



**REPORT OF THE JOINT STANDING COMMITTEE ON THE INDEPENDENT
COMMISSION AGAINST CORRUPTION – REVIEW OF THE 2020-2021 ANNUAL
REPORTS OF THE ICAC AND THE INSPECTOR OF THE ICAC (REPORT 5/57 –
OCTOBER 2022)**

GOVERNMENT RESPONSE

The Joint Standing Committee on the Independent Commission Against Corruption (**Committee**) self-referred an inquiry into the review of the 2020-2021 Annual Reports of the ICAC and the Inspector of the ICAC on 15 November 2021.

The Committee released its report (**Report**) on 20 October 2022.

The Government accepts two of the five recommendations made by the Committee and notes a further two recommendations. One recommendation is directed to the Independent Commission Against Corruption and does not require a Government response.

The Government's position on each of the Committee's recommendations is set out in **Attachment A**.

Consistent with the commitment made by the Leader of the Government in the Legislative Council to the Clerk of the Parliaments by letter dated 24 May 2023, the Government provides this response on a voluntary basis.

| ICAC COMMITTEE RECOMMENDATION | GOVERNMENT RESPONSE | COMMENT |
|--|----------------------------|--|
| 1. That the Government review the existing three-Commissioner model. | Noted | The current three-commissioner model was implemented as part of a suite of reforms to the Independent Commission Against Corruption (ICAC) in 2016. As the Committee noted in its report, the three-commissioner model was intended to improve the ICAC's functioning and decision-making capacity. The Government notes that different views were expressed to the Committee on the merits of the current three-commissioner model as part of its inquiry. The Government is open to considering those views further in future, particularly with the benefit of additional years of experience of the current three-commissioner model. The Government supports governance arrangements for the ICAC which deliver the highest quality decision-making and functioning. |
| 2. That the Government consider whether the terms of the ICAC Commissioners and the Inspector should be staggered. | Accepted | The Government will consult with the Chief Commissioner of the ICAC and the Inspector of the ICAC on the most appropriate way to implement this recommendation. |
| 3. That the NSW Government update the Committee on any representations it has made or intends to make to the Commonwealth Government regarding the ability of the ICAC to access encrypted telephone communications. | Noted | Clause 264 of schedule 1 of the <i>National Anti-Corruption Commission (Consequential and Transitional Provisions) Act 2022</i> (Cth) enables the ICAC to access encrypted communications under the industry assistance provisions in Part 15 of the <i>Telecommunications Act 1997</i> (Cth) and resolves the issues raised in this recommendation. |
| 4. That the ICAC update the Committee on the outcome of its review of its information handling practices | N/A | This recommendation is directed to the ICAC. |
| 5. That the Government consider amending the <i>Independent Commission Against Corruption Act 1988</i> to allow an Inspector to serve a maximum of two terms. | Accepted | The Government will seek to implement this recommendation through legislative amendment. It will also make a similar amendment with respect to the Inspector of the Law Enforcement Conduct Commission. |