briefs of evidence provided by the Independent Commission Against Corruption the Director of Public Prosecutions advised in May 2004 there was sufficient admissible evidence to proceed with prosecutions under s.319 of the Crimes Act and s.87 of the Independent Commission Against Corruption Act. Court Attendance Notices were subsequently issued for one offence under s.319 of the Crimes Act and 8 offences under s.87 of the Independent Commission Against Corruption Act. These matters went to trial in November 2005. The jury returned a verdict of not guilty to all matters.

QUESTION: Can you also advise the ICAC Committee about current progress on the Office of Fair Trading builders and trade licences applications matters?

RESPONSE: The Independent Commission Against Corruption's investigation into activities associated with obtaining contractor licences for residential building and trade work (Operation Ambrosia) was conducted in 2004 and 2005. Public hearings were conducted between 11 August 2004 and 16 September 2004 and between 14 March 2005 and 21 April 2005. The Commission's report on its investigation was made public on 21 December 2005. Findings of corrupt conduct were made against 36 individuals and recommendations made that advice be obtained from the Director of Public Prosecutions concerning the taking of criminal prosecution action against each of these persons for various criminal offences. The Commission is currently in the process of finalising briefs of evidence for submission to the Director of Public Prosecutions. Briefs in relation to 4 persons have been provided to the Director of Public Prosecutions and final advice has been received in relation to 1 person against whom proceedings will be instituted shortly for offences under section 178BA (obtaining valuable thing by deception), section 300 (making or using false instrument) and section 302 (custody of false instrument) of the Crimes Act 1900.

QUESTION: Similarly, what is the current state of play regarding the matter of Keith Smith and the Roads and Traffic Authority of New South Wales?

RESPONSE: A brief of evidence on this matter was forwarded to the Director of Public Prosecutions in May 2005. Requisitions were received from the Director of Public Prosecutions in September 2005 and responded to in October 2005. In November 2005 the Director of Public Prosecutions advised that in order for any prosecution to proceed it would be necessary for the Roads and Traffic Authority to produce certain records and information. The Roads and Traffic Authority was unable to produce the required records and information. The Director of Public Prosecutions has been advised.

QUESTION: How has the recently established office of the Inspector of the Independent Commission Against Corruption impacted on your operations and procedures to date?

What do you consider the longer-term impacts of the new Inspector's office to be on the Commission?

RESPONSE: The Office of the Inspector of the Independent Commission Against Corruption commenced operations on 1 July 2005. Most of this period has been taking up with the establishment of management and administrative procedures for the running of the office. Formal contacts and points of liaison have also been established between the Inspector's office and the Commission.

At this stage it is premature to offer any worthwhile assessment of the impact of the Inspector on the operations and procedures of the Independent Commission Against Corruption. It is anticipated that the period covered by the next annual report of the Commission for 2005-06 will allow for a more considered response to this question.

QUESTION: Can you describe the current level of interagency cooperation between the Independent Commission Against Corruption and other state and federal bodies, and indicate your level of satisfaction with these arrangements?

RESPONSE: Operationally, the Independent Commission Against Corruption considers interagency co-operation between the Commission and other state and federal bodies as being of a high standard. We have, during the 2004-2005 year, had interaction with the NSW Police, the Police Integrity Commission, the NSW Crime Commission, the Australian Federal Police (AFP), the Australian Crime Commission, Customs, the Commonwealth Department of Immigration and Multicultural and Indigenous Affairs (DIMIA), the Australian Taxation Office (ATO), and other state and federal agencies (see Annexure 3 for a full list of committees that Independent Commission Against Corruption staff are involved in).

QUESTION: How does the level of requests for information under the Freedom of Information legislation in 2004-05 compare with previous reporting periods? Does the Independent Commission Against Corruption have the capacity to deal with an increased level of such requests?

RESPONSE: The number of Freedom of Information requests received by the Independent Commission Against Corruption is relatively low. In the 2004-05 period five requests were received. This compares with one request in the 2003-04 period and four in the 2002-03 period.

The Independent Commission Against Corruption does not anticipate having any difficulty dealing with future Freedom of Information requests.

QUESTION: Are there any other matters associated with or affecting the work of the Independent Commission Against Corruption that you would like to bring to the ICAC Committee's attention?

RESPONSE: No. Issues raised in the 2004-2005 annual report of the Independent Commission Against Corruption regarding finances have been answered in response to earlier questions.

CHAPTER THREE— COMMENTS ON THE REVIEW OF THE 2004-2005 ANNUAL REPORT OF THE INDEPENDENT COMMISSION AGAINST CORRUPTION

3.1 The 2004-2005 annual report covers the period of the appointment of the Hon. Jerrold Cripps QC as Commissioner following the retirement of Irene Moss AO in November 2004. It also takes in changes made by the Independent Commission Against Corruption Amendment Act 2005. Both these events have produced substantial alterations in the operation and oversight of ICAC.

3.2 The new Commissioner has been active in his direct involvement in the handling of all compulsory examinations and public inquiries. He reports that this has eliminated a significant amount of external expenditure to the legal profession that was previously met by the Independent Commission Against Corruption. It is evident from the Commissioner's remarks in the course of the public hearing on 4 August 2006 that significant financial relief was felt from the abolition of the Operation Review Committee and from the government's decision to finance the cost of the Inspector of the Independent Commission Against Corruption directly. This means the maintenance of the office of the Inspector will not come out of the Commission's budget.

3.3 The provision for an office of Inspector of Independent Commission Against Corruption to oversee the Commission's use of its investigative powers, to examine complaints against the Commission, and to consider its operational needs and effectiveness, was the most significant change to the legislation produced by the review of Bruce McClintock SC completed in January 2005.

Key Performance Indicators

3.4 In 2003, Mr John Chan-Sew, a specialist financial and economic consultant, was engaged to advise the ICAC Committee on strategies to improve the quality of the performance measures being reported on by the Independent Commission Against Corruption. In his subsequent report, Mr Chan-Sew expressed the view that Commission stakeholders would have difficulty "effectively monitoring the Commission's activities and in holding the agency accountable for its performance."

3.5 In his foreword to the report of the examination of 2003-2004 annual report of the Independent Commission Against Corruption, the Chairman indicated that the ICAC Committee would be closely examining the 2004-2005 annual report to see if it addressed the weaknesses in performance reporting by the Commission. However, the Commission advised that it did not receive the report of the Committee's examination of the 2003-2004 annual report until after the Commission's 2004-2005 annual report was tabled.

3.6 The ICAC Committee also expressed concern that, while the annual report provided detailed statistics on a range of result indicators, there was no discussion of or analysis of set targets. The Independent Commission Against Corruption's response indicates that it proposes to expand and reformat reporting on corporate objectives; report on results measured against targets; and provide commentary on future directions in relation to key result areas in the next annual report.

3.7 The ICAC Committee requested information on how the Independent Commission Against Corruption plans to benchmark its performance against similar agencies in other Australian jurisdictions. The Commission advised that, at this stage, there were no plans to undertake benchmarking projects with agencies in other jurisdictions due to the diversity of functions and differing structures of the relevant agencies.

Inspector of the Independent Commission Against Corruption

3.8 In the course of the quarterly meeting with the Inspector of the Independent Commission Against Corruption for the period July-September 2006, the Inspector made the following comments in regard to the business plan of his office for the forthcoming year:

Mr Kelly (INSPECTOR): Again looking forward, in relation to our 2006-07 business plan, now that our funding position has been made clear, I have settled the substance of our business plan. Fundamentally, the plan this year requires us to finalise the existing complaints and to manage any new complaints as efficiently as possible. Nevertheless, while we will continue to be responsive to the complaints side of the business, we will be pro-active in managing the audit function under section 57B(1)(a) of the Independent Commission Against Corruption Act 1988 as we see this as having the potential to improve the Commission's performance through the identification of any systemic issues, some of which seem to drive the complaints to us. So, as I think I foreshadowed at the initial meeting before my appointment was confirmed by the Committee, my emphasis particularly in the forthcoming year will be on the performance enhancement side rather than dealing with the complaints.

I might generally observe again to the Committee that the majority of the complaints that we have received are not of major importance to the public interest and, whilst it is important that they be dealt with properly, at the end of the day very few of them rise to the level of matters of general principle that ought to be taken up as a matter of good public administration, so in terms of debating pretty scarce resources of our office, I believe it is better to focus on the performance enhancement side.

I should say, Chairman, very exclusively, I would welcome any comments from the Committee on that approach or a discussion of any items that the Committee might think we should build in to the business plan

3.9 The advice of the Inspector of the Independent Commission Against Corruption that he has concluded that it would be more profitable and effective to focus on the systemic issues affecting the Commission rather than dealing reactively with complaints is of some concern to the ICAC Committee as Parliament, when it created the office of Inspector, put stress on the complaint-handling role of the Inspector as providing the sole bridge with members of the public. The Committee accepts the undoubted value of his advice on the Commission's systems, policies and procedures but it notes that the Commission can at any time, and regularly does so, seek outside professional advice on those matters whereas there is no one except the Inspector to equitably assist a complainant. The Committee believes that an appropriate balance should be maintained between the examination of complaints and the examination of systemic issues. It also considers that the Commission should in future annual reports publish the activities it has undertaken arising out of meetings with the Inspector and an assessment of the costs and benefits of those activities.

Follow up research by the Independent Commission Against Corruption on corruption risks facing NSW Public Sector Organisations

3.10 In the course of the public hearing on 4 August 2006, the Chairman of the ICAC Committee noted that 16 of the 49 agencies contacted to provide information on a number of core issues had not bothered to respond. The Chairman asked the Executive Director of the Corruption, Prevention, Education and Research Division whether the Independent Commission Against Corruption intended to follow up those who had not responded.

THE HON. KIM YEADON (CHAIRMAN): The Independent Commission Against Corruption recently published a report containing its follow-up research on its 2003 report on corruption risks facing New South Wales public sector organisations. The purpose of the follow-up research was to determine whether those organisations had put in place the strategies recommended by the Commission. You report that out of the 49 agencies you contacted, 16 of them did not bother to respond. The research questions related to such core issues as the existence of codes of conduct and internal audit and investigation systems. Who were those agencies and do you intend to follow up their lack of response in view of the significance of the issue?

Ms WAUGH: In terms of who were the agencies, because it is the same as the profiling, we tell them that their responses are confidential, we would not be identifying them. I think that we are actually looking to redo profiling in conjunction with the Queensland Crime and Misconduct Commission. So I think we would probably leave any follow-up until we do.

THE HON. KIM YEADON (CHAIRMAN): Until you initiate that process?

Ms WAUGH: Yes, which is scheduled for this financial year.

3.11 The ICAC Committee also sought advice on whether the Independent Commission Against Corruption was prepared to disclose to the Committee the names

of the agencies who had not responded. Ms Waugh cited the Commission's concern to maintain confidentiality in relation to those agencies who had not responded as well as those who had.

Mr ANTHONY ROBERTS (ICAC COMMITTEE): So you are not prepared to give us the list of those agencies that did not co-operate?

Ms WAUGH: No, we would not.

Mr CRIPPS: We could not at this stage, having told them that that is confidential. If we think it is necessary to revise this we would probably have to go back to them. I have to say also perhaps if you really wanted to find out you could get the Inspector of the Independent Commission Against Corruption to do it, but whether the Inspector would be bound by that confidentiality—I mean, once I tell someone they can give me something in confidence it stays in confidence unless the law provides that it cannot.

Mr ANTHONY ROBERTS (ICAC COMMITTEE): I suppose my point is they have not given you anything to remain in confidence. This is sort of name and shame. If they are not co-operating, they are not prepared to put the resources there, I think the ICAC Committee has the right to know.

Mr CRIPPS: If you wish I will raise it and let them know and let you know what I can do.

3.12 The point made by Mr Roberts MP seems apt. Those agencies that did not respond did not supply any details that could be disclosed and which, therefore, could give rise to concerns about breaches of confidentiality. The Independent Commission Against Corruption appears to have no proper grounds to decline the ICAC Committee's request.

ANNEXURE 1

ENGAGEMENTS INVOLVING THE INDEPENDENT COMMISSION AGAINST CORRUPTION

Training activities

Date	Organisation	Presenter	Subject	Location
26 July 2004	State Procurement, Helen O'Hara,	Catherine Hughes	The ICAC and procurement	Sydney
5 August 2004	Institute of Public Administration	Don McKenzie	Fact-finder	Sydney
26 August 2004	Blacktown City Council (two sessions)	Catherine Hughes	Introduction to the ICAC and protected disclosures	Sydney
06 September 2004	Illawarra RAROS	Lynn Atkinson, Lewis Rangott	Corruption risks management workshop	Wollongong
06 September 2004	Illawarra RAROS	Don McKenzie	Fact-finder	Wollongong
06 September 2004	Illawarra RAROS	Nicola Dunbar, Catherine Hughes, Angus Broad (Dept of Local Government)	Recognising and managing conflicts of interest	Wollongong
7 September 2004	Illawarra RAROS	Nicola Dunbar, Catherine Hughes	Corruption risk management workshop	Wollongong
7 September 2004	Illawarra RAROS	Don McKenzie	Fact-finder	Wollongong
8 September 2004	Smiths Hill High School, Year 12 Legal Studies (as part of the Illawarra RAROS)	Seckin Cetin, Bill Kokkaris	Introduction to the ICAC and corruption	Wollongong
8 September 2004	Woonona High School, Year 11 Legal Studies (as part of the Illawarra RAROS)	Andrew McCutcheon, Catherine Hughes	Introduction to the ICAC and corruption	Wollongong
8 September 2005	Local Aboriginal Land Council (as part of the Illawarra RAROS)	Lynn Atkinson, Margaret Sutherland	Corruption risks management workshop	Wollongong
10 September 2004	Migrant Services (as part of the Illawarra RAROS)	Bill Kokkaris, Seckin Cetin, Giselle Tocher	Increasing the awareness of corruption in CALD ¹ communities	Wollongong

¹ Culturally and linguistically diverse

Date	Organisation	Presenter	Subject	Location
10 September 2004	Roads and Traffic Authority	Deidre Cooper, Alina Hughes	Corruption risk management workshop	Wollongong
14 September 2004	State Procurement	Lewis Rangott, Rigmor Berg	The ICAC and procurement	Coffs Harbour
20 September 2004	State Procurement	Catherine Hughes	The ICAC and procurement	Sydney
14 October 2004	Rural Fire Service	Catherine Hughes	Introduction to the ICAC	Sydney
18 October 2004	State Procurement	Catherine Hughes	Introduction to the ICAC	Sydney
20 October 2004	Wyong Shire Council	Lewis Rangott, Giselle Tocher	Local government code of conduct	Wyong
21 October 2004	Northern Area Health Service	Don McKenzie	Fact-finder	Sydney
1-2 November 2004	UNAFEI 7th Training Course on Corruption Control in Criminal Justice	John Pritchard	Introduction to the ICAC Case studies in corruption investigation	Japan
8 November 2004	State Procurement	Catherine Hughes	The ICAC and procurement	Sydney
11 November 2004	NSW Rural Fire Service	Giselle Tocher, Catherine Hughes	Introduction to the ICAC and corruption risks	Sydney
23 November 2004	State Procurement	Catherine Hughes	The ICAC and procurement	Wagga Wagga
23 November 2004	Australian Institute of Local Government Rangers	Catherine Hughes	Introduction to the ICAC, privacy and use of confidential information	Wagga Wagga
16 December 2004	Department of Education and Training	Alina Hughes, Catherine Hughes	Corruption risks management workshop	Wollongong
23 February 2005	Shellharbour City Council (two sessions)	Catherine Hughes	Corruption awareness for managers and supervisors	Shellharbour
24 February 2005	Shellharbour City Council (two sessions)	Catherine Hughes	Corruption awareness for managers and supervisors	Shellharbour
01 March 2005	Department of Housing	Nicola Dunbar	Ethical leadership in the public sector	Sydney
9 March 2005	International Seminar on Investigation and Prosecution	John Pritchard	"Strengthening the capacity of the Commission on Eradication of Corruption in Indonesia"	Jakarta, Indonesia
16 March 2005	State Procurement	Steffanie von Helle	The ICAC and procurement	Sydney
13 April 2005	Department of State and Regional Development	Catherine Hughes	Ethics, values and accountability	Sydney
18 April 2005	Office of Fair Trading	Alina Hughes, Catherine Hughes	Corruption awareness for investigators and field	Sydney

Date	Organisation	Presenter	Subject	Location
			officers	
20 April 2005	Rural Fire Service	Don McKenzie	Fact-finder	Sydney
13 May 2005	Association for Tertiary Education Management (ATEM)	Alexandra Mills, Catherine Hughes	Corruption risks in the higher education sector	Sydney
23 May 2005	Central Coast Rural and Regional Outreach Strategy (RAROS)	Don McKenzie	Fact-finder	Gosford
24 May 2005	The Entrance High, Year 11 Legal Studies (as part of the Central Coast RAROS)	Steffanie von Helle	The role and function of the ICAC	The Entrance
25 May 2005	Central Coast RAROS	Alina Hughes, Lewis Rangott, Seckin Cetin, Paul Terret (Dept of Local Government)	Corruption risk management workshop	Gosford
25 May 2005	Central Coast Health Service (as part of the Central Coast RAROS)	Nicola Dunbar, Peter Richardson	Corruption risk management workshop	Gosford
25 May 2005	Central Coast RAROS	Catherine Hughes, Steffanie von Helle, Sue Bolton	Protected disclosures training module (<i>train-the-trainer</i>)	Gosford
25 May 2005	Central Coast RAROS	Don McKenzie	Fact-finder	Gosford
26 May 2005	Central Coast RAROS	Nicola Dunbar, Alexandra Mills	Corruption risk management workshop	Gosford
26 May 2005	Local Aboriginal Land Councils (as part of the Central Coast RAROS)	Lynn Atkinson, Margaret Sutherland	Corruption risk management workshop	Gosford
26 May 2005	Kincumber High School, Year 11 Legal Studies Students (as part of the Central Coast RAROS)	Peter Richardson	The role and function of the ICAC	Kincumber
26 May 2005	Gosford High School, Year 11 Legal Studies Students (as part of the Central Coast RAROS)	Sue Bolton, Bill Kokkaris	The role and function of the ICAC	Gosford
30 May 2005	State Procurement	Catherine Hughes	The ICAC and procurement	Sydney

Speeches and presentations

Date	Organisation	Presenter	Subject	Location
13 July 2004	Hong Kong ICAC	Linda Waugh, Peter Richardson, Ros Bragg, Alexandra Mills, Rod Marsh, David Burfoot, Alina Hughes, Lewis Rangott	Corruption prevention and education work of the ICAC	Sydney
16 July 2004	Association of Tertiary Education Managers (ATEM) Conference	Linda Waugh, Lynn Atkinson	Corruption proofing the higher education sector	Sydney
29 July 2004	Hong Kong Police Force	Mark Healy	Telecommunications interception, management and regulation	Sydney
6 August 2004	TAFE NSW	Linda Waugh	Roundtable discussion on ethics (to be published in the journal <i>Training Agenda</i>)	Sydney
9 August 2004	City of Sydney Council	Ros Bragg, Giselle Tocher	Introduction to the ICAC and managing conflicts of interest	Sydney
11 August 2004	NSW Rural Fire Service	Ros Bragg	Introduction to the ICAC	Coffs Harbour
13 August 2004	Commission for the Investigation of Abuse of Authority (CIAA), Nepal	Clive Small, Don McKenzie, Peter Richardson	Role and function of the ICAC	Sydney
8 September 2004	Illawarra Rural and Regional Outreach Strategy (RAROS)	John Pritchard	Introduction to the ICAC	Wollongong
10 September 2004	Southern Councils Group Quarterly Meeting	Linda Waugh, Greg Andrews (NSW Ombudsman),	The ICAC – question and answer forum	Moss Vale

Date	Organisation	Presenter	Subject	Location
	(RAROS)	Dominic Riordan (Dept of Local Government)		
13 September 2004	Delegation of judges from the People's Republic of China	John Pritchard, Linda Waugh	Overview of the ICAC	Sydney
19 September 2004	Officers of the National Counter Corruption Commission (Thailand)	The Commissioner, John Pritchard, Clive Small, Linda Waugh, Roy Waldon	Overview of the ICAC	Sydney
30 September 2004	Local government seminar conducted by the Institute of Internal Auditors	Linda Waugh, Lynn Atkinson, Lewis Rangott	Probity in local government	Sydney
26 October 2004	Ee-OZ Conference, electrical and utility industries	Don McKenzie	Introduction to the ICAC and recent investigations	Canberra
4 November 2004	Corporate fraud and crime seminar	Stephen Osborne	Corruption and corruption control	Sydney
4 November 2004	Law & Finance, Competitive tendering and contract management conference	Don McKenzie, Lewis Rangott	Detecting and combating corruption in the tendering process	Sydney
5 November 2004	5 th National Investigations Symposium	Clive Small	Corruption control and the pursuit of integrity	Sydney
9 November 2004	Electorate officer induction training	Catherine Hughes	Introduction to the ICAC	Sydney
10 November 2004	Department of Home Affairs, Vietnam	Don McKenzie, Lynn Atkinson	Introduction to the ICAC	Sydney
12 November 2004	Canada Bay Council	Lewis Rangott, Margaret Sutherland	Code of conduct	Sydney
16 November 2004	Community Relations Commission/	Catherine Hughes	Introduction to the ICAC	Newcastle

Date	Organisation	Presenter	Subject	Location
	Hunter Regional Advisory Council			
27 November 2004	NSW Justices' Association	Linda Waugh, Lynn Atkinson	Understanding fraud and corruption risks: case studies for JPs	Sydney
02 December 2004	Commission for the Eradication of Corruption, Indonesia (Komisi Pemberantasan Korupsi)	John Pritchard, Linda Waugh	Anti-corruption measures and structures of the ICAC	Sydney
2 December 2004	NSW Area Health Service Internal Auditors Conference	Nicola Dunbar	Key corruption risks facing the health sector	Sydney
2 December 2004	NSW Area Health Service Internal Auditors Conference	Nicola Dunbar	ICAC investigation into alleged misreporting of hospital waiting list data.	Sydney
3 December 2004	South East Sydney Area Health Service, Inquiries and Investigations Seminar	Nicola Dunbar	The ICAC and investigations into corrupt conduct	Sydney
8 December 2004	Representatives of the Chinese Machinery Industry Federation	Stephen Osborne, Nicola Dunbar	Anti-corruption and state owned enterprises	Sydney
9 December 2004	City of Sydney Council, Cantonese Speaking Seniors Group	Bill Kokkaris, Catherine Hughes	Introduction to the ICAC and gift giving during Chinese New Year	Sydney
21 February 2005	Department of Commerce, Director General and Senior Executive	Linda Waugh, Maria Plytarias	Protected disclosures	Sydney
14 March 2005	Standards Australia Corporate Governance	Don McKenzie	Dealing with suspected fraud and corruption	Sydney

Date	Organisation	Presenter	Subject	Location
	Conference			
31 March 2005	Guangzhou Government delegation, People's Republic of China	Andrew McCutcheon	Overview of the ICAC	Sydney
26 April 2005	Madam Shulan Tian, Commissioner, Central Commission for Discipline Inspection and Vice Minister and Chief Commissioner of Supervision, Ministry of Education, People's Republic of China	John Pritchard Linda Waugh	Operation of the ICAC and corruption prevention	Sydney
05 May 2005	Landcom	Lewis Rangott, Seckin Cetin	Role and function of the ICAC and corruption risks	Sydney
24 May 2005	Newcastle City Council (as part of the Central Coast RAROS)	Giselle Tocher, Lewis Rangott	Local Government Act and code of conduct	Newcastle
24 May 2005	Gosford City Council (as part of the Central Coast RAROS)	Deidre Cooper, Alina Hughes, Paul Terret (Dept of Local Government)	Local Government Act and code of conduct	Gosford
26 May 2005	Community Leader's Breakfast (as a part of the Central Coast RAROS)	Commissioner	Role and Function of the ICAC	Gosford
26 May 2005	Central Coast Regional Coordination Management Group (as a part of the Central Coast RAROS)	Commissioner, John Pritchard, Andrew McCutcheon, Greg Andrews (NSW Ombudsman), Chris Bowdler	Regulatory agencies	Wamberal

Date	Organisation	Presenter	Subject	Location
		(Audit NSW)		
01 June 2005	Corruption and Crime Commission (WA) and Western Australian Universities Forum	Lynn Atkinson	Corruption prevention	Perth
01 June 2005	Corruption and Crime Commission (WA) – Senior management	Lynn Atkinson	The ICAC and corruption prevention	Perth
01 June 2005	Corruption and Crime Commission (WA) – general staff	Lynn Atkinson	The ICAC and corruption prevention	Perth
09 June 2005	NSW Young Planners	Giselle Tocher, Lewis Rangott	The ICAC role and function	Sydney
10 June 2005	Delegates from Cabinet Secretariat in Mongolia	Linda Waugh	Role, function and measuring the effectiveness of the ICAC	Sydney
20 June 2005	Parliamentary delegates from the Kingdom of Cambodia	John Pritchard	Role and function of the ICAC	Sydney

ANNEXURE 2:

MEMORANDUM OF UNDERSTANDING BETWEEN THE INDEPENDENT COMMISSION AGAINST CORRUPTION AND THE DIRECTOR OF PUBLIC PROSECUTIONS

MEMORANDUM OF UNDERSTANDING

1. This memorandum of Understanding ("MOU") is made on the 24th day of October 2005 between the Independent Commission Against Corruption ("the ICAC") and the Office of the Director of Public Prosecutions ("ODPP").

PURPOSE

2. The purpose of this MOU is to set out in general terms the responsibilities of each of the ICAC and ODPP in relation to:
 - (a) matters involving the furnishing of evidence by the ICAC to the ODPP, such evidence having been obtained as the result of investigations conducted by the ICAC in pursuance of its functions under the Independent Commission Against Corruption Act; and
 - (b) liaison arrangements and other related matters.

FURNISHING OF EVIDENCE

3. The ICAC will provide copies of transcript, statements, exhibits and any other relevant material, including its investigation report, to the ODPP, together with a covering letter outlining what charges have been identified by the ICAC as being open on the evidence. Generally, these will reflect the statements made pursuant to s.74A(2) of the *Independent Commission Against Corruption Act* 1988. In the covering letter the ICAC will also:
 - identify any known or expected difficulties of proof;
 - identify which witnesses have indicated that they are willing to give evidence, and particulars of the manner in which this willingness was conveyed to the ICAC;
 - identify which witnesses have indicated that they are not willing to give evidence and particulars of the manner in which this unwillingness was conveyed to the ICAC;
 - indicate the witnesses in respect of whom undertakings or indemnities should be sought, having regard to Guideline 17 of the ODPP Prosecution Guidelines;
 - identify and explain the significance of the documents included in the brief (preferably in the form of a table attached to the covering letter);
 - advise if there is any particular urgency, and, in the case of matters in which summary charges are considered appropriate, advise of the last date on which proceedings can be instituted.
4. Upon receipt of the documentation referred to in paragraph 3. the ODPP will assign the matter to an ODPP lawyer. The ODPP will advise the ICAC of the name of the lawyer to whom the matter has been referred and his/her telephone number and other contact details.

5. In matters in which the ICAC indicates in its covering letter that the only available charges are for summary offences, within six weeks of the ODPP receiving the material referred to in paragraph 3, the ODPP will advise the ICAC if criminal charges are available or will provide a progress report. Where charges are available, the ODPP will identify them and provide the appropriate wording for the CANs and a statement of facts.
6. Where the potential offences are time limited summary offences, the ICAC will ensure that the documentation referred to in paragraph 3 is provided to the ODPP as soon as practicable and the ODPP will ensure that the advice as to whether any criminal charges are available is rendered in a timely manner, allowing the ICAC sufficient time to commence prosecutions in accordance with the advice.
7. The DPP Lawyer with carriage of the matter will within two weeks of receipt of the matter make contact with the allocated ICAC lawyer to discuss any issues arising from the Brief and agree upon a timetable for the issuing of requisitions, the answering of requisitions and the furnishing of advice by the ODPP as to whether criminal charges are available.
8. The timetable agreed will be confirmed in writing by the DPP Lawyer to the ICAC case lawyer
9. Any variation to this timetable, including any requests for further requisitions, may be raised by either party by way of initial discussion and then confirmed in writing.
10. Where the ODPP advises that criminal charges are available, the ODPP will identify them and provide the appropriate wording for the CANs and the statement of facts.

REQUISITIONS

11. Upon receipt of the material referred to in paragraph 3 above, the ODPP may raise requisitions, in writing, identifying any additional evidence or other material required to be obtained by the ICAC.
12. The ICAC will obtain additional evidence as advised by the ODPP. If any questions of law arise, advice will be sought from the ODPP. It is recognised that the ODPP will not become involved in the investigation, but will, where appropriate, identify the general areas to be covered by each witness.
13. Where a prospective witness has refused to sign a statement in admissible form, the ICAC will provide:
 - a copy of the transcript of that witness' evidence before the ICAC;
 - a statement from the ICAC officer who attempted to obtain the statement.
14. Where the ODPP after receiving a response to requisitions, has raised additional requisitions necessary to complete the brief of evidence, the ODPP will provide

advice as to the charges to be laid, as a general rule, within six weeks of receiving the additional material, or will provide a progress report prior to the expiration of the six weeks, indicating the date by which it is expected the advice will be provided.

INSTITUTING A PROSECUTION

15. If, after consideration of the advice of the ODPP, the ICAC is of the view that other charges (based on the same evidence) are preferable to those advised by the ODPP, the ICAC will consult with the ODPP regarding the laying of those CANs.
16. Upon receipt of appropriate wording for the CANS and a statement of facts and a decision by the ICAC to proceed, an ICAC case officer will prepare CANS and then proceed to issue the CANS, obtain a date and serve the CANS upon the defendant. If for any reason CANS are not served within four weeks of receipt of the ODPP's advice to prosecute (or such shorter period as is appropriate where statutory time limits apply), the ICAC will advise the ODPP in writing of its intended action.
17. The ICAC will file the affidavit of service and court copy of the CAN with the registry of the relevant court and advise the ODPP when this has been done.
18. The ICAC case officer will provide a copy of the CANS and the affidavit of service to the ODPP officer within three days of service.
19. The ODPP will specify in writing to the ICAC the documents required to be included in the brief of evidence to be served upon the defendant.
20. The ICAC case officer will prepare the s75(4) notice and serve it and a copy of the brief of evidence in accordance with the orders made by the Court. A copy of the s75 notice as served on the defendant will be provided by the ICAC officer to the ODPP lawyer with carriage of the matter within three working days of service upon the defendant.
21. The s75 notice will specify the documents and other contents of the brief of evidence by way of precise description.
22. The ODPP will file in Court at the appropriate time a notice advising that the ODPP has taken over the prosecution.

COSTS

23. The ICAC is responsible for meeting the expenses of security arrangements for ICAC witnesses who are the subject of witness security arrangements.
24. The ODPP is responsible for meeting the cost of witness expenses for those witnesses who are not the subject of witness security arrangements. These expenses include travel costs in all prosecutions conducted by the ODPP and any order for costs to be paid to the defendant if the prosecution fails.

To the ODPP:


Solicitor for Public Prosecutions
Office of the Director of Public Prosecutions
DX 11525 SYDNEY DOWNTOWN


ATTENTION: The Managing Lawyer, Group

6.

GENERAL MATTERS

35. In circumstances where the ICAC considers it appropriate to place before a sentencing judge information relating to the significance and usefulness of an offender's assistance to the ICAC (i.e. Crimes (Sentencing Procedure) Act 1999 s.23), the ICAC will make the information known to the Crown and the Defence as soon as practicable prior to the day of the hearing. Access to the information prior to or on the day of the hearing will only be given in the presence of an ICAC officer and, subject to contrary arrangements in particular cases, will be given on ODPP premises.
36. The ODPP will notify the ICAC of all proceedings brought under the Confiscation of Proceeds of Crime Act 1989 where such proceedings relate to a prosecution instituted as the result of an investigation conducted by the ICAC in the exercise of its functions.


The Hon Jerrald Cripps QC
Commissioner


N R Cowdery AM QC
Director of Public
Prosecutions

ANNEXURE 3

PARTICIPATION IN SIGNIFICANT COMMITTEES

AUSTRAC client liaison meetings

Participating ICAC staff members: David Casserly, Chief Investigator, Surveillance and Technical Unit and Raymond Kwan, Special Financial Investigator

AUSTRAC clients liaise with the financial transactions tracking agency on a half-yearly basis. Meetings are organised by the Australian Transaction Reports and Analysis Centre. Representatives from the ICAC and other Federal and State agencies attend this meeting to discuss matters in relation to the *Financial Transaction Reports Act*.

Australian Police Professional Standards Council - Project 11 Surveillance

Participating ICAC staff member: John Hoitink, Surveillance Team Leader

This council was formed to produce and formalize professional qualifications, standards and best practice across all jurisdictions in the area of surveillance.

Heads of Government Legal Departments

Participating ICAC staff member: Roy Waldon, Executive Director, Legal and Solicitor to the Commission

This group is convened by the Law Society of NSW and meets periodically throughout the year to discuss and consider issues relevant to Government lawyer and Government legal departments.

Integrity in Government Committee

Participating ICAC staff member: Linda Waugh, Executive Director, Corruption Prevention, Education and Research

This group meets quarterly and comprises representatives of the NSW Ombudsman's Office, NSW Audit Office, NSW Premier's Department, Department of Local Government and the ICAC and deals with integrity issues and policy in the NSW public sector.

Inter-Agency Technical Committee: Participating ICAC staff member: Paul Empson, Senior Technical Officer

The group is a sub-committee of the annual Law Enforcement Telecommunications Interception Conference. The group meets quarterly to discuss issues relating to the delivery of material from telecommunications carriers and to share solutions for overcoming technical problems. Representatives of the telecommunications carriers also attend and provide information and research results on new industry initiatives and solutions.

Interception Consultative Committee (ICC)

Participating ICAC staff member: Jacques Hee Song, Special Investigator (Technical)

Comprised of representatives of a number of law enforcement and investigative agencies. The committee deals with legal, policy and technical issues relating to the administration of interceptions. The ICAC is also represented on sub-committees providing technical advice to the ICC.

Inter-departmental Committee (IDC) for Department of Corrective Services (DCS)

Participating ICAC staff member: Stephen Osborne, Chief Investigator, Strategic Operations

The IDC meets monthly and comprises representatives from State and Federal law enforcement agencies, including the Police Integrity Committee and the ICAC. The committee oversees and makes decisions in respect of the Custodial Witness Protection Program operating within DCS.

Internal Witness Advisory Committee (IWAC)

Participating ICAC staff member: Linda Waugh, Executive Director, Corruption Prevention, Education and Research

This is an advisory committee to the NSW Police Service and comprises representatives of law enforcement and complaint handling agencies and the St James Ethics Centre. It focuses on strategic matters in relation to the management and treatment of internal witnesses within the NSW Police Service.

Joint Outreach Initiatives Network (JOIN)

Participating ICAC staff member: Bill Kokkaris, Senior Project Officer

JOIN meets bi-monthly and is a network group consisting of representatives from complaint-handling bodies. Its general scope is to network and share ideas/information about each other's outreach work and identify opportunities to further network and undertake possible joint initiatives.

Law Enforcement Advisory Committee (LEAC)

Participating ICAC staff member: David Casserly, Chief Investigator, Surveillance and Technical Unit

The committee meets quarterly and comprises representatives of law enforcement agencies, the communications industry, and the Commonwealth Department of Communications, Information Technology and the Arts and Attorney-General's Department. The Australian Communications Authority seeks input from the LEAC to inform its administration of Parts 13-15 of the *Telecommunications Act 1997*. The LEAC also provides a forum for consultation between the communications industry and law enforcement and national security agencies.

Local Government Liaison Group

Participating ICAC staff members: Linda Waugh, Executive Director, Corruption Prevention, Education and Research and Maria Plytarias, Manager, Assessments

This group meets bi-monthly and brings together representatives from the NSW Ombudsman's Office, Department of Local Government and the ICAC to discuss integrity and better practice in NSW local government.

NSW Corruption Prevention Network

Participating ICAC staff member: Margaret Sutherland, Senior Corruption Prevention Officer

This is a network of public sector officers that works to promote corruption prevention strategies through corruption prevention forums. It also encourages formal and informal networks of practitioners.

NSW Digital Evidence Group

Participating ICAC staff member: Jacques Hee Song, Special Investigator (Technical)

This group meets quarterly and brings together representatives from law enforcement organisations to discuss issues relating to computer forensics and the acquisition of digital evidence.

Protected Disclosures Act Implementation Steering Committee

Participating ICAC staff member: Linda Waugh, Executive Director, Corruption Prevention, Education and Research

The Committee meets quarterly and comprises representatives from law enforcement and complaints handling agencies. It aims to increase public sector awareness of the *Protected Disclosures Act* (The Act), reporting options and procedures and provide information and guidance concerning the operation of the Act.

Public Sector Liaison Group

Participating ICAC staff member: Linda Waugh, Executive Director, Corruption Prevention, Education and Research

This group meets quarterly and comprises representatives of the NSW Audit Office, Ombudsman's Office and the ICAC. The role and purpose of the meeting is to: share information regarding projects of mutual interest; ensure that there is no overlap of projects or duplication of work; and identify opportunities for joint projects.

Public Sector Rehabilitation Coordinators Network Forum

Participating ICAC staff members: Virginia Tinson, Manager, Human Resources and Administration and Cathy Walsh, Senior Human Resources Officer

This forum is coordinated by Treasury Managed Fund for NSW public sector agencies Rehabilitation (Return-to-Work) Coordinators. The first forum was held in May 2005. The forums provide an opportunity to educate and disseminate information to agencies to assist them in managing their return-to-work programs and to encourage best practice management.

Special Networks Committee (SNC)

Participating ICAC staff member: Jacques Hee Song, Special Investigator (Technical)

This committee comprises representatives of intercepting agencies and is the discussion forum for telecommunications interception capability projects and related contractual issues. The SNC meets quarterly prior to the Interception Consultative Committee (ICC). The SNC minutes are reported to the ICC.

Whistling While They Work Project Steering Committee

Participating ICAC staff member: Linda Waugh, Executive Director, Corruption Prevention, Education and Research

This role of this Committee is to overview the progress and direction of work on the *Whistling While They Work: Enhancing the Theory and Practice of Internal Witness Management in Public Sector Organisations* project. The Project Steering Committee must formally meet at least once a year across the course of the three year project.

ANNEXURE 4

EXTRACTS FROM THE MINUTES OF THE COMMITTEE ON THE INDEPENDENT COMMISSION AGAINST CORRUPTION REGARDING THE EXAMINATION OF THE 2004-05 ANNUAL REPORT OF THE INDEPENDENT COMMISSION AGAINST CORRUPTION

This appendix contains relevant extracts from the minutes of ICAC Committee meetings of:

- Friday 4 August 2006; and
- Wednesday 22 November 2006

regarding the examination of the 2004-05 annual report of the Independent Commission Against Corruption.

**PROCEEDINGS OF THE
COMMITTEE ON THE INDEPENDENT COMMISSION
AGAINST CORRUPTION**

**10:00 A.M., FRIDAY 4 AUGUST 2006
AT PARLIAMENT HOUSE, SYDNEY**

Legislative Council

Mr Primrose (Vice Chairman)

Legislative Assembly

Mr Yeadon (Chairman)

Mr Mills

Mr Pearce

Mr Turner

Mr Roberts

Also in attendance: Mr Faulks, Manager of the Committee, and Mr Jefferis, Senior Committee Officer.

The Chairman presiding.

1. Apologies

Apologies were received from Ms Gardiner, Revd. Nile, Mr Kerr, Ms Keneally and Mr Price.

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**3. Review of the 2004-2005 annual report of the Independent
Commission Against Corruption**

The public were admitted.

Jerrold Sydney Cripps QC

Clive Thomas Small

Roy Waldon

John William Pritchard

Linda Michele Waugh

Lance Favelle

were called and sworn.

The Committee examined the witnesses.

Evidence concluded, the witnesses withdrew.

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5. General business

There being no further business, the Committee adjourned at 3:50 p.m..

Chairman

Committee Manager

**PROCEEDINGS OF THE
COMMITTEE ON THE INDEPENDENT COMMISSION
AGAINST CORRUPTION**

**5:00 P.M., WEDNESDAY 22 NOVEMBER 2006
AT PARLIAMENT HOUSE, SYDNEY**

MEMBERS PRESENT

Legislative Council
Ms Gardiner

Legislative Assembly
Mr Yeadon (Chairman)
Mr Turner
Mr Pearce
Ms Keneally
Mr Roberts
Mr Kerr
Mr Mills
Mr Price

Also in attendance: Mr Faulks, Manager of the Committee; Mr Jefferis, Senior Committee Officer; Ms Jay, Senior Committee Officer; Ms Phelps, Committee Officer; and Ms Yeoh, Assistant Committee Officer.

The Chairman presiding.

1. Apologies

Apologies were received from Mr Primrose and Revd. Nile.

2. Previous minutes

On the motion of Ms Keneally, seconded Mr Turner, the minutes of Meeting No. 22 of Wednesday 20 September 2006 was accepted as a true and accurate record.

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9. Consideration of draft report: 'Examination of the 2004-2005 annual report of the Independent Commission Against Corruption, April-June 2006'

The Chairman presented his draft report: "Examination of the 2004-2005 annual report of the Independent Commission Against Corruption".

The report, have been distributed previously, was accepted as being read.

The Committee proceeded to deliberate on the draft report:

Chapter 1: read and agreed to
Chapter 2: read and agreed to
Chapter 3: read and agreed to

Annexure 1: read and agreed to
Annexure 2: read and agreed to
Annexure 3: read and agreed to
Annexure 4: read and agreed to
Annexure 5: read and agreed to

On the motion of Mr Turner, seconded Ms Keneally:

That the draft report: "Examination of the 2004-2005 annual report of the Independent Commission Against Corruption", be read and agreed to.

Passed unanimously.

On the motion of Mr Turner, seconded Ms Keneally:

That the draft report: "Examination of the 2004-2005 annual report of the Independent Commission Against Corruption" be accepted as a report of the ICAC Committee, and that it be signed by the Chairman and presented to the House.

Passed unanimously.

On the motion of Mr Turner, seconded Ms Keneally:

That the Chairman and Committee Manager be permitted to correct any stylistic, typographical and grammatical errors in the report.

Passed unanimously.

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11. General business

This being the last scheduled meeting of the ICAC Committee of the 53rd Parliament, the Chairman thanked the Members for their contribution and commitment over the period 2003-2006.

The Chairman also thanked, on behalf of the Committee, the staff of the ICAC Committee secretariat: Mr Faulks, Manager of the Committee; Mr Jefferis, Senior Committee Officer; Ms

Jay, Senior Committee Officer; Ms Phelps, Committee Officer; and Ms Yeoh, Assistant Committee Officer; for their efforts in supporting the Committee's work.

There being no further business, the Committee adjourned at 5:20 p.m..

Chairman

Committee Manager

ANNEXURE 5

REPORTS OF THE COMMITTEE ON THE INDEPENDENT COMMISSION AGAINST CORRUPTION

ICAC Committee (2006).	Examination of the 2003-2004 annual report of the Independent Commission Against Corruption
ICAC Committee (2006).	Quarterly examination of the Inspector of the Independent Commission Against Corruption, July-September 2006
ICAC Committee (2006).	Quarterly examination of the Inspector of the Independent Commission Against Corruption, April-June 2006
ICAC Committee (2006).	Quarterly examination of the Inspector of the Independent Commission Against Corruption, January-March 2006
ICAC Committee (2006).	Proceedings of the 2nd National Conference of Parliamentary Oversight Committees of Anti-Corruption/Crime Bodies, 22-23 February 2006
ICAC Committee (2006).	Quarterly examination of the Inspector of the Independent Commission Against Corruption, October-December 2005.
ICAC Committee (2005).	Examination of the 2003-2004 annual report of the Independent Commission Against Corruption
ICAC Committee (2004).	Examination of the report of the Independent Commission Against Corruption profiling the NSW public sector
ICAC Committee (2004).	Report on examination of the 2002-2003 annual report of the Independent Commission Against Corruption
ICAC Committee (2004).	Report on examination of the 2001-2002 annual report of the Independent Commission Against Corruption
ICAC Committee (2004).	The prevention and investigation of misconduct and criminal wrongdoing involving public officials
ICAC Committee (2002).	Report on matters arising from the general meeting with the Commissioner of the ICAC, 27 November 2000
ICAC Committee (2002).	Stage III, Review of the ICAC: Conduct of hearings
ICAC Committee (2001).	Stage III, Review of the ICAC: Issues paper
ICAC Committee (2001).	General meeting with the Commissioner of the ICAC , 30th November 2001
ICAC Committee (2001).	Stage II, Review of the ICAC: Jurisdictional issues
ICAC Committee (2001).	Report on alleged contempt in relation to the draft report of Bron McKillop on inquisitorial systems
ICAC Committee (2001).	General meeting with the Commissioner of the ICAC , 27th November 2000
ICAC Committee (2000).	Consideration of proposed powers
ICAC Committee (2000).	Review II, Jurisdictional issues, Issues paper
ICAC Committee (2000).	The ICAC: Accounting for extraordinary powers
ICAC Committee (1999).	General meeting with the Commissioner of the ICAC, 1st December 1999
ICAC Committee (1999).	Review of the ICAC, Issues paper

ICAC Committee (1999).	Comparative study of the Hong Kong ICAC: Delegation's report to the Committee
ICAC Committee (1998).	Inquiry into Section 13A of the Constitution Act 1902
ICAC Committee (1998).	Collation of evidence of the Commissioner of the ICAC, the Hon B.S.J. O'Keefe AM QC, on general aspects of the Commission's operations, July 1998
ICAC Committee (1997).	Study tour of organisations and oversight bodies comparable to the ICAC, London, Berlin, New York, Washington, February 1997
ICAC Committee (1997).	Collation of evidence of the Commissioner of the ICAC, the Hon B.S.J. O'Keefe AM QC, on general aspects of the Commission's operations, November 1997
ICAC Committee (1997).	Review of the Role and Functions of the Independent Commission Against Corruption, Issues Paper, October 1997
ICAC Committee (1997).	Collation of Evidence of the Commissioner of the ICAC, the Hon B.S.J. O'Keefe AM QC, on general aspects of the Commission's operations, July 1997
ICAC Committee (1996).	Collation of Evidence of the Commissioner of the ICAC, the Hon B.S.J. O'Keefe AM QC, on general aspects of the Commission's operations, October/December 1996
ICAC Committee (1996).	Public hearing with the Hon B.S.J. O'Keefe AM QC, Questions upon notice, 25th October 1996
ICAC Committee (1996).	Collation of evidence of the Commissioner of the ICAC, the Hon B.S.J. O'Keefe AM QC, on general aspects of the Commission's operations, 27th May 1996
ICAC Committee (1995).	Study Tour to USA, Canada, United Kingdom and Ireland 30th June –16th July 1995
ICAC Committee (1995).	Visit to Brisbane, 22nd-23rd June 1995
ICAC Committee (1995).	Collation of Evidence of the Commissioner of the ICAC, the Hon B S J O'Keefe AM QC, on General Aspects of the Commission's Operations, 15 September 1995
ICAC Committee (1994).	Inquiry into Pecuniary Interest Provisions for Members of Parliament and Senior Executives and A Code of Conduct for Members of Parliament
ICAC Committee (1994).	Report in response to the motion passed by the Legislative Assembly on 15th September 1994 and the Legislative Council on 20th September 1994 re: Justice O'Keefe's appointment
ICAC Committee (1994).	Collation of evidence of the Acting Commissioner of the ICAC, Mr John Mant, on general aspects of the Commission's operations, 3rd August 1994
ICAC Committee (1994).	Collation of evidence of the Commissioner of the ICAC, Mr Ian Temby QC, on general aspects of the Commission's operations, 4th March 1994
ICAC Committee (1994).	Collation of material relating to the Committee's visit to Kyogle, 1st October 1992
ICAC Committee (1994).	Sixth International Anti-Corruption Conference, 22nd-25th November 1993 and United States Study Tour, 29th November-2nd December 1993
ICAC Committee (1993).	Collation of evidence of the Commissioner of the ICAC, Mr Ian Temby QC, on general aspects of the Commission's operations, 15th October 1993
ICAC Committee (1993).	Inquiry into Section 52 of the ICAC Act and legal representation before the ICAC
ICAC Committee (1993).	Visit to Brisbane, 2nd-3rd November 1993
ICAC Committee (1993).	Collation of evidence of the Commissioner of the ICAC, Mr Ian Temby QC, on general aspects of the Commission's operations, 26th March 1993
ICAC Committee (1993).	Review of the ICAC Act

ICAC Committee (1993).	Minutes of Evidence taken before the Committee Concerning the Review of the Independent Commission Against Corruption Act
ICAC Committee (1993).	Review of the ICAC Act – Correspondence on primary facts issue
ICAC Committee (1993).	Matter raised by Andrew Tink MP
ICAC Committee (1992).	Review of the ICAC Act – Discussion paper
ICAC Committee (1992).	Review of the ICAC Act
ICAC Committee (1992).	Operations Review Committee and Assistant/Deputy Commissioners
ICAC Committee (1992).	Collation of evidence of the Commissioner of the ICAC, Mr Ian Temby QC, on general aspects of the Commission’s operations, 9th November 1992
ICAC Committee (1992).	Fifth International Anti-Corruption Conference 8th-12th March 1992 And Hong Kong Study Tour 11th-18th April 1992
ICAC Committee (1992).	Collation of evidence of the Commissioner of the ICAC, Mr Ian Temby QC, on general aspects of the Commission’s operations, 31st March 1992
ICAC Committee (1991).	Inquiry into matters raised by Paul Gibson MP
ICAC Committee (1991).	Collation of Evidence of the Commissioner of the ICAC, Mr Ian Temby QC, on General Aspects of the Commission’s Operations, 14th October 1991
ICAC Committee (1991).	Collation of Evidence of the Commissioner of the ICAC, Mr Ian Temby QC, on General Aspects of the Commission’s Operations, 27th March 1991
ICAC Committee (1991).	Inquiry into Commission procedures and the rights of witnesses, Second report
ICAC Committee (1990).	Inquiry into Commission procedures and the rights of witnesses, First report
ICAC Committee (1990).	Inquiry into Commission Procedures and The Rights of Witnesses, First Report, together with Minutes of Evidence, Submissions, Minutes of Proceedings, and the report of the Salmon Royal Commission on tribunals of inquiry
ICAC Committee (1990).	Collation of evidence of the Commissioner of the ICAC, Mr Ian Temby QC, on general aspects of the Commission’s operations, 15th October 1990
ICAC Committee (1990).	Openness and secrecy in inquiries into organised crime and corruption: Questions of damage to reputations, Discussion paper prepared by the Hon A.R. Moffitt
ICAC Committee (1990).	Further information about witnesses before the ICAC, Correspondence between the Committee and the Commissioner, Mr Ian Temby QC
ICAC Committee (1990).	Inquiry into a proposal for the televising of public hearings of the ICAC
ICAC Committee (1990).	Collation of evidence of the Commissioner of the ICAC, Mr Ian Temby QC, on general aspects of the Commission’s Operations, 30th March 1990
ICAC Committee (1989).	Report on witnesses for the Committee on the ICAC (Parliamentary Joint Committee)