



Committee on the Independent Commission Against Corruption

Report 3/57 – August 2021

Review of the 2019-2020 annual reports of the ICAC
and the Inspector of the ICAC



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The motto of the coat of arms for the state of New South Wales is “Orta recens quam pura nites”. It is written in Latin and means “newly risen, how brightly you shine”.

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Membership

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Chair's foreword

This report by the Committee on the Independent Commission Against Corruption (ICAC) deals with the Committee's review of the 2019-2020 annual reports of the ICAC and the Inspector of the ICAC, and other relevant issues covered during the public hearing.

The Committee's report has three chapters. The first chapter addresses operational issues of the ICAC including funding, operations during COVID-19 and an erroneous upload incident on the ICAC's website. The second chapter considers strategic issues such as public interest disclosures, corruption prevention advice and the ICAC's witness cooperation policy. Finally, the third chapter overviews the work of the ICAC Inspector and his ongoing concerns regarding his ability to perform his responsibilities during the reporting year.

The Committee was pleased to hear that the ICAC and the Inspector were able to adapt to the challenges of COVID-19 and to carry out their valuable work during the pandemic. The Committee also commends the ICAC and the Inspector regarding their continued positive and effective working relationship with each other.

Independent Funding Model

The ICAC's funding and resourcing is a continued focus and source of concern for the ICAC, the Inspector and the Committee during this reporting period. In the recent hearing, the ICAC Chief Commissioner stated that the present funding system undermines the ICAC's independence and limits its capacity in functioning as the State's anti-corruption agency. These views were supported by the Audit Office's report regarding the effectiveness of the financial arrangements of the ICAC, amongst other organisations, tabled to Parliament during the reporting period.

In this annual review, the Committee continues to support an independent funding model for the ICAC and also notes the ICAC's independent funding and resourcing concerns. Since tabling the report, the Committee notes that the Government will defer its response to the Audit Office report which includes consideration of the ICAC's funding model to 29 October 2021 to allow further time for consultation with the ICAC and other relevant agencies.

Erroneous Upload of Confidential Information

The Committee was concerned to hear about a recent incident of an erroneous upload of confidential information on the ICAC's website and was disappointed that monitoring procedures had not been in place to prevent this incident from occurring. However, the Inspector has reviewed the matter and the ICAC updated its procedures in its Operations Manual. The Committee looks forward to reviewing the manual and will continue to consider this incident and similar matters in its future inquiry reviewing the ICAC Act.

Strategic Issues

In the public hearing, the Committee heard about the delayed progress on the Public Interest Disclosure legislation. The Committee stresses that the NSW Government should let the Committee know of any progress in this matter and looks forward to further details.

The Committee was interested to learn about the ICAC's recently launched Witness Cooperation Policy. Although fairly new, the Committee was pleased to hear that the ICAC believes the policy is working and that it is encouraging people to come forward and disclose information. The Committee looks forward to ICAC's next annual report on the continued uptake and effectiveness of this policy.

The Inspector of the ICAC

Despite COVID-19, the Committee found the Inspector to be very productive, conducting two audits. In this annual review, the Committee has summarised the Inspector's audit on the ICAC's application for and execution of search warrants. The Committee looks forward to reviewing future audits including the audit of the welfare of ICAC witnesses which the Inspector said he is finalising.

The Committee was also glad to hear that the Inspector and the ICAC continue to have a positive and effective working relationship.

Gap in the Inspector's powers

In his annual report, one of the Inspector's key concerns was the gap created in his powers by the *Telecommunications (Interception and Access) Act 1979* (TIA) (Commonwealth) which limits the Inspector's use of intercepted information. The Committee believes it is important for the Inspector to have access to telecommunications intercepts to perform the role of Inspector. While the Committee understands that the Commonwealth Government is responsible for any updates to this legislation, the Committee will pursue further engagement with the relevant agencies in both NSW and Commonwealth jurisdiction.

The Committee looks forward to reviewing the 2020-2021 annual reports of the ICAC and the Inspector next year and continuing our oversight role of these agencies and considering these important issues.

I thank the Inspector, the ICAC Commissioners and senior staff from the ICAC for their contributions at the public hearing. I also thank my fellow Committee Members for their interest and input into this review. Finally, I thank the Committee staff for their assistance.



Mrs Tanya Davies MP
Chair

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The Committee will continue to monitor the Inspector's audits and examine them its next review, once finalised.

Chapter One – Operational Issues

Summary

The ICAC's funding and resourcing continues to be an ongoing concern for the ICAC. Similar to the previous two annual reviews, a large part of the discussions in this year's public hearing focused on the funding process for the ICAC and associated concerns.

Impact of resourcing on current work

Finding 1

The ICAC's funding and resourcing is an ongoing concern for the ICAC.

- 1.1 A key issue of discussion at the public hearing was the ICAC's current budget, both recurrent and capital, from appropriation and supplementary grants. In the Committee's last report, the Committee noted the ICAC's concerns relating to budget cuts and a proposed loss of permanent positions, based on 2019-20 Government budget forecasting.¹
- 1.2 During the public hearing, the ICAC took questions on notice regarding their budget and funding concerns. The ICAC provided a supplementary response. A copy of their response is attached at Appendix One.
- 1.3 The Committee understands that these budget cuts did not eventuate and there was no loss of permanent positions. The Committee also notes that there was a slight increase in the ICAC's budget over the last two years of 1.01%.²
- 1.4 However, the Committee acknowledges ICAC's ongoing concerns regarding its operational resourcing. At the recent public hearing, Chief Commissioner Hall stressed that:

the present system for funding the ICAC is seriously deficient. It undermines the commission's independence. It also limits its capacity in functioning as the State's anti-corruption agency.³
- 1.5 Based on an external review of costs required to meet its increased workload, ICAC made an initial request for supplementation of \$4.065M to cover staff and administrative overheads. As a result, the Government provided additional funding of \$2.5M, thereby averting staffing reductions.⁴
- 1.6 This has not alleviated ICAC's concerns about resourcing constraints impacting on its operational activities. During the public hearing, the ICAC told the Committee

¹ Committee on the Independent Commission Against Corruption, [Review of the 2018-2019 Annual Reports of the ICAC and the Inspector of the ICAC](#), Report 2/57, Parliament of New South Wales, 6 August 2020, p 3.

² [Answers to Questions on notice](#), Independent Commission Against Corruption, p 3.

³ Mr Peter Hall, Chief Commissioner, Independent Commission Against Corruption, [Transcript of evidence](#), Friday 14 May 2021, p 3.

⁴ Mr Philip Reed, Chief Executive Officer, Independent Commission Against Corruption, [Transcript of evidence](#), Friday 14 May 2021, p 8.

that there are matters that are worthy of investigation but cannot be pursued due to funding resources. Chief Commissioner Hall explained that the ICAC is 'very discerning on matters they pursue. [They] cannot pursue everything'.⁵

- 1.7 The ICAC outlined that some delays may be caused by: insufficient specialist staff who examine and analyse information and evidence; lack of availability of case lawyers with competing workload priorities; and new priority cases which delay current investigations.⁶
- 1.8 The ICAC further elaborated that the impact of investigation delays may result in other effects such as the referral of matters back to the complaining agency to investigate; longer processing times, and a negative impact on people who are subject to inquiries due to longer investigations. This can lead to the ICAC operating at a similar pace to a one commissioner model.⁷
- 1.9 The Committee acknowledges that resourcing continues to be an issue to be addressed, despite a reduction in cases over the last few years where in the last financial year, 2,416 matters were received, compared to 2,743 in 2018-2019 and 2,751 in 2017-2018.⁸
- 1.10 The ICAC emphasised that the number of matters received is only one indicator of how much funding is required. Other factors impacting on workload include the complexity of investigations, proactive activities such as education and corruption prevention projects, and corporate service support.⁹
- 1.11 The ICAC's annual report also outlined that while there are fewer full investigations there are more preliminary investigations. Preliminary investigations can lead to longer and more complex operations which can affect planned caseload and resourcing allocation. For example, during the reporting period five matters which commenced as preliminary investigations were escalated to full operations.¹⁰
- 1.12 However, it is the Committee's view that there will always be demands on resourcing for all Government agencies, including the ICAC. As well as continued requests for supplementary grants, the ICAC should maintain a sustainable approach with its operations.
- 1.13 The Committee was pleased to hear that in response to the increasing complexities of investigations, the ICAC has focused on investing in training, business practices and technology based on current resourcing limits.¹¹

⁵ Chief Commissioner, [Transcript of evidence](#), p 7.

⁶ [Answers to Questions on notice](#), p 1.

⁷ Chief Commissioner, [Transcript of evidence](#), p 7.

⁸ [Annual Report 2019-20](#), p 18.

⁹ [Answers to Questions on notice](#), p 3.

¹⁰ [Annual Report 2019-20](#), p 29.

¹¹ [Annual Report 2019-20](#), pp 29-30.

An independent funding model for the ICAC

Finding 2

The Committee continues to support an independent funding model.

- 1.14 A key point of discussion relating to funding and resourcing was ICAC's proposal for an independent funding model. As expressed in last year's annual review, the Committee continues to support, in principle, an independent funding model.
- 1.15 During the reporting period, there were other oversight bodies that expressed concern about the current funding model of the ICAC, including the Audit Office of NSW, the NSW Legislative Council's Public Accounts Committee and the ICAC through its first special report tabled to Parliament, *The need for a new independent funding model for the ICAC*. The Committee considered this report in its last annual report review.¹²
- 1.16 Since the Committee's previous annual report, there have been further developments in relation to these issues, detailed below:
- the Audit Office of NSW tabled its special report, *The effectiveness of the financial arrangements and management practices in four integrity agencies*, outlining the principles that should inform the financial arrangements for the integrity agencies including the ICAC;¹³
 - the ICAC tabled its second special report to Parliament, *A parliamentary solution to a funding model*, following the Audit Office's response. The report called for the urgent need for NSW Parliament to exercise its authority and play a role in determining and implementing a new funding model for the ICAC;¹⁴
 - the Legislative Council's Public Accountability Committee's final report about the funding arrangements of the ICAC and other integrity bodies, *Budget process for independent oversight bodies and the Parliament of New South Wales*;¹⁵
 - the Government's commitment to provide a response to the Audit Office's report by August 2021.¹⁶
- 1.17 The Committee considers that the NSW Government should respond to the possible funding model put forward by the Audit Office and the ICAC. The Committee is awaiting the NSW Government's response to this issue to confirm if

¹² Committee on the Independent Commission Against Corruption, [Review of the 2018-2019 Annual Reports of the ICAC and the Inspector of the ICAC](#), Report 2/57, Parliament of New South Wales, 6 August 2020, pp 2-8.

¹³ Audit Office of NSW, Special Report, [The effectiveness of the financial arrangements and management practices of four integrity agencies](#), 20 August 2020.

¹⁴ Independent Commission Against Corruption, Special Report No.2, [A parliamentary solution to a funding model for the ICAC](#), November 2020.

¹⁵ Legislative Council Public Accountability Committee, [Budget process for independent oversight bodies and the Parliament of New South Wales](#) – Final Report, Report 7, Parliament of New South Wales, February 2021.

¹⁶ The Hon. Gladys Berejiklian, Premier, [Transcript of evidence](#) [Legislative Council Budget Estimates Portfolio Committee No. 1 – Premier and Finance], 4 March 2021, p 3.

any further review by the Committee should be considered. The Government's response is anticipated later this year.

- 1.18 The following sections in the report highlight some of the main developments on funding model issues since the Committee's last report.

The Audit Office of NSW findings on the funding model for independent agencies including the ICAC

- 1.19 As noted in its last annual report, the Committee was waiting for the Audit Office of NSW's report into the *Effectiveness of the financial arrangements and management practices in four integrity agencies*. The Committee was particularly interested in obtaining a complete picture of the funding issues raised by the ICAC in its first special report and related findings and recommendations of the Audit Office.

- 1.20 In late 2020, the Audit Office of NSW published its report on this audit. The report highlighted the following key issues in relation to the ICAC and its funding:

- ICAC's expenditure has been higher than its revenue in most recent years;
- The process for determining the annual appropriation funding for ICAC does not recognise ICAC's status as an independent agency;
- The safeguards to threats to ICAC's independence are not sufficient; and
- ICAC does not have an appropriate mechanism to seek additional funding.¹⁷

- 1.21 The Audit Office report confirmed that the ICAC, under the ICAC Act, is an independent agency accountable to Parliament.¹⁸ The report identified a lack of independent advice and transparency regarding the decisions for the ICAC's budget. This potentially threatens ICAC's independence and may limit the ICAC's ability to fully investigate and fight corruption in the public sector.¹⁹

- 1.22 The Audit Office recommended that the Government should implement a funding model for the integrity agencies, including the ICAC, which addresses the threats to their independence. This includes expanding Parliament's role in the budget process.²⁰

- 1.23 The Committee notes that these recommendations focused on outlining principles to inform the Government in reviewing the financial arrangement for the integrity agencies. While the recommendations did not propose a detailed funding model for Parliament to implement, the report stressed that:

The audited agencies [four integrity agencies including the ICAC] should consult closely with the NSW Parliament when considering these recommendations to ensure the views of Parliament are reflected appropriately in any changes arising from the implementation of these recommendations. This recognises the

¹⁷ Audit Office of NSW, [Special Report](#), pp 18-21.

¹⁸ Audit Office of NSW, [Special Report](#), p 16.

¹⁹ Audit Office of NSW, [Special Report](#), p 7, p 15.

²⁰ Audit Office of NSW, [Special Report](#), p 9.

appropriate role of the NSW Parliament in safeguarding the independence of its integrity agencies.²¹

- 1.24 The Committee understands that the Government will respond to this report by August 2021 and will await further details prior to proposing possible recommendations.

The ICAC's parliamentary solution to a funding model for the ICAC

- 1.25 In the Committee's last annual report, the Committee noted the ICAC's proposed independent funding model, in particular Parliament's role, which is a key element of their proposed model.²²
- 1.26 Since then, the ICAC published its second special report calling for the 'urgent need' for an exercise of NSW Parliament's role and authority in implementing an independent funding model for the ICAC. The ICAC reiterated the findings and conclusions of the Audit Office's report, as well as its first special report, emphasising that 'funding arrangements for the [ICAC] impact adversely upon its independence'.²³
- 1.27 At the recent public hearing, the Chief Commissioner highlighted the special statutory role between the ICAC and Parliament, as outlined in the ICAC Act. Chief Commissioner Hall expressed the view that:
- the Parliament's role and responsibility arises from the statutory provisions of the ICAC Act—in particular, those provisions that create the commission's independence and those provisions that establish the existence of what is, in my submission, a special statutory relationship that does exist between the [ICAC] and the Parliament as established by the ICAC Act.²⁴
- 1.28 As proposed in their first special report, the ICAC again called for a 'due or proper process' for an independent model whereby the design and establishment of the funding model should be undertaken by Parliament.²⁵ The Committee noted the ICAC's proposed detailed funding model in their previous annual report.²⁶
- 1.29 The ICAC also agreed with the Audit Office's recommendation that integrity agencies (in this case the ICAC) should consult with Parliament to discuss issues relating to the implementation of any changes to the funding model.²⁷ In the last year, the ICAC continued to engage with the Committee about their concerns on this issue.
- 1.30 The Committee acknowledges the ICAC's continued concerns regarding their funding model and independence. The Committee also accepts the Audit Office's

²¹ Audit Office of NSW, [Special Report](#), p 1.

²² [Review of the 2018-2019 Annual Reports of the ICAC and the Inspector of the ICAC](#), p 4.

²³ Independent Commission Against Corruption, [Special Report No.2](#), p 3, 5.

²⁴ Chief Commissioner, [Transcript of evidence](#), p 4.

²⁵ Chief Commissioner, [Transcript of evidence](#), p 4.

²⁶ [Review of the 2018-2019 Annual Reports of the ICAC and the Inspector of the ICAC](#), pp 3-6.

²⁷ Chief Commissioner, [Transcript of evidence](#), p 4.

advice that there should be consultation between ICAC and this Committee to discuss any changes arising from the implementation of their recommendations.

NSW Legislative Council's Public Accountability Committee's final report

- 1.31 The Legislative Council's Public Accountability Committee published its final report into the budget process for the independent oversight bodies and the Parliament of NSW earlier this year.²⁸
- 1.32 The Committee examined the initial report and its recommendations in its previous annual report.²⁹ The purpose of the final report was to finalise their inquiry and consider the Audit Office's report which was published in October 2020.³⁰
- 1.33 The Committee noted that their relevant recommendations regarding the ICAC and its funding model remains as published in their initial report.

The Inspector's comments on the funding issue

- 1.34 In the Committee's last annual report, the Committee noted the Inspector's views regarding an independent funding model for the ICAC. The Committee's previous report found that he supported a 'non-politicised process for funding and one that is not subject to bureaucratic management or oversight'.³¹
- 1.35 The Inspector still holds the same views and agreed with the Audit Office's assessment that the ICAC should be independent and that the current model is not an 'efficient or appropriate way of funding'.³²
- 1.36 However when asked during the recent public hearing about ICAC's ongoing concerns regarding funding, he stressed to the Committee that 'it is not part of [his] function as Inspector to comment [on the] level of funding'.³³

Update on the ICAC's operations during COVID-19

- 1.37 The Committee commends both the ICAC and the Inspector for meeting the challenges of the COVID-19 pandemic and continuing to carry out their work.

Interruption to day-to-day activities

- 1.38 COVID-19 affected ICAC's operations during the final reporting quarter of 2019-20, resulting in its offices being closed to both staff and the public from March 2020.³⁴ Several high-impact IT projects were undertaken to implement solutions

²⁸ Legislative Council Public Accountability Committee, [Budget process for independent oversight bodies and the Parliament of New South Wales](#), p 1.

²⁹ [Review of the 2018-2019 Annual Reports of the ICAC and the Inspector of the ICAC](#), pp 6-7.

³⁰ Legislative Council Public Accountability Committee, [Budget process for independent oversight bodies and the Parliament of New South Wales](#), p 1.

³¹ [Review of the 2018-2019 Annual Reports of the ICAC and the Inspector of the ICAC](#), p 9.

³² Mr Bruce McClintock, Inspector, Office of the Inspector of the Independent Commission Against Corruption, [Transcript of evidence](#), Friday 14 May 2021, p 25.

³³ Inspector, [Transcript of evidence](#), p 25.

³⁴ Independent Commission Against Corruption, [Annual Report 2019-20](#), October 2020, p 19.

for the ICAC's staff to work from home and meet COVID-19 social distancing protocols.³⁵

- 1.39 During the time that ICAC's offices were closed, the public could not contact the ICAC by telephone or in person.³⁶ The pandemic also limited the ICAC's ability to conduct interviews, execute search warrants and to hold compulsory examinations.³⁷

Adapting to COVID-19

- 1.40 The Committee was pleased to hear that the ICAC has adapted well in response to the pandemic. The ICAC's online presence, via Twitter and YouTube, became an important way to enhance external communications during COVID-19, when there was less ability to connect publicly.³⁸
- 1.41 The ICAC continued to provide advice, training and speaking engagements during the pandemic. The Corruption Prevention Division redesigned and delivered workshops online, enabling interactive sessions for both agencies and individual public officials.³⁹
- 1.42 The Committee noted that executive meetings such as the monthly meetings of the Investigation Management Group (IMG) and the Prevention Management Group (PMG) were held electronically during the COVID-19 pandemic. The IMG oversees investigations, reports, briefs of evidence and the progress of criminal prosecutions. The PMG's functions include selecting, approving and overseeing corruption prevention projects.⁴⁰

Addressing risks

- 1.43 The Committee understands that the ICAC has implemented operational measures to address potential risks as a result of the pandemic.
- 1.44 In April 2020, the ICAC published *Managing corrupt conduct during the COVID-19 outbreak*, to assist agencies address relevant risks arising from working from home and the use of online communication.⁴¹
- 1.45 The ICAC also conducted assessments to determine risks associated with witnesses and the level of security services required for public enquiries. The outbreak of the pandemic demanded a review of these procedures as well as procedures for compulsory examinations. The ICAC undertook relevant office accommodation modifications to facilitate such inquiries.⁴²

³⁵ [Annual Report 2019-20](#), p 58.

³⁶ [Annual Report 2019-20](#), p 19.

³⁷ [Annual Report 2019-20](#), p 32.

³⁸ [Annual Report 2019-20](#), p 5.

³⁹ [Annual Report 2019-20](#), p 41.

⁴⁰ [Annual Report 2019-20](#), p 46.

⁴¹ [Annual Report 2019-20](#), p 39.

⁴² [Annual Report 2019-20](#), p 57.

- 1.46 The ICAC's annual report advised that their Crisis Management Plan will be updated to reflect risks arising from the COVID-19 pandemic.⁴³ The Committee looks forward to these updates in the ICAC's next annual report.

Erroneous upload on the ICAC's website

Finding 3

Publication of confidential material on the ICAC's website, whether accidental or not, should not happen.

Finding 4

The Committee is critical that confidential information was published on the ICAC's website and that the ICAC did not have rigorous monitoring procedures which could have prevented this incident. This is an area of concern for the Committee and it will consider if preventative measures regarding erroneous uploads are sufficient as part of its review of the ICAC Act.

- 1.47 The Committee's view is that the ICAC should be held to a particularly high standard as it handles sensitive and confidential material as part of its normal operations. Publication of confidential material on the ICAC's website, whether accidental or not, should not happen and can have potentially harmful consequences for individuals named in the material released.
- 1.48 The occurrence of this erroneous upload will be also considered in the Committee's other future inquiry in the review of the ICAC Act.

Upload of confidential transcript during Operation Keppel

- 1.49 As part of Operation Keppel, a transcript of evidence given in private by Mr Daryl Maguire on 15 October 2020 was uploaded to the Commission's website in error.
- 1.50 During the public hearing for Operation Keppel, the Commissioner of the ICAC made a formal order to hold part of the public inquiry evidence private and stated that the content 'shall not be published in any manner'.⁴⁴ However, the transcript was published on ICAC's website and was available to the public for approximately 31 minutes. It was downloaded 205 times during this period.⁴⁵
- 1.51 The ICAC staff member who uploaded the transcript was a junior employee who had a number of responsibilities including uploading transcripts and exhibits and was working from home due to COVID-19 restrictions.⁴⁶
- 1.52 The Committee is critical this instance took place and that the ICAC did not have rigorous monitoring procedures which could have prevented this from occurring.

⁴³ [Annual Report 2019-20](#), p 57.

⁴⁴ According to section 31(9) of the ICAC Act, Office of the Inspector of the Independent Commission Against Corruption, Special Report, [Report pursuant to sections 57B\(5\) and 77A of the Independent Commission Against Corruption Act 1988 determining a complaint by Mr Arthur Moses SC on behalf of the Hon Gladys Berejiklian MP against the Commission](#), November 2020, p 5.

⁴⁵ OIICAC, [Special Report](#), p 5.

⁴⁶ OIICAC, [Special Report](#), p 21.

Complaint

- 1.53 A complaint on behalf of the Honourable Gladys Berejiklian, Premier of NSW, was made regarding the incident.⁴⁷ Following the complaint, the Inspector of the ICAC conducted an investigation into the incident and issued a *Report pursuant to sections 57B(5) and 77A of the Independent Commission Against Corruption Act 1988 determining a complaint by Mr Arthur Moses SC on behalf of the Hon Gladys Berejiklian MP against the Commission.*

The Inspector's investigation

- 1.54 As part of his review of the incident, the Inspector reviewed various ICAC procedures and materials and found that although the procedures are 'prescriptive and thorough' they do not seem to display 'sufficient detail about the risks associated with handling sensitive material.'⁴⁸
- 1.55 The Inspector mentioned he is considering conducting a formal audit of the procedures separate to the investigation he conducted just after the erroneous upload incident occurred.⁴⁹ The Committee welcomes a proposed audit and will consider it at the next annual report review.
- 1.56 The Committee also noted the Inspector's powers in respect of complaints that are stated in section 57B(1) of the ICAC Act 1988. These deal with 'abuse of power, impropriety and other forms of misconduct' and maladministration.
- 1.57 Following his special report into the complaint associated with the erroneous upload, the Inspector considered that "abuse of power, impropriety and other forms of misconduct" involve conscious wrongdoing; however the employee who uploaded the transcript in error was not involved in conduct of that nature.⁵⁰
- 1.58 In response to whether the erroneous upload satisfied the definition of maladministration, the Inspector noted that maladministration must be "action or inaction of a serious nature." In his special report, he stated:

While the consequences of the publication have been extremely serious for Ms Berejiklian, I do not think that... action in uploading the confidential transcript can be categorised in that way and, therefore, constitute maladministration. Rather it was a simple, but regrettable, human error.⁵¹

ICAC's proposed solution

Recommendation 1

That the ICAC provides the Committee with the updated Operations Manual once it is finalised.

- 1.59 In response to the Operation Keppel incident, the ICAC committed to:

⁴⁷ OIICAC, [Special Report](#), p 2.

⁴⁸ OIICAC, [Special Report](#), p 25.

⁴⁹ OIICAC, [Special Report](#), p 25.

⁵⁰ OIICAC, [Special Report](#), p 27.

⁵¹ OIICAC, [Special Report](#), p 27.

- review the Operations Manual to strengthen security measures around the upload of private transcripts to the restricted and public website;
 - retrain and reinforce appropriate actions and security measures in uploading private transcripts to the Commission's Investigation division support staff to the restricted and public website; and
 - inform the Inspector when the update of the Operation work instruction, retraining and reinforcement of appropriate actions and security measures have been completed, and the update of additional safeguards.⁵²
- 1.60 During the public hearing, Mr Roy Waldon, Solicitor to the ICAC and Executive Director, Legal Division, stated that new systems are currently in place.⁵³
- 1.61 The Inspector proposed to monitor the ICAC's implementation of the revised procedures and report on them in his 2020-21 annual report. He stated he may revisit the adequacy of the relevant ICAC processes while doing so.⁵⁴
- 1.62 The Committee understands that the ICAC has updated its procedures to prevent this type of accident happening again. The Committee also considers that the serious nature of this matter warrants ongoing attention and review.

Other preventative measures considered by ICAC

- 1.63 The Committee understands that other preventative measures that the ICAC has noted for consideration are that:
- there be a business requirement that visitors to the ICAC's public website must register their access to the site, or at the least, when they are downloading documents. This might require users to provide an email address to download a document. The ICAC would then send a download link to that email address;
 - documents be changed from downloadable to view only;
 - a workflow be created when publishing materials to the ICAC website whereby one [ICAC] officer submits a document for publication and a second [ICAC] officer is required to approve the content of the upload before publication; and
 - there be a dedicated staff member responsible for uploading documents during a public enquiry and that this member not have any other tasks. The individual should be involved in the hearing and familiar with the exhibits.⁵⁵

⁵² OIICAC, [Special Report](#), p 19.

⁵³ Mr Roy Waldon, Executive Director, Legal Division, and Solicitor to the Commission, Independent Commission Against Corruption, [Transcript of evidence](#), Friday 14 May 2021, pp 15-16.

⁵⁴ OIICAC, [Special Report](#), p 3.

⁵⁵ OIICAC, [Special Report](#), pp 18-19.

- 1.64 The ICAC indicated that a project group has been established to review the Commission's relevant procedures and processes and to provide advice and recommendations on appropriate risk strategies for implementation.⁵⁶
- 1.65 The ICAC stated advice will be provided once these measures have been determined.⁵⁷ The Committee looks forward to receiving this advice.

Other complaints relating to the upload of potentially sensitive material

- 1.66 The Committee is aware of other complaints against the ICAC regarding the upload of potentially sensitive material. In last year's public hearing, the Inspector addressed one incident involving a technical issue which led to an individual's LinkedIn profile being available on the ICAC's website. The LinkedIn profile had been provided to the ICAC as part of a complaint by another person.⁵⁸
- 1.67 The Inspector told the Committee that the ICAC undertook an internal investigation and found that that the complaint itself was not publicly accessible, the uploaded attachment (which was the LinkedIn profile) was not categorised as private. The investigation revealed that the error enabled a Google search of the individual to identify the LinkedIn profile as part of the complaint. The Committee understands that error was rectified. The Inspector at the time advised that he was assured the 'there will be no repetition of this incident'.⁵⁹
- 1.68 Another incident that the Committee is interested in is the progress and outcome of a complaint the Inspector has received from Federal Member for Wentworth, Mr Dave Sharma. The complaint involves a conversation between Mr Maguire and the Japanese Consul. The ICAC made the transcript public during the Operation Keppel hearing.⁶⁰
- 1.69 During the public hearing, the Inspector mentioned he received the complaint and is waiting on legal advice from the Crown Solicitor on the matter. The Inspector described the case as 'giving rise to very serious issues, very serious issues indeed,' involving relations between Australia and a friendly government.⁶¹ The Committee will request an update once the report is available.

⁵⁶ OIICAC, [Special Report](#), p [19](#).

⁵⁷ OIICAC, [Special Report](#), p [19](#).

⁵⁸ Mr Bruce McClintock, Inspector, Office of the Inspector of the ICAC, [Transcript of evidence](#), Friday 15 May 2020, pp [19-20](#).

⁵⁹ [Answers to Questions on notice](#) (4 June 2020), Mr Bruce McClintock, Inspector, Office of the Inspector of the ICAC, pp [1-2](#).

⁶⁰ Mr Bruce McClintock, Inspector, Office of the Inspector of the ICAC, [Transcript of evidence](#), Friday 14 May 2021, p [20](#).

⁶¹ Inspector, [Transcript of evidence](#), p 20, [23](#).

Chapter Two – Strategic issues

Public Interest Disclosure legislation

Recommendation 2

That the NSW Government should inform the Committee of the progress of the Public Interest Disclosure Bill to reform the State's public interest disclosures legislation.

- 2.1 The Committee believes that people who make voluntary disclosures to the ICAC must receive protection from criminal, civil and disciplinary liability for disclosing information. Without these protections, people may be hesitant to make voluntary disclosures of suspected corrupt activity to the ICAC.
- 2.2 A Public Interest Disclosure Bill has been under review since 2018. The Committee is calling for the NSW Government to provide an update regarding the progress of the Bill. The Committee urges the NSW Government to prevent any further delays to ensure that people who make voluntary disclosures are protected.

Current protections

- 2.3 The Committee understands that the current protections provided under the Public Interest Disclosures (PID) Act and the ICAC Act are too narrow and unclear. Protections vary according to whether the person making the disclosure is doing so voluntarily or under compulsion, and whether he or she is a public official.⁶²

Delayed progress of the Bill

- 2.4 In 2019, Premier Gladys Berejiklian, when questioned about progress of the Bill, stated that differences between the PID Act and the ICAC Act were cause for the delay. The Premier anticipated the Bill would be introduced into Parliament by the end of 2019.⁶³
- 2.5 Since then, the Premier was asked for an update on several occasions. The Premier explained the reason the bill was taking longer than anticipated was due to complex legal issues. It is anticipated that the Government will have the Bill ready later this year.⁶⁴

⁶² Committee on the Independent Commission Against Corruption, [Protections for people who make voluntary disclosures to the Independent Commission Against Corruption](#), Report 4/56, Parliament of New South Wales, November 2017, p iv.

⁶³ New South Wales, Legislative Assembly, [Question Time](#), 19 June 2019 (Gladys Berejiklian, Premier).

⁶⁴ New South Wales, Legislative Assembly, [Question Time](#), 4 March 2020 (Gladys Berejiklian, Premier); New South Wales, Legislative Assembly, [Question Time](#), 12 May 2021 (Gladys Berejiklian, Premier).

- 2.6 At the recent public hearing with the Committee in May 2021, Mr Waldon confirmed he is the ICAC's delegate to the steering committee which was established to examine the development of the Bill.⁶⁵
- 2.7 The Committee was pleased to hear that the ICAC thinks the steering committee works well and the process has been positive. Mr Waldon said the steering committee had been engrossed in looking at iterations of the Bill. It was his understanding that the current draft of the Bill should be introduced to Parliament 'shortly'.⁶⁶

Corruption prevention advice

Decrease in advice compared to last reporting year

- 2.8 The Committee noted a decrease in corruption prevention advice in the last reporting year. The ICAC provided corruption prevention advice on 142 occasions which has decreased from 180 in 2018-19 and is similar to the 139 requests in 2017-18.⁶⁷
- 2.9 In the recent public hearing, Mr Lewis Rangott, Executive Director of the Corruption Prevention Division, suggested that certain events can increase interest in the ICAC's work, resulting in a higher volume of inquiries. These events could be new government policy, such as Treasury's fraud and corruption control policy in 2018, as well as the ICAC's public inquiries. Mr Rangott also commented that government agencies often turn to consulting firms in the private sector for advice, instead of the ICAC.⁶⁸
- 2.10 The Committee understands the importance of ICAC's role in providing corruption prevention advice and would like to see these efforts continued and increased. The Committee will continue to monitor this area in its next annual report.

Utilisation of resources when investigating corruption

Non-referral of inquiries with no corrupt findings

- 2.11 The Committee was interested in why inquiries which resulted in no corrupt conduct findings were not referred to a different agency or organisation.⁶⁹
- 2.12 The Committee understands that there are current processes in place for ICAC to refer matters to other bodies, such as the NSW Ombudsman. In addition, the ICAC may appropriately refer some disciplinary or administrative matters to the

⁶⁵ Mr Waldon, [Transcript of evidence](#), p 13.

⁶⁶ Mr Jamie Parker MP, Committee on the Independent Commission Against Corruption; and Mr Waldon, [Transcript of evidence](#), p 12-13.

⁶⁷ [Annual Report 2019-20](#), p 14.

⁶⁸ Mr Lewis Rangott, Executive Director, Corruption Prevention Division, Independent Commission Against Corruption, [Transcript of evidence](#), Friday 14 May 2021, p 13.

⁶⁹ Mr Rangott, [Transcript of evidence](#), p 13.

public authority concerned. In 2019–20, 182 matters were referred on this basis; down from 276 in the previous reporting year.⁷⁰

- 2.13 During the public hearing, the Chief Commissioner explained that in Operation Avon there were both issues of maladministration and misconduct of various kinds. However, it wasn't until the finer details of the investigation were revealed, that a judgment could be made whether it was a matter for the ICAC to continue with its work. By that time, a huge effort had already been undertaken by ICAC.⁷¹
- 2.14 The Chief Commissioner also noted that the preference would have been to refer to a different agency; however, in this case, 'it was so entangled with so many other factual scenarios that it took a huge effort to get through it.'⁷²

Parliamentary compliance officer

- 2.15 In the recent public hearing, the Committee asked the ICAC for its view on whether the NSW Parliament should implement the role of a parliamentary compliance officer. This proposed role could deal with minor matters that would free the ICAC from having to address them.⁷³
- 2.16 The Chief Commissioner told the Committee that his preference was for matters where entitlements are allegedly misused or abused to be dealt with outside of the ICAC if possible.⁷⁴
- 2.17 The ICAC made a submission to the Legislative Council Privileges Committee in which they expressed the view that they are supportive of the proposal to establish a compliance officer. However, the current proposal doesn't adequately address all key elements.⁷⁵
- 2.18 The ICAC proposed the following additional key considerations to be included:
- The role of the parliamentary compliance officer does not impinge on the ICAC's jurisdiction or the definition of corrupt conduct.
 - There be a robust process for the compliance officer to promptly inform the ICAC of complaints or matters they are handling. Without this process, the [ICAC] has reservations about implementing the role.
 - The compliance officer potentially review matters that could be considered corrupt conduct such as 'relatively minor fraud, misuses of information, or abuses of office.'

⁷⁰ [Annual Report 2019-20](#), p 25.

⁷¹ Chief Commissioner, [Transcript of evidence](#), pp 14-15.

⁷² Chief Commissioner, [Transcript of evidence](#), pp 14-15.

⁷³ The Hon Trevor Khan MLC, Committee of the Independent Commission Against Corruption, [Transcript of evidence](#), Friday 14 May 2021, p 17.

⁷⁴ Chief Commissioner, [Transcript of evidence](#), p 17.

⁷⁵ [Submission 6](#), Independent Commission Against Corruption, [Proposal for a Compliance Officer for the NSW Parliament](#), Inquiry, Privilege Committee, Legislative Council, Parliament of New South Wales, 8 February 2021, p 5.

- If the ICAC has referred a matter to the compliance officer, the ICAC will retain an interest.
- The ICAC be closely consulted over the development of the protocol for this proposed compliance officer role.⁷⁶

2.19 The Committee notes that the Legislative Assembly Committee on Parliamentary Privilege and Ethics recommended the establishment of an Independent Complaints Officer. The proposed Officer will be responsible for investigating complaints about Members regarding more minor breaches around Member entitlements and requirements for the disclosure of pecuniary interests; and matters that involve bullying, harassment and inappropriate behaviour.⁷⁷

Witness cooperation policy

Recommendation 3

That the ICAC provides an update in its next annual report as to the uptake and effectiveness of its newly launched Witness Cooperation Policy.

The witness cooperation policy

- 2.20 In the ICAC's last annual report, the ICAC proposed a new witness cooperation policy. Under the new policy, persons can benefit from cooperating with the ICAC and providing information about an investigation.⁷⁸
- 2.21 A potential benefit to the witness might be the Commissioner's discretion not to make corrupt conduct findings against the person or not to refer it to the Director of Public Prosecutions.⁷⁹
- 2.22 The idea behind the witness cooperation policy came from discussions with the Australian Securities and Investments Commission, based on their procedures.⁸⁰

The witness cooperation policy has been effective

- 2.23 In the recent public hearing, Chief Commissioner Hall stated that there was clear evidence that the witness cooperation policy was working and that it was encouraging people to come forward and disclose information.⁸¹
- 2.24 The Chief Commissioner continued by saying the witness cooperation policy was extremely effective in the Operation Aero matter when one of the witnesses decided to become cooperative after reviewing the policy.⁸² The Committee

⁷⁶ [Submission 6](#), ICAC, p 6, p 9.

⁷⁷ Legislative Assembly Committee on Parliamentary Privilege and Ethics, [Review of the proposed resolution for the establishment of a Parliamentary Compliance Officer](#), Report 1, Parliament of New South Wales, July 2021, p iii.

⁷⁸ [Annual Report 2019-20](#), p 4.

⁷⁹ Chief Commissioner, [Transcript of evidence](#), p 15.

⁸⁰ Chief Commissioner, [Transcript of evidence](#), p 15.

⁸¹ Chief Commissioner, [Transcript of evidence](#), p 12-13.

⁸² Chief Commissioner, [Transcript of evidence](#), p 15.

considers this to be a positive policy development and looks forward to hearing further updates in the ICAC's next annual report.

Chapter Three – The ICAC Inspector

Relationship between the Inspector and the ICAC

Finding 5

The ICAC and the Inspector continue to have a positive and effective working relationship.

- 3.1 The Committee was pleased to hear that the Inspector expressed that his relationship with the ICAC is cooperative and operating effectively.
- 3.2 When asked by the Committee about the relationship between himself and the ICAC, the Inspector described it as ‘cooperation but not capture’. He elaborated that:
- you should cooperate with ... the agency you supervise—but not be captured by them. I regard that as an accurate description of my relationship with the [ICAC]. I have and will take firm steps to deal with any issues that I perceive come up. That said, it is important that you have a cordial working relationship with the people who answer to you as inspector.⁸³
- 3.3 The Inspector also reminded the Committee of the memorandum of understanding (MOU) between the Inspector and the Chief Commissioner of ICAC. The MOU sets out the arrangements between the Chief Commissioner and the Inspector and the Inspector stated that it is operating effectively.⁸⁴
- 3.4 The Committee was interested to hear the Inspector’s views on a recent instance where the ICAC questioned the Inspector’s request for particular documents.⁸⁵ The Inspector clarified to the ICAC that he is entitled access to all records of the ICAC regardless of any order under s112 of the Act.
- 3.5 The Inspector told the Committee that he expects the ICAC to provide information to him in relation to complaints to the ICAC. He elaborated:
- [I have] an absolute entitlement under the legislation to any document or information that the [ICAC] holds. In the letters that we exchanged ... I was making the point that that is my entitlement under the legislation and that when I ask for documents I expect of them to be provided without any questions.⁸⁶
- 3.6 The Inspector also advised there is no gap in Inspector’s powers in the ICAC Act.⁸⁷

⁸³ Mr Bruce McClintock, Inspector, Office of the Inspector of the ICAC, [Transcript of evidence](#), Friday 14 May 2021, p 25.

⁸⁴ Mr Bruce McClintock, Inspector, Office of the Inspector of the ICAC, [Transcript of evidence](#), Friday 14 May 2021, pp 25-26.

⁸⁵ Office of the Inspector of the Independent Commission Against Corruption, [Report pursuant to sections 57B\(5\) and 77A of the Independent Commission Against Corruption Act 1988 determining a complaint by Mr Arthur Moses SC on behalf of the Hon Gladys Berejiklian MP against the Commission](#), Special Report, November 2020, pp 13-14.

⁸⁶ Inspector, [Transcript of evidence](#), p 21.

⁸⁷ Inspector, [Transcript of evidence](#), p 26.

Serious Gap in Inspector's Powers Due To Commonwealth Legislation: *Telecommunications (Interception and Access) Act 1979 (TIA) (Commonwealth)*

Finding 6

It is important that the Inspector of the ICAC has access to telecommunications intercepts to perform a key statutory function.

Finding 7

The Committee is concerned with the delay in the progress of the review of the TIA Act. The Committee will continue to pursue further engagement with the Commonwealth Government and the NSW Attorney General's office.

Recommendation 4

That the Government provides an update to the Committee regarding the progress of the Commonwealth Government's stakeholder consultation into the review of the TIA Act.

- 3.7 In his annual report, the Inspector was concerned about section 68 of the TIA Act and the restrictions it places upon the Inspector's power to access material related to telecommunications intercepts.⁸⁸ The Inspector even went further to highlight this issue and tabled a special report to Parliament. The special report raised the issue of the Inspector's limited powers to access material relating to telecommunications intercepts carried out by the ICAC.⁸⁹
- 3.8 The Committee understands that parts of the TIA Act may allow for the ICAC Commissioner to communicate intercepted information or interception warrant information to the Inspector, but only if the information relates to a matter that may give rise to an investigation by the ICAC Inspector.⁹⁰
- 3.9 The practical effect is that ICAC may provide intercepted information or interception warrant information to the Inspector for the purposes of an investigation under section 57(1)(b) or section 57(1)(c) of the ICAC Act, but not for the purpose of conducting an audit under section 57B(a) or section 57B(d) of the ICAC Act.
- 3.10 The Committee shares the Inspector's concerns regarding the limitations imposed by the TIA Act on one of the Inspector's key functions. As set out in the

⁸⁸ Section 68 of the TIA Act prevents the Inspector from accessing interception material and consequently prevents the Inspector from auditing ICAC's telecommunications interceptions. Office of the Inspector of the Independent Commission Against Corruption, [Annual Report for the period ending 30 June 2020](#), October 2020, pp 9-10.

⁸⁹ Office of the Inspector of the Independent Commission Against Corruption, [Telecommunications \(Interception and Access\) Act 1979 \(Cth\) – Serious Gap in Inspector's Powers](#), October 2020, p 2.

⁹⁰ Specifically section 68(eb) which states that the Commissioner of the ICAC may communicate intercepted information to the Inspector, but only if the information relates to a matter that may give rise to an ICAC investigation. [Telecommunications \(Interception and Access\) Act 1979 \(Cth\) – Serious Gap in Inspector's Powers](#), pp 4-5, and Attachment D.

ICAC Act, the Inspector's functions involve carrying out audits of activities carried out by ICAC, including audits of telecommunications intercepts.⁹¹

- 3.11 In his report the Inspector noted that it is important that proactive monitoring of ICAC's use of telecommunications interceptions be conducted, since people subject to interception warrants are usually unaware of the interception and are therefore unlikely to make a complaint in respect to the interception.⁹²
- 3.12 However, the restriction on the Inspector's power to access interception material prevents the Inspector from conducting audits of telecommunications interceptions or of warrants for telecommunications intercepts conducted by the ICAC.⁹³
- 3.13 The Inspector recently wrote to the Independent National Security Legislation Monitor, requesting that section 68 TIA Act be amended to provide the Inspector with access to interception material obtained by ICAC under the Act.⁹⁴ In spite of these requests, section 68(eb) has not been amended. The inability of the Inspector to effectively audit telecommunications interceptions by the ICAC due to the restrictions in the TIA Act was also raised by the previous Inspectors.⁹⁵
- 3.14 The Committee considers this as a serious issue. The Committee supports the Inspector and his concerns regarding the gap of his powers and the TIA Act. During the last reporting year, the Committee requested the NSW Government to provide an update on this issue. The Committee was advised that the Commonwealth Government is in the process of consulting with stakeholders for their views.
- 3.15 However, the Committee is concerned that further delays in the proposed reforms prevents the Inspector from undertaking one of his key functions. The Committee will continue to engage with both NSW and Federal Governments on this matter.

Audits conducted between 1 July 2019 to 30 June 2020

Finding 8

The Committee will continue to monitor the Inspector's audits and examine them its next review, once finalised.

- 3.16 Between 1 July 2019 and 30 June 2020 the Inspector conducted two audits: the audit of ICAC's applications for and execution of search warrants; and the audit of

⁹¹ Under section 57(1)(a) and 57(1)(d) in the ICAC Act. [Telecommunications \(Interception and Access\) Act 1979 \(Cth\) – Serious Gap in Inspector's Powers](#), p 7; [Independent Commission Against Corruption Act 1988](#), section 57B(1).

⁹² [Telecommunications \(Interception and Access\) Act 1979 \(Cth\) – Serious Gap in Inspector's Powers](#), p 7.

⁹³ [Telecommunications \(Interception and Access\) Act 1979 \(Cth\) – Serious Gap in Inspector's Powers](#), p 4.

⁹⁴ [Telecommunications \(Interception and Access\) Act 1979 \(Cth\) – Serious Gap in Inspector's Powers](#), p 6.

⁹⁵ [Correspondence](#) from Harvey Cooper AM to the Australian Parliamentary Joint Committee on Intelligence and Security, 17 July 2012; [Correspondence](#) from David Levine AO RFD QC to the Secretary of the Australian Parliament's Legal and Constitutional Affairs References Committee, 2 April 2014.

ICAC's procedures for dealing with Counsel Assisting.⁹⁶ The Committee examined the latter audit in its last annual report.

- 3.17 The Committee notes the importance of the Inspector's audits as a key function of his duties. The audits monitor the ICAC's compliance with the law and to assess the effectiveness and appropriateness of the ICAC's procedures.

Audit of ICAC's application for and execution of search warrants

- 3.18 The Inspector's report on the ICAC's application for and execution of search warrants was delivered to Parliament on 27 October 2020. The aim of the Inspector's audit of search warrants was to assess whether the ICAC's applications for and execution of search warrants was done in accordance with the ICAC Act and the *Law Enforcement (Powers and Responsibilities) Act 2002* (the LEPR Act).⁹⁷

Compliance within the ICAC Act

- 3.19 The Inspector viewed and assessed documents related to each of the 37 search warrants the ICAC applied for during the relevant period in order to determine whether they were compliant with the law. In his audit report, the Inspector stated that after viewing the material, he was satisfied that each search warrant met the specified criteria.⁹⁸
- 3.20 However, the Inspector reported that there were a number of minor errors and discrepancies found in the search warrant applications and other documents relating to the search warrants.⁹⁹ The nature of these errors included: documents apparently unsigned; forms apparently incomplete; discrepancies in dates recorded; and no recording of explanations for decisions not to wear official ICAC vests when executing search warrants.
- 3.21 The Committee understands that the ICAC provided 'satisfactory explanations' to the Commissioner for most errors. The ICAC acknowledged that some errors were the result of an oversight.¹⁰⁰
- 3.22 The Inspector concluded that each search warrant applied for was used by the ICAC to enable it to carry out its functions as authorised by the ICAC Act and that each search warrant was applied for only where there was a reasonable belief that the application was soundly based on available information.¹⁰¹
- 3.23 The Inspector reported that there was no evidence of abuse of power, impropriety, misconduct or maladministration in any of the ICAC's applications

⁹⁶ [Annual Report for the period ending 30 June 2020](#), pp 17-18.

⁹⁷ Office of the Inspector of the Independent Commission Against Corruption, [Report of an audit of applications for and executions of search warrants by the Independent Commission Against Corruption for 2018-19](#), October 2020, p 3.

⁹⁸ [Audit Report 2018-19](#), p 40.

⁹⁹ [Audit Report 2018-19](#), pp 26-31.

¹⁰⁰ [Audit Report 2018-19](#), pp 31-40.

¹⁰¹ [Audit Report 2018-19](#), p 26, p 40.

for search warrants, or in the execution of those search warrants.¹⁰² The Committee was pleased to hear these conclusions.

Welfare of ICAC witnesses

3.24 In the Committee's previous annual report, the Committee noted the Inspector's audit into the welfare of ICAC witnesses and people subject to ICAC investigations.¹⁰³ The Committee reiterated its view that the welfare of witnesses is a very important issue.

3.25 During the recent public hearing, the Inspector considered the effect of ICAC inquiries on those who are involved in an ICAC investigation. He elaborated that the effect is not just on those who are subject to an investigation but those who are on the 'periphery'. He explained that:

People who are subject of inquiries will be caused a great deal of stress. That may be because they have engaged in corrupt conduct... [but] There are other people on the periphery of investigations... who may suffer.¹⁰⁴

3.26 However, the Inspector advised that his finalisation of the audit was delayed because he needed some advice as to the appropriate protocols that should be adopted in relation to such an audit in completing this audit.¹⁰⁵ The Committee accepts that while this audit was not yet finalised in this reporting year, it remains of interest and looks forward to the Inspector's developments next year.

Possible audits to be conducted in the future

Risk management

3.27 As mentioned in Chapter 2, the Inspector tabled a special report dealing with a complaint on behalf of the Premier concerning the circumstances in which a transcript of evidence given in private was erroneously uploaded to the ICAC website.¹⁰⁶ In his comments about that complaint, the Inspector advised the Committee that he had been considering whether the ICAC's risk management procedures were sufficient. He stated that,

"I have been considering further steps... I have an interest in whether the commission's risk management procedures are sufficient, and I may do something about that."¹⁰⁷

3.28 The Inspector indicated that he was awaiting advice from the Crown Solicitor in relation to issues concerning the making public of transcriptions of evidence.¹⁰⁸ The Committee will monitor any developments in this space.

¹⁰² [Audit Report 2018-19](#), p 5.

¹⁰³ Committee on the Independent Commission Against Corruption, [Review of the 2018-2019 Annual Reports of the ICAC and the Inspector of the ICAC](#), Report 2/57, Parliament of New South Wales, August 2020, p 27.

¹⁰⁴ Inspector, [Transcript of evidence](#), p 21.

¹⁰⁵ Inspector, [Transcript of evidence](#), p 20.

¹⁰⁶ OIICAC, [Special Report on Operation Keppel](#).

¹⁰⁷ Inspector, [Transcript of evidence](#), p 20.

¹⁰⁸ Inspector, [Transcript of evidence](#), p 20.

Appendix One – The ICAC's response to questions on notice from the public hearing held on Friday 14 May 2021

Questions on Notice from the Commission's appearance at the ICAC Committee on Friday 14 May 2021

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The Hon. ADAM SEARLE: In terms of the matters that you have currently, and without compromising any of the details of those, are you able to give the Committee, either now or on notice, a list of the current matters that you have, your hoped-for completion dates and how they might be impacted by your resource constraints.

Mr HALL: Yes, we can do that and we will do it.

The investigations listed below relate to current investigation progress only. The tentative completion dates for investigations listed below do not take into account any public inquiry that might be held for the purpose of an investigation. Where a public inquiry is conducted, the actual completion date will extend beyond the tentative completion date.

In respect to the Preliminary and SIRU Preliminary investigations, a tentative completion date is difficult to assess, as any preliminary investigation completion only takes into account closure or discontinuation of a matter, the date does not consider escalation of a preliminary investigation to a full investigation.

The tentative date for the completion of a preliminary investigation or investigation does not consider the receipt of new matters, which may take priority over existing matters. Any new matters which take priority may result in a delay of the completion date of other matters.

Constraints to investigation completion dates and how they might be impacted by resource constraints include:

- Insufficient computer forensic staff to upload data, which is currently causing a backlog and delay to investigations;
- Insufficient resources to examine and analyse the computer and phone information and evidence;
- The availability of a case lawyer due to their competing work load priorities;
- The complexity of the investigation, which results in additional resources and time to conduct the investigation;
- The loss of current additional contract investigators; and
- New priority investigations received, which causes delay to ongoing investigations.

INVESTIGATION	TENTATIVE COMPLETION DATE
Investigation 1	Prior to 31 December 2021.

The ICAC's response to questions on notice from the public hearing held on Friday 14 May 2021

Investigation 2	Prior to 31 December 2021.
Investigation 3	Prior to 31 December 2021.
Investigation 4	Prior to 31 December 2021.
Investigation 5	Prior to 31 December 2021.
Investigation 6	Prior to 30 June 2022.
Investigation 7	Prior to 30 September 2021.
Investigation 8	Prior to 31 December 2021.
Investigation 9	Prior to 30 September 2021.
Investigation 10	Prior to 30 September 2021.
Investigation 11	Prior to 31 December 2021.
Investigation 12	Prior to 31 March 2022.
Investigation 8	Prior to 31 December 2021.
Investigation 9	Prior to 30 September 2021.
Investigation 10	Prior to 30 September 2021.
Investigation 11	Prior to 31 December 2021.
Investigation 12	Prior to 31 March 2022.

INVESTIGATION	TENTATIVE COMPLETION DATE
Preliminary Investigation 1	Prior to 31 December 2021.
Preliminary Investigation 2	Prior to 31 December 2021.

SIRU PRELIMINARY INVESTIGATION	TENTATIVE COMPLETION DATE
SIRU Preliminary Investigation 1	Prior to 30 September 2021
SIRU Preliminary Investigation 2	Prior to 30 September 2021
SIRU Preliminary Investigation 2	Prior to 30 September 2021

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Mr JUSTIN CLANCY: Just for clarity, the overall funding envelope including all supplementaries, what was the position compared to the previous period?

Mr HALL: We do have an analysis of that.

Mr JUSTIN CLANCY: I am happy to take that on notice.

Mr REED: Maybe we will come back to it. I think I have got the figures here. The 2019-20 funding— the recurrent funding through appropriation—was \$24,099,000. We then had the supplementation that came through of \$3.5 million of supplementary funding.

Mr JUSTIN CLANCY: I suppose the point of the question is I am interested in that whole funding envelope and the comparative period given that there were less matters received and managed over that same period and the average time to assess and close was increased over the last period compared to the period before that. I suppose, as a parliamentarian— and I appreciate the commissioner's report about the separation from the Executive—I would be interested in how we measure KPIs if we are receiving less matters and the time increased and how we then make an assessment around funding in that regard. As a parliamentarian, I also step back and look at size of agency.

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Mr HALL: We are happy to provide that documented material which probably answers your questions, some of them much more effectively than I can. Madam Chair, we will undertake to provide the analysis.

The Commission's budget for 2018/19 and 2019/20 both recurrent and capital and from appropriation and supplementary grants was as follows.

	2018/19	2019/20
Recurrent appropriation	\$24.463M	\$24.099M
Grant- Recurrent	\$1.566M	\$2.5M
Grant- Capital	\$0.15M	
Capital appropriation	\$0.944M	\$0.8M
Total	\$27.123M	\$27.399M

The variation between the years is 1.01%.

There appears to be an inherent assumption in the question that the Commission's need for funding is somehow related to the number of matters received and assessed on an annual basis. However, the number of matters the Commission receives in any year is only one indicator of how much funding the Commission requires each year. Other indicators include the number and complexity of preliminary investigations and investigations, the number and extent of education and corruption prevention projects and the level of corporate services support required to support our operational activities.

By way of background, whilst the number of matters received and assessed by the Commission decreased from 2743 to 2416 and the time taken to assess them increased from 24 to 28 days, this was within the Commission's assessment KPIs and is not a reflection of the Commission's effectiveness in fighting corruption in the NSW Public Sector. Only about 1% of all matters

The ICAC's response to questions on notice from the public hearing held on Friday 14 May 2021

received are assessed as being potentially serious and systemic corruption so as to require further investigation by the Commission. In this regard, the number of preliminary investigation initiated in 2019/20 was 19, an increase from those initiated in 2018/19 (18). In addition, the number of matters referred to other agencies for investigation under s53 and s54 increased in 2019/20 to 13 from those referred in 2018/19 (9).

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The Hon. ADAM SEARLE: Two things, Chief Commissioner. I think in your evidence to the Public Accountability Committee last year, or maybe a little bit earlier, you were saying in order for ICAC to simply maintain, in terms of its general funding, where it had been, it needed an additional \$7.3 million in the 2019-20 year. Obviously that money was not forthcoming. Presumably there is a compounding erosion effect year by year. Perhaps if not now but could you on notice tell us what is the equivalent figure to 30 June this year that would represent an amount that would bring ICAC's general operation budget back to an even keel, if you are able to identify that?

Mr HALL: Certainly, Mr Searle. That will be done.

The simple answer to this question is \$8.0 million as outlined in the Commission's Parameter and Technical Adjustment (PTA) submitted to NSW Treasury in February 2021, as part of the 2021/22 budget process.

The PTA sought additional recurrent funding of \$8.0 million in 2021/22 and increasing in the forward years. This amount comprised \$5.6 million essential to maintaining its current or baseline level of operations including public inquiries, compulsory examinations, investigations and corruption prevention related activities. The remaining amount (\$2.4 million) was to appropriately size and meet overall Commission needs as they currently stand.

The analyses supporting the PTA were based on a third KPMG report, dated 16 February 2021, that re-visited the 8 October 2018 KPMG recommendations to determine if they were still valid and to review the Commission's Corporate Services Division, as recommended by the Auditor-General in her October 2019 performance audit. A copy of the 2018 KPMG report is enclosed.

The Chief Commissioner tabled a copy of the PTA and the associated February 2021 KPMG report as part of his opening address to the Committee on 14 March 2021.

Page 16/17

The CHAIR: We will have time with the inspector later. In your annual report on page 49 under the heading "The Commonwealth Ombudsman", the Commonwealth Ombudsman indicated that there was a slight error in the report that you did provide to the Minister and he asked whether you could provide an addendum correcting that error. You indicated that you would do so. Has that been done?

Mr HALL: I am sure it probably has, but could I take that on notice? The CHAIR: Sure, yes.

Mr HALL: We will respond, of course, to that question.

During the Commonwealth Ombudsman's March 2020 inspection of the Commission's Stored Communications records, the Commonwealth Ombudsman picked up an administrative error in which our report only indicated six records when there were in fact seven records for the 2018/19 reporting period. Following the recommendation of the Commonwealth Ombudsman,

the Commission provided an amended stored communications report to the Commonwealth Minister via the Department of Home Affairs on the 31 July 2020.

Page 17

The CHAIR: My other question is in relation to the third paragraph on page 57 under the heading "Risk Management" on page 56. It states: In 2019–20, the Commission conducted risk assessments for all public inquiries to determine risks associated with witnesses and the level of security services required. You are currently developing protocols for the conduct of compulsory examinations and public inquiries. Could you provide the Committee with an update on the findings of your risk assessment and those protocols?

Mr HALL: Certainly, Madam Chair, that will be done. The CHAIR: Are you taking that on notice?

Mr HALL: Yes, if I may.

The Commission conducts risk assessments on all public inquiries as a matter of course to ensure that appropriate actions are put in place to reduce the risks to the health and welfare of Commission staff, contractors, witnesses and visitors who will be associated with the public inquiry.

Since the beginning of the COVID-19 pandemic in March 2021, the Commission has prepared protocols for the conduct of Compulsory Examinations and Public Inquiries.

The protocols set out the remediation measures and strategies for known COVID-19 risks that have been put in place to minimise the risk to the health and safety of any person associated with the Compulsory Examination and Public Inquiry processes. The protocols were developed with formal advice from: NSW Health on appropriate arrangements to minimise the risk of infection; and from the Crown Solicitor on the legal matters associated with its design and implementation.

The Compulsory Examination protocol has been updated on three occasions to ensure that it has taken into consideration the changing nature of the pandemic in the community.

The Public Inquiry Protocol has been updated and issued to staff and those attending the hearing rooms for each of the three Public Inquiries that have been undertaken since the commencement of the pandemic.

Page 17

The CHAIR: Querying the functionality of the ICAC in its operations, do you have document-tracking methodology so that when a person is logged into your system and they open up or forward a document that is tracked in terms of the IP address?

Mr HALL: Again, if I could take that on notice, we certainly will provide you with the information.

The current software systems employed by the Commission only enables part of the information that the question is seeking to be provided. However, the Commission is currently evaluating software that, when deployed on Commission devices, will enable tracking of all file and document movements on the systems accessed by Commission staff using Commission devices. This will enable the Commission to know the file names, source and destination

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locations, user name and IP address for internal users or logins. It is anticipated that the software will be deployed across the Commission early in the new financial year.

Page 17

The CHAIR: I have a couple more questions in relation to your financial statements. On page 76 under "Employee-related expenses" there is an item indicating a redundancy of \$95,000.

Mr HALL: Yes.

The CHAIR: Without disclosing anything confidential, are you able to provide information on what happened in that scenario? You can take that on notice as well if needs be.

Mr HALL: Yes. I might be able to provide some information at the moment if I can just check one detail.

The CHAIR: Sure.

Mr HALL: I am just being told—I thought it might have related to a particular employee but it does not, it relates to another. Perhaps if I could take that on notice also and provide the information about that.

The expense was a termination payment for a manager who resigned from the Commission following the completion of a managed performance improvement plan.

Page 17

The CHAIR: Knowing that we are near the end of our public hearing, I am also keen to get some further details on the make-up of the "maintenance" and "other" budgets. The maintenance budget is \$883,000 and everything that falls under "other" is over half a million. If I could get some more detail as to what made up those sums of money, I would appreciate that.

Mr HALL: Yes, certainly. Madam Chair, I will take that on notice and we will provide the information.

The following table lists the individual expense areas of the "Maintenance" and "Other" components on the 2019/20 budget totalling \$882,838 and \$533,727 respectively.

Maintenance Expenses FY 2019/20

Computer Equipment Maintenance	63,845
Security Equipment Maintenance	31,685
Other Equipment Maintenance	37,610
Computer Software Maintenance	672,313
Building Maintenance - General	64,663
Building Maintenance - IT Air Conditioning	12,722
	882,838

Other Operating Expenses FY 2019/20

Audit Fees

Audit Fees - Internal	103,071
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Bank Fees	588
Witness & Operational Expenses	
Witness Expenses	9,965
Operational/Informant Expenses	997
Media - other	
Media Monitoring	18,530
Investigation - other	
TIA Act Expenses	210,543
Communications licences	12,342
Searches	46,741
Other	
General Legal Advice	77,177
Translation/Interpreter Service	18,314
Employee Services	32,354
Minor Expenses	<u>3,105</u>
TOTAL OTHER (OPERATING EXPENSES)	533,727

Additional information in relation to answered questions

Page 5

The Hon. ADAM SEARLE: Chief Commissioner, I was both interested and disturbed by that part of your opening statement where you said that given the resourcing constraints, you were not really able to effectively operate the three-commissioner model, as set out by Parliament. Could you step us through in a practical sense what the operational effect of that has been? Does it mean a reduction in the number of investigations and the number of hearing days? Tell us what the practical result of that has been.

Mr HALL: Mr Searle, I am unsure whether we have provided this Committee with the KPMG report to which I made reference before. We are in a position to supply copies.

The Hon. ADAM SEARLE: That would be most useful.

As noted above, a copy of the KPMG report of 8 October 2018 is enclosed for the Committee's information.

Appendix Two – Witnesses

As part of its review of the ICAC's and the Inspector's 2019-2020 annual reports, the Committee held a public hearing on Friday, 14 May 2020 in the Jubilee Room

The Hon. Peter Hall QC	Chief Commissioner, Independent Commission Against Corruption
Mr Stephen Rushton SC	Commissioner, Independent Commission Against Corruption
Mr Philip Reed	Chief Executive Officer, Independent Commission Against Corruption
Mr Roy Waldon	Executive Director, Legal Division, Independent Commission Against Corruption
Mr Lewis Rangott	Executive Director, Corruption Prevention Division, Independent Commission Against Corruption
Ms Bernadette Dubois	Executive Director, Investigations Division, Independent Commission Against Corruption
Mr Andrew Koureas	Executive Director, Corporate Services Division, Independent Commission Against Corruption
Mr Andrew Garcia	Manager, Assessments, Independent Commission Against Corruption
Mr Bruce McClintock SC	Inspector, Office of the Inspector of the ICAC

Appendix Three – Extracts from minutes

MINUTES OF MEETING NO 12

Wednesday 4 November 2020

11.00 am to 12:15 pm

Members present

Mrs Tanya Davies (Chair) (via video conference), The Hon. Taylor Martin (Deputy Chair) (via video conference), Mr Justin Clancy (via video conference), Mr Ron Hoenig (via video conference), Ms Tania Mihailuk, Mr Jamie Parker, The Hon. Rod Roberts, Mr Dugald Saunders (via video conference), The Hon. Adam Searle, Mrs Wendy Tuckerman (via video conference).

Officers present

Helen Minnican, Clara Hawker, Jessica Falvey, Frances Arguelles, Abegail Turingan, Ze Nan Ma.

The Chair opened the meeting at 11.00 am.

1. Apologies

Mr Mark Coure

2. Confirmation of minutes

Resolved, on the motion of Mr Martin, seconded by Mr Clancy:

That the minutes of meeting no 11, held on Wednesday 21 October 2020, be confirmed.

3. ****

4. ****

5. ****

6. ****

7. Review of the 2019-2020 annual reports of the ICAC and the Inspector of the ICAC
Resolved, on the motion of Mr Parker, seconded by Ms Mihailuk:

- That the Committee reviews the 2019-2020 annual reports of the ICAC and the Inspector of the ICAC, and that the review be reported to Parliament and published on the Committee's website.
- That the Committee holds a public hearing or hearings for the review in 2021 on a date or dates to be determined, and invites the Chief Commissioner, Commissioners and senior staff of the ICAC, and the Inspector of the ICAC, to appear to give evidence.
- That the Chair circulates draft questions to members out-of-session.

8. ****

9. ****

10. Next meeting

The Committee adjourned at 12.15 pm until a date to be determined.

MINUTES OF MEETING NO. 16

Tuesday 20 April 2021

1:00pm - 2:00pm

Members present

Mrs Tanya Davies (Chair), Ms Wendy Tuckerman (Deputy Chair, via WebEx), Mr Justin Clancy (via WebEx), Mr Ron Hoenig (via WebEx), Mr Mark Coure (via WebEx), Ms Tania Mihailuk (via WebEx), Mr Jamie Parker, the Hon. Adam Searle, the Hon. Rod Roberts.

Officers present

Clara Hawker (via Webex), Elaine Schofield, Stephanie Mulvey, Frances Arguelles, Abegail Turingan, Derya Sekmen

The Chair opened the meeting at 1:03pm.

1. Apologies

The Hon. Trevor Khan and Mr Dugald Saunders.
Mr Ron Hoenig attended the meeting at 1:05pm.

2. Confirmation of minutes

Resolved, on the motion of Mr Parker, seconded by Mr Coure: That the draft minutes of meeting no. 15, held on Thursday 25 February 2021, be confirmed.

3. ****

4. ****

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6. ****

7. ****

8. ****

9. Annual review hearing — 14 May

The Committee noted the hearing schedule.

10. Next Meeting

The Committee adjourned at 1.48pm.

MINUTES OF MEETING NO. 17

Friday 14 May 2021

12.30pm 4.30pm

Members present

Mrs Tanya Davies (Chair), Ms Wendy Tuckerman (Deputy Chair, via WebEx, from 1:15pm), Mr Justin Clancy, Mr Ron Hoenig (via WebEx, from 3pm), the Hon. Trevor Khan (via WebEx), Ms Tania Mihailuk (from 12:50pm to 3pm), Mr Jamie Parker, Mr Dugald Saunders (via WebEx) and the Hon. Adam Searle (until 3pm).

Officers present

Clara Hawker, Stephanie Mulvey, Bjarne Nordin, Frances Arguelles, Derya Sekmen, Ilana Chaffey (part).

The Chair opened the meeting at 12.38pm.

1. Apologies

Apologies were received from Mark Coure and the Hon. Rod Roberts.

Deliberative

2. Confirmation of minutes

Resolved, on the motion of Mr Parker, seconded by Mr Khan: that the draft minutes of meeting no. 16, held on Tuesday 20 April 2021, be confirmed.

3. ****

4. ****

5. ****

6. ****

7. ****

Public hearing

8. Review of the 2019-20 annual reports of the ICAC and the Inspector of the ICAC

Resolved, on the motion of Mr Clancy, seconded by Mr Saunders:

- That the Committee takes evidence from witnesses from the Independent Commission Against Corruption and the Inspector of the Independent Commission Against Corruption

at the public hearing on 14 May 2021.

- That the Committee permits audio-visual recording, photography and broadcasting of the public hearing on 14 May 2021.
- That the Chair sends any questions taken on notice and supplementary questions to the Independent Commission Against Corruption and the Inspector following the public hearing if required and that answers be requested to be returned within two weeks of being forwarded.

The Chair declared the public hearing opened at 12:50pm.

Ms Mihailuk attended the meeting at 12:52pm.

The following witnesses representing the Independent Commission Against Corruption were called:

- The Hon Peter Hall QC, Chief Commissioner, sworn and examined
- Mr Stephen Rushton SC, Commissioner, sworn and examined
- Mr Philip Reed, Chief Executive Officer, affirmed and examined
- Mr Roy Waldon, Executive Director, Legal Division and Solicitor to the Commission, sworn and examined
- Mr Lewis Rangott, Executive Director, Corruption Prevention Division, affirmed and examined
- Ms Bernadette Dubois, Executive Director, Investigations Division, sworn and examined
- Mr Andrew Koureas, Executive Director, Corporate Services Division, sworn and examined
- Mr Andrew Garcia, Manager- Assessments, affirmed and examined

Mrs Tuckerman attended the meeting at 12:15pm.

The Chair left at 1:50pm and the Deputy Chair presided over the meeting. The Chair re-joined at 1:52pm.

Evidence concluded and the witnesses withdrew.

Mr Hoenig joined the meeting at 3:02pm.

The following witness representing the Office of the Inspector of the Independent Commission Against Corruption was called:

- Mr Bruce McClintock SC, Inspector of the Independent Commission Against Corruption, affirmed and examined.

Evidence concluded and the witness withdrew.

The Chair closed the public hearing at 4:03 pm and the public withdrew.

9. Deliberative meeting

9.1 Publication orders

Resolved, on the motion of Mr Clancy, seconded by Mr Saunders:

That the Committee publishes the transcript of evidence taken at the public hearing, after correction, and the answers to questions on notice, on the Committee's webpage.

9.2 Acceptance and publication of tendered documents (if any)

Resolved, on the motion of Mr Clancy, seconded by Mrs Tuckerman: that the Committee accept the following documents tendered during the hearing by the ICAC:

10. ****

11. Next meeting

The Committee adjourned at 4:10pm until a date to be determined.

UNCONFIRMED MINUTES OF MEETING NO. 18

Monday 9 August 2021

10:02 am

WebEx

Members present

Mrs Tanya Davies (Chair), Mrs Wendy Tuckerman (Deputy Chair), Mr Justin Clancy, Mr Mark Coure, Mr Ron Hoenig, The Hon. Trevor Khan Ms Tania Mihailuk (from 10.08am), Mr Jamie Parker, The Hon. Rod Roberts, Mr Dugald Saunders, The Hon. Adam Searle.

Officers present

Clara Hawker, Frances Arguelles, Bjarne Nordin, Amy Pond, Inez Ryan, Abegail Turingan, Derya Sekmen.

The Chair opened the meeting at 10:02 am.

1. Apologies

There were no apologies.

2. Recording of proceedings

Resolved, on the motion of Mr Searle, seconded by Mrs Tuckerman:

That the committee record the meeting for the purposes of the secretariat preparing the minutes and that the recording be deleted when the minutes are settled.

3. Confirmation of minutes

Resolved, on the motion of Mr Hoenig, seconded by Mr Saunders:

That the minutes of meeting no. 17, Friday 14 May 2021, be confirmed.

4. 2019-2020 Annual Review on the ICAC and the Inspector

4.1 Response to questions on notice from the ICAC

Resolved, on the motion of Mr Parker, seconded by Mr Searle:

That the Committee authorises publication of the response from the ICAC, to a question taken on notice at the hearing and that the response be published on the Committee's website.

4.2 ****

4.3 ****

4.4 Review of the 2019-20 annual reports of the ICAC and the Inspector of the ICAC – Consideration of the Chair's draft report

Ms Mihailuk joined the meeting at 10.08am.

The Chair's draft report for the Review of the 2019-20 annual reports of the ICAC and the Inspector of the ICAC was discussed.

Resolved, on the motion of Mr Saunders, seconded by Mrs Tuckerman:

That the Committee consider the report chapter by chapter.

CHAPTER 1

Resolved, on the motion of Mr Parker, seconded by Mr Khan:

That the report be amended to insert another paragraph after paragraph 1.1 stating that "During the public hearing, the ICAC took questions on notice regarding their budget and funding concerns. The ICAC provided a supplementary response. A copy of their response is attached at Appendix One."

Resolved, on the motion of Mr Parker, seconded by Mr Khan:

That chapter one stand part of the report.

CHAPTER 2

Resolved, on the motion of Mr Clancy, seconded by Mr Khan:

That chapter two stand part of the report.

CHAPTER 3

Resolved, on the motion of Mr Clancy, seconded by Mrs Tuckerman:

That chapter three stand part of the report.

APPENDICES

Resolved, on the motion of Mr Parker, seconded by Mr Khan:

That the response to questions on notice submitted by the ICAC be included in the report as Appendix One and the witness list as Appendix Two.

Resolved, on the motion of Mr Coure, seconded by Mrs Tuckerman:

- That the Committee adopts the draft report as amended, and that it be signed by the Chair and presented to the House.
- That the Committee authorises the secretariat to make appropriate final editing and stylistic changes, as required.
- That once tabled, the report be published on the Committee's website.

5. ****

6. ****

7. ****

8. ****

9. ****

10. ****

11. Next meeting

The Committee adjourned at 11.12 am until a date to be determined.