

24 September 2008

Mr Peter Primrose MLC
President
Legislative Council
Parliament House
Sydney NSW 2000

The Hon. Richard Torbay MP
Speaker
Legislative Assembly
Parliament House
Sydney NSW 2000

Dear Mr President and Mr Speaker,

In accordance with s 77B of the *Independent Commission Against Corruption Act 1988*, I, as the Inspector of the Independent Commission Against Corruption, hereby furnish to each of you for presentation to the Parliament the Annual Report of the Inspector for the year ended 30 June 2008.

The report has been prepared in accordance with the requirements of the *Independent Commission Against Corruption Act 1988* ("the Act").

Pursuant to s 78(1A) of the Act, I recommend that the report be made public forthwith.

Yours sincerely,



Graham Kelly
Inspector

ACKNOWLEDGEMENTS

I would like to place on record my appreciation of the considerable assistance I received during the year from:

Ms Seema Srivastava, the Executive Officer. Seema has occupied this role for practically the whole time I have been in office. She has been instrumental in establishing the systems and processes of the Office of the Inspector and undertaking almost all of the preliminary work in assessing complaints and in conducting audits. She has also provided top quality professional advice and assistance to me in every aspect of the functions of the Office.

Ms Vickie Jeffrey, the Office Manager until recently. Vickie helped enormously with processing the day-to-day demands of the Office and in assisting the Executive Officer and me to deal with complaints.

Ms Jayde Riddell, Administrative Assistant. Jayde has worked two days a week since February 2008. Jayde has provided excellent administrative support and particularly after Vickie's departure worked effectively to ensure the smooth running of the Office.

I would also like to thank the following staff, employed in my office from August 2008 on a part-time contract basis:

1. Mr Bonny Loo, Legal Officer
2. Mr Daniel Webster, Legal Officer
3. Ms Fedra Kyprianou, Legal Officer
4. Mr Hamish Hill, Administrative Assistant.

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PART 1: THE INSPECTOR'S ROLE AND FUNCTIONS

PRELIMINARY OBSERVATIONS

This is my third Annual Report ("the report") to the Parliament as the Inspector of the Independent Commission Against Corruption ("the ICAC" or "the Commission") pursuant to s 77B of the *Independent Commission Against Corruption Act 1988* ("the ICAC Act" or "the Act"). The report covers the period between 1 July 2007 and 30 June 2008, which may also be referred to in the report as the "current reporting period". I recommend that the report be made public forthwith pursuant to s 78(1A) of the Act.

My initial appointment, which commenced on 1 July 2005, concluded on 30 June 2008. However, the Governor extended my appointment to 30 September 2008.

Consequently this will be my last Annual Report. Accordingly, it is appropriate that I make some general observations.

Firstly, it is fair to say that, when the Inspector's role was established, there was a general expectation that complaints would relate primarily to what might be described as over zealous, excessive or unnecessary use of compulsory powers by the ICAC. Happily, this has transpired not to be the case. In fact I have received, relatively speaking, few complaints about over zealous, excessive or unnecessary use of the ICAC's compulsory powers or about the conduct of its hearings. Nor have I received any great number of significant complaints about unjustifiable delays by the ICAC in the exercise of its powers and functions.

Secondly, what has stood out is that the vast majority of complaints I have received:

- (a) relate to decisions by the Commission not to pursue complaints made to it for one reason or another; and
- (b) do not involve any measure of maladministration, unreasonableness or unlawfulness on the part of the Commission.

This has been a pleasing result. However, what has become apparent is that much of the Commission's resources are necessarily devoted to assessing complaints that do not justify further investigation. The Commission receives in the order of 2000 complaints a year. About one-third of these relate to local government and a good many of these to planning and building approval decisions. My view is that this level of complaint to the Commission about issues that do not justify any further investigation under the Commission's statutory charter results in a waste of time and resources.

The Commission itself has made recommendations to ensure that planning and building approval processes are more corruption resistant and the Government has put forward some reforms as well. However, it remains to be seen what can be achieved to reduce the level of complaint to the Commission about local government decision processes.

With regard to the more general issue of the number of complaints to the ICAC that are technically within its jurisdiction but are not worthy of pursuing either:

- (a) through a lack of real evidence (as opposed to the supposition or conjecture that often underlies complaints, both to the ICAC and to the Inspector); or
- (b) because they do not meet the criteria in s 12A requiring the Commission to concentrate on serious and systemic corruption,

I believe there is a case for re-visiting the definition of "corrupt conduct" in s 8 of the Act.

I appreciate that the McClintock Review looked at this issue and ultimately made no recommendation for change. Nevertheless, in my view, the facts speak for themselves: the current definition generates far too many trivial complaints which exhaust resources that could be better employed in the pursuit of more serious issues.

Any reconsideration of the ICAC's focus leads necessarily to a reconsideration of how an Inspector can best contribute to ensuring accountability and performance.

In my view, a complaints-handling role will continue to be a necessary component of any accountability regime. However, the real long-term value of an Inspectorate is, I believe, likely to be found in its performance-monitoring role. Though the Parliamentary Joint Committee on the ICAC ("the Parliamentary Joint Committee" or "the Committee") does provide this accountability up to a point, the Act - very properly in my view - prohibits the Committee from looking at the details of individual cases. The Inspector is not so constrained. Hence, during my term, the Office of the Inspector of the ICAC ("the Office" or "the OIICAC") has carried out three audits of key functions of the Commission. These audits have, by and large, shown that the Commission is executing its functions reasonably well within its charter.

Nevertheless, the performance-assessment function would, I believe, be enhanced from an accountability perspective if there were a legislative basis for the Inspector to carry out organisational reviews of the ICAC's performance against agreed performance benchmarks. Some might argue that this role is, first, a matter for the Commission's management and, second, in any event, better suited to an external management consultancy type body or the Parliamentary Joint Committee. My responses to this are that, first, effective externally based accountability should not be just about ensuring a narrow focus on compliance with the law and, second, that the complaint and audit functions of the Inspector place the Inspectorate in a unique position to understand what issues affect the Commission's performance (including having regard to experience in individual cases).

What this would mean is that there would be a real emphasis in ensuring, as part of the overall accountability regime, an alignment of resources, structure and competencies with the statutory objectives of the Commission.

In view of the disjunction between the expectations that existed when the Inspector's role was created and what has turned out to be the actual experience, it is my recommendation that, towards the end of the term of the next Inspector, a 'sunset clause' review of the Inspector's function should be carried out.

Finally, I note that the Inspector of the Police Integrity Commission, Mr Peter Moss QC, states in his 2007-08 Annual Report that the legislation governing his role and functions, as well as that of the Inspector of the ICAC, is unclear on the issue of how and to whom reports concerning complaints can be published.

If such an uncertainty is thought to exist, I concur with Inspector Moss that it is in the public interest to amend the relevant legislation so that any uncertainty is removed. The legislation should make it clear that the Inspector has a discretion as to how and to whom reports concerning complaints can be published.

ROLE OF THE INSPECTOR

The Inspector's role and functions are prescribed under Part 5A of the ICAC Act.

The Inspector's role is generally modelled on that of the Inspector of the Police Integrity Commission. Under s 57A of the Act the Inspector is appointed by the Governor. The Parliamentary Joint Committee is empowered to veto the proposed appointment which is required to be referred to the Committee by the Minister.¹

"The Minister" referred to above, and below under s 57B(2) of the Act, is the Premier of New South Wales.

The principal functions of the Inspector are set out in s 57B(1) of the Act. These are to:

- § *audit the operations of the Commission for the purpose of monitoring compliance with the law of the State, and*
- § *deal with (by reports and recommendations) complaints of abuse of power, impropriety and other forms of misconduct on the part of the Commission or officers of the Commission, and*
- § *deal with (by reports and recommendations) conduct amounting to maladministration (including, without limitation, delay in the conduct of investigations and unreasonable invasions of privacy) by the Commission or officers of the Commission, and*
- § *assess the effectiveness and appropriateness of the procedures of the Commission relating to the legality or propriety of its activities.*

¹ Clause 10 of Schedule 1A of the *Independent Commission Against Corruption Act 1988*.

The definition of maladministration is set out under s 57B(4) of the Act as follows:

...action or inaction of a serious nature that is:

(a) contrary to law, or

(b) unreasonable, unjust, oppressive or improperly discriminatory, or

(c) based wholly or partly on improper motives.

Section 57B(2) of the Act enables the Inspector to exercise the prescribed statutory functions on the Inspector's own initiative, at the request of the Minister, in response to a complaint made to the Inspector, or in response to a reference by the Parliamentary Joint Committee or any public authority or public official. Section 57B(3) of the Act relieves the Inspector from subjection to the Commission in any respect.

Under s 77A of the Act the Inspector may make special reports on any matters affecting the Commission or on any administrative or general policy matter relating to the functions of the Inspector. Under s 77B of the Act the Inspector is required to report annually to Parliament. Both of these reports are to be made to the Presiding Officer of each House of Parliament.

POWERS OF THE INSPECTOR

Section 57C of the ICAC Act establishes the powers of the Inspector. The Inspector has extensive powers to investigate any aspect of the Commission's operations or any conduct of any officers of the Commission.

Section 57D of the ICAC Act empowers the Inspector to make or hold inquiries for the purposes of the Inspector's functions. Under s 57D(2) any inquiry made or held by the Inspector under this section provides the Inspector with the powers, authorities, protections and immunities of a Royal Commissioner as conferred by Division 1 of Part 2 of the *Royal Commission Act 1923* (NSW), with the exception of s 13 of that Act. There have been no inquiries held pursuant to s 57D to date.

ANNUAL REPORTING REQUIREMENTS

The Inspector is neither a Department nor a Department Head for the purposes of the *Annual Reports (Departments) Act 1985* (NSW). The requirements placed by that Act on those bodies therefore do not apply to the preparation of an annual report by the Inspector.

Similarly, the provisions of the *Annual Reports (Statutory Bodies) Act 1984* (NSW) do not apply since the Inspector is not a person, group of persons or body to whom Division 3 of Part 3 of the *Public Finance and Audit Act 1983* (NSW) applies; nor is the Inspector or the Office prescribed as a statutory body by the *Annual Reports (Statutory Bodies) Act 1984* (NSW). As noted earlier in this report, however, s 77B of the ICAC Act requires the Inspector to report annually to Parliament.

OTHER RELEVANT LEGISLATION

Freedom of Information Act 1989 (NSW)

Under Schedule 2 of the *Freedom of Information Act 1989* (NSW) ("the FOI Act") the Office of the Inspector is exempt from the provisions of the FOI Act in respect of operational auditing, complaint handling and investigative and reporting functions. No FOI applications have been received to date.

Telecommunications (Interception and Access) Act 1979 (Cth)

The Inspector is included as an "eligible authority" for the purposes of the *Telecommunications (Interception and Access) Act 1979* (Cth) ("the TIA Act").

In accordance with ss 96(1) and 159(1) of the TIA Act, the Commonwealth Attorney-General's Department was advised by the Inspector that there was nil usage of the provisions of the TIA Act during the current reporting period.

PART 2: THE OFFICE OF THE INSPECTOR OF THE ICAC

PREMISES AND STRUCTURE

The Office premises are located at Redfern. The postal address for the Office is GPO Box 5341, Sydney, NSW, 2001. The telephone number for the Office is (02) 8374 5381; the facsimile number is (02) 8374 5382. The email address is InspectorICAC@oiicac.nsw.gov.au.

The Office's staffing structure consists of two permanent positions. These are the Executive Officer to the Inspector and the Office Manager. The current Executive Officer, Ms Seema Srivastava, commenced employment in November 2005. Ms Vickie Jeffrey, who was the Office Manager during the current reporting period, ceased employment with the Office at the end of her contract on 3 July 2008. The Inspector is authorised under the ICAC Act to employ other staff as he may require. Between 1 July 2007 and 30 June 2008 the Inspector employed, on an ongoing basis, additional administrative assistance for two days a week.

BUDGET

The OIICAC is an independent agency with its own budget. In 2007–2008 the budget for the Office was \$637,920. The year-to-date actual expenditure was \$490,165. As has occurred in previous years, the Office has continued to receive a range of support services from the Department of Premier and Cabinet (the DPC) on a fee-for-service basis in areas such as: information technology; payroll administration; and general human resources support.

POLICIES

The OIICAC has progressively developed an Operations Manual. There are two distinct parts to the Operations Manual. The first part comprises administrative procedures and policies necessary for the effective running of the Office such as: management of petty cash; file management; and occupational health and safety policies. The second part comprises policies and processes relevant to supporting the Inspector's statutory functions such as: the provision of assistance to complainants; and dealing with complaints referred by third parties. These policies are developed in response to emerging issues. A recent example concerns the inspection of records at ICAC premises by either the Inspector or his staff. The policy provides that where the Inspector or his staff inspect records at ICAC premises such an inspection will only proceed where a secure room is provided and no ICAC staff will be present unless specifically requested to attend by the Inspector or his representative.

LIAISON AND COMMUNICATION

Liaison with the ICAC

The Inspector and the Office continue to liaise with the ICAC on the basis of a Memorandum of Understanding ("the MOU") originally established shortly after the Inspector's appointment on 1 July 2005. The MOU provides for liaison between the Inspector and the Commissioner and for regular monthly meetings between them. It also provides for liaison between the Executive Officer and the Deputy Commissioner of the ICAC on administrative issues arising from the Inspector's statutory functions, such as the production of ICAC documents requested by the Inspector.

Meetings between the Inspector and the Parliamentary Joint Committee

On 1 November 2007 the Parliamentary Joint Committee met with the Inspector to conduct a review of the 2005-2006 Annual Report of the Inspector. The transcript of the meeting is available from the website of the NSW Parliament, more specifically at the following Committee website address: <http://www.parliament.nsw.gov.au/icac>.

On 26 June 2008 the Inspector met informally with the Parliamentary Joint Committee.

Other meetings/liaisons undertaken by the Inspector

During 2007–2008 the Inspector met with the following persons and bodies:

1. On 19 July 2007 with the newly appointed chairman of the Parliamentary Joint Committee, Mr Frank Terenzini.
2. On 25 July 2007 with the newly appointed Deputy Commissioner of the ICAC, Ms Theresa Hamilton, and the newly appointed Manager of the Assessments Section of the ICAC, Ms Jacqueline Fredman.
3. On 4 December 2007 with the newly appointed Inspector of the Police Integrity Commission, Mr Peter Moss QC.
4. On 20 February 2008, at the request of the Thai Consulate, with a study group from Thailand comprised of senior public officials who have anti-corruption responsibilities.
5. On 13 March 2008, at the request of the NSW Attorney-General, Mr John Hatzistergos, with staff from the NSW Attorney-General's Department to provide comments on issues relating to the Office of the Director of Public Prosecutions.
6. On 5 June 2008, Mr Malcolm McCusker AO QC, the Parliamentary Inspector of the Corruption and Crime Commission of Western Australia, wrote to the Inspector requesting assistance for a speech he was due to give on public

accountability. The OIICAC subsequently provided a transcript of the Inspector's evidence before the Parliamentary Joint Committee on 1 November 2007 and the Inspector spoke to Mr McCusker by telephone.

7. On 21 November 2007 with Ms Gail Archer SC who was conducting a statutory review of the *Corruption and Crime Commission Act 2003* (WA).
8. In October 2007 the Inspector attended the Australian Public Sector Anti-Corruption Conference held in Sydney on 23-25 October and participated in a panel discussion with, amongst others, the Commissioner of the ICAC.

WEBSITE

The Office of the Inspector's website is www.oiiac.nsw.gov.au. It provides details about the Inspector's role and functions and includes information about complaint handling. The website also provides links to the websites of the following agencies and services:

- § The ICAC;
- § The Parliamentary Joint Committee on the ICAC;
- § The NSW Ombudsman;
- § The Police Integrity Commission (this website provides details about the Inspector of the Police Integrity Commission);
- § LawAccess;
- § Privacy NSW (Office of the Privacy Commissioner);
- § The Department of the Premier and Cabinet.

There was a significant increase in the use of the website during the current reporting period, including a noticeable increase in activity from January 2008 onwards. This increase in activity, from causes unknown, did not affect the number of complaints made to the Inspector, which remained steady at approximately 3 to 4 a month. However, it highlights the importance of the website as source of information for complainants.

Usage of the OIICAC website over the last three years

	2007 – 2008	2006 – 2007	2005 – 2006
Visits ²	11,926	5452	643
Hits ³	67,522	35,350	8894

² Visits refer to the total number of times the website was accessed.

³ Hits refer to the total number of files/pages/graphics requested from the server of the website.

PART 3: THE INSPECTOR'S STATUTORY FUNCTIONS

SECTION 57B(1)(a): AUDITING THE OPERATIONS OF THE ICAC

Audit of the ICAC's compliance with the *Listening Devices Act 1984*

The Office audited the ICAC's compliance with the *Listening Devices Act 1984* (NSW)⁴ ("the LD Act") during the current reporting period. The audit was limited to an assessment of the ICAC's compliance with Part 4 of the LD Act. This was because during consultation with the ICAC on the draft terms of reference for the audit, the ICAC advised that it did not install or use listening devices otherwise than in accordance with Part 4 of the LD Act.

Part 4 of the LD Act required that, to listen and record private conversations which would otherwise be prohibited, a warrant must be obtained from an 'eligible judge' as defined in that Act.

A sample of 30 per cent of the warrants obtained by the ICAC in each year between 1 January 2004 and 31 December 2007 and also between 1 January 2008 and 31 May 2008 were audited. The Inspector was satisfied that a 30 per cent sample was sufficiently representative without imposing an unproductive burden on the Commission.

The ICAC's compliance with the law was audited in the following respects:

- That the form and content of warrant applications met the requirements of the LD Act;
- That time frames authorised in warrants granted for the installation, use and retrieval of a listening device were met;
- That reporting requirements for any extension of time granted to retrieve a listening device were met;
- Particulars of warrants were notified to the Attorney-General or a prescribed officer as required;
- Reports containing prescribed particulars of the use of the authorised listening device were made to the authorising Judge and the Attorney-General within specified time frames; and
- Any directions given to bring evidence or information obtained by the warrant to Court were complied with.

The audit showed that as far as the sample of warrants were concerned, the ICAC had complied with all of the statutory requirements of the LD Act concerning the application for, execution of and reporting on warrants. The audit also showed that only one listening device was not retrieved during the period as required by the terms of the relevant warrant, or during the period required by s 16A of the LD Act. The ICAC advised, however, that in this instance it had applied for and obtained from the Supreme Court an order extending the time for retrieval prior to

⁴ The *Listening Devices Act* has since been repealed by s 62 of the *Surveillance Devices Act 2007* (NSW).

the expiry of the period allowed by s 16A. The Inspector accepted this advice on the provision of relevant documentation.

The Inspector presented the audit report to the Presiding Officers of the Houses of Parliament on 29 July 2008 and it was tabled in the Parliament on that day.

SECTIONS 57B(1)(b) AND 57B(1)(c): COMPLAINTS

Between 1 July 2007 and 30 June 2008, 57 complaints were made to the Inspector. As in previous years, complaints were dealt with on a cooperative basis with the ICAC through the use of existing administrative procedures and policies. Powers available to the Inspector under s 57D of the Act to make or hold inquiries as a Royal Commissioner were not used.

Approximately 85 per cent of complaints received during the current reporting period alleged that the ICAC had been unreasonable in failing to properly assess evidence and that this unreasonable conduct had led to it making a wrong decision not to investigate the complaint. The main ground of complaint therefore was maladministration. The remaining 15 per cent of complaints received alleged either impropriety or abuse of power by the ICAC or its officers.

The ICAC Act sets out the definition of maladministration in s 57(4). This definition includes the term "unreasonable". The Inspector is mindful, however, that before a finding of maladministration can be made s 57(4) of the Act requires that the action or inaction must be of a *serious nature*. The Inspector also notes that the ICAC has a broad discretion as to the complaints which it will investigate within its statutory charter. These two factors, therefore, set a high bar which needs to be met before the Inspector would be satisfied that a finding of maladministration could reasonably be made where the ICAC has declined to investigate a complaint.

The types of complaints received show that, as in previous years, there continues to be a lack of public understanding that the ICAC's complaint-handling process involves the assessment of a complaint *before* a decision is made whether or not to investigate and that an investigation by the ICAC is not automatic. The nature of complaints received also shows that the gap between public expectation and the ICAC's priorities as to what constitutes serious and systemic corrupt conduct is a source of many of the complaints to the Inspector.

Statistical detail on complaints received during the current reporting period is provided in the following three tables. A comparison with previous reporting periods is also provided.

Complaints noted in Table 2 as having been referred back to the ICAC means that the Inspector has made a recommendation to the ICAC concerning the complaint without having made any adverse finding against the ICAC under s 57B of the ICAC Act. There have been no findings of abuse of power, impropriety or maladministration made by the Inspector against the ICAC to date.

The enquiry category as listed in Table 1 refers to enquiries concerning:

- The Inspector's role and function;
- Whether the Inspector was an appropriate person to complain to;
- The complaint handling process.

Complaints: receipt, outcomes and averages

Table 1

Complaints and enquiries received	2007-08	2006-07	2005-06
Total complaints received	57	37	35
General enquiries received	13	12	7

Table 2

Complaints finalised	2007-08	2006-07	2005-06
Complaints finalised*	52	38	24
Complaints not warranting investigation	48	30	21
- Allegations not substantiated	34	22	12
- Outside jurisdiction	12	8	6
- Withdrawn by complainant	2	0	3
Complaints referred back to ICAC with recommendations	4	8	3
Complaints still active as at end of relevant reporting period	19	7	11

* 'Complaints finalised' consists of: complaints investigated and concluded; complaints assessed and determined as not warranting investigation; complaints assessed and determined as not being within jurisdiction; and complaints referred back to the ICAC.

Table 3

Average time for completion	2007-08	2006-07	2005-06
Average time taken to finalise a complaint (months)	2.5	2.3	4.6
Complaints finalised within 6 months	43	31	19

Between 1 July 2007 and 30 June 2008 the bulk of complaints were received by mail, email and telephone with only a small number of complaints being received by facsimile.

Complaint made in 2005-06 not finalised by 30 June 2008

In December 2005 the Parliamentary Joint Committee referred a letter that it had received concerning the conduct of ICAC officers during the course of an ICAC investigation against a named public official. The matter was assessed as warranting investigation. The bulk of the investigation was conducted in 2006 and the remainder was completed in 2007. During April to June 2008 the Inspector

provided a draft report concerning the investigation of the matter to the ICAC and other relevant parties in order to allow them to make submissions on the issues raised in the draft report should they wish to do so. At the time of writing this report it is expected that the report on this matter will be finalised by 30 September 2008.

Complaints received between 1 July 2006 and 30 June 2007 that were finalised between 1 July 2007 and 30 June 2008

Complaints determined as not warranting investigation

1. In May 2007 a complaint was received by email alleging that the ICAC had unreasonably failed to consider relevant evidence which had been provided by the complainant. Although the complainant had written to the Inspector the substance of the complaint was addressed to the ICAC.

In June 2007 the Inspector sent a letter to the complainant acknowledging the complaint and asked the complainant to clarify whether the complaint was actually intended for the Inspector. In September 2007 the complainant was advised that due to a lack of response the Inspector would not be dealing with the complaint. In September 2007 the complainant sent an email to the Inspector. The email did not, however, address any of the issues to which the complainant had been asked to respond. The Inspector determined that the complaint warranted no further action.

2. In October 2006 a complaint was received by facsimile alleging abuse of power, maladministration and misconduct by the ICAC. The allegations were that the ICAC had unreasonably failed to properly assess evidence concerning bribery and fraud in a named local government council. The complainant further alleged that ICAC staff had lied to him concerning its handling of the complaint and that complaints he had made about this to the ICAC had been dismissed without proper consideration of the relevant evidence. The complainant also alleged that the ICAC had taken an unreasonable length of time to assess the complaint.

In October 2006 the complainant was requested to provide further particulars concerning his various allegations, some of which related to complaints he had previously made to the ICAC. In January 2007, the complainant advised the Inspector that the ICAC was reviewing his most recent complaint to it and he therefore wished to suspend his complaint to the Inspector.

In March 2007 the complainant wrote to the Inspector making further various allegations and also requesting that the Inspector deal with the complaint that had been made in October 2006 against the ICAC. In March 2007 the Inspector sought clarification from the complainant in respect of his most recent letter.

In July 2007 the complainant was again requested to provide a response and this was received in late July 2007. The Inspector then proceeded to

assess the matter. The assessment required detailed consideration of a voluminous amount of material including material supplied by the complainant. In November 2007 the Inspector wrote to the complainant advising that he had determined that the allegations against the ICAC and its officers could not be substantiated and that he would therefore not be investigating the complaint.

3. In November 2006 a written complaint was received by mail alleging maladministration and corrupt conduct by the ICAC in relation to its management of a complaint concerning alleged corrupt conduct by named public officials. The Inspector assessed the complaint and in February 2007 advised the complainant that he would not proceed with investigation as the allegations could not be substantiated. The complaint was therefore finalised prior to the current reporting period. However, the complainant also requested advice as to an agency or body to whom he could complain about the Inspector, as he was dissatisfied with the Inspector's decision. In October 2007, after the Inspector received independent legal advice on the issue, the complainant was advised that there was no agency or body where such a complaint could be made. The complainant was, however, further advised that he might wish to obtain his own advice on the issue.
4. In April 2007 a complaint was received by email alleging maladministration by a named public agency. In July 2007 the Inspector wrote to the complainant advising that the complaint was not within jurisdiction and would therefore not be dealt with.
5. In April 2007 a complaint was received by telephone alleging maladministration by the ICAC arising from an investigation which it had conducted against a named public agency. The particulars of the alleged maladministration were that the ICAC had produced a report (as a result of an investigation) which failed to address key evidentiary issues and that the investigation itself had been the subject of unreasonable delay. Enquiries made by the Inspector showed that there had been no investigation by the ICAC as alleged by the complainant but it had undertaken a detailed assessment of the complainant's allegations.

In November 2007 the Inspector wrote to the complainant advising that an assessment of the complaint had shown that the allegations had not been substantiated and the complaint would not be dealt with any further. Since that time the Inspector has continued to receive emails from the complainant alleging improper conduct within the New South Wales public sector. The Inspector has reviewed each of these emails and for the present time has determined that no further action is warranted.

6. In June 2007 a complaint was received by telephone alleging rude and improper conduct by a named ICAC officer. In late June 2007 the complainant advised the OIICAC that there was a misunderstanding about the nature of her complaint and that she wished to withdraw it. In July 2007 the Inspector wrote to the complainant confirming her advice.

7. In June 2007 a complaint was received by mail alleging maladministration by the ICAC, in particular an unreasonable failure to assess evidence provided to it concerning alleged corrupt conduct by a named local government council. The complainant also alleged delay by the ICAC in its management of the complaints that he had made to it. In January 2008, following a detailed consideration of material provided by the complainant and other relevant evidence, the Inspector wrote to the complainant advising that the allegations had not been substantiated and the complaint would therefore not be investigated.
8. In June 2007 a complaint was received by telephone alleging maladministration by the ICAC in unreasonably determining that it would not investigate a complaint concerning alleged corrupt conduct by a named government agency. The complainant advised that he had also commenced proceedings in the Supreme Court of New South Wales seeking redress for the same issues as raised in the complaint to the Inspector. In August 2007 the Inspector wrote to the complainant advising that he would not deal with the complaint while legal proceedings were still on foot as this was not an effective use of public resources. The Inspector further advised the complainant that should the litigation be discontinued, or once it was finalised, a complaint could be made to the Inspector should the complainant wish to do so.

Complaints referred back to the ICAC between 1 July 2007 and 30 June 2008

1. In April 2007 a complaint was received by email from a former ICAC employee alleging maladministration, in particular unreasonable and unjust conduct, by a named ICAC officer. The complainant had written an article in a newspaper, which referred to information which had been provided in evidence by a public officer in a submission made to the ICAC. The complainant alleged that the named ICAC officer had engaged in unreasonable and unjust conduct by writing to the complainant accusing him of breaching s 111 of the ICAC Act without giving the complainant an opportunity to provide information about his sources for quoting the public officer.

The complainant had subsequently been able to demonstrate to the ICAC's satisfaction that there had been no breach of s 111 of the Act as the information he had quoted in the newspaper article had been previously disclosed in the public arena.

In March 2008 the Inspector wrote to the ICAC and the named ICAC officer enclosing a draft report containing his investigation of and recommendations concerning the complaint. The ICAC and the named ICAC officer responded in April 2008. In summary, the ICAC and the named ICAC officer submitted that they did not agree with the Inspector's views as expressed in the draft report and contended that the email sent by the named officer had constituted an invitation at large to the complainant to respond to the issues raised. The ICAC advised that it would not be adopting the Inspector's recommendations, which were directed at firstly addressing the complainant's concerns about his reputation and secondly

clarifying the application of s 111. The Commissioner advised he was of the view that current ICAC procedures for reminding ICAC officers of their obligations under s 111 were adequate.

In May 2008 the Inspector wrote to the complainant advising that he had not made a finding of maladministration against the named ICAC officer. However, the Inspector also indicated that his view was that it had been ill-advised of the named ICAC officer to write to the complainant in the terms in which he had. The Inspector further advised the complainant that his recommendations to the ICAC had not been accepted and that as he did not have the power to enforce the recommendations he was not able to progress with the complaint any further.

Complaints received between 1 July 2007 and 30 June 2008 that were finalised by 30 June 2008

Complaints determined as not warranting investigation

1. In July 2007 a complaint was received by mail alleging maladministration on the part of the ICAC and in particular by a named ICAC officer. The particulars of maladministration were that the ICAC and the named ICAC officer had been unreasonable in the assessment of evidence provided by the complainant. In October 2007, the Inspector wrote to the complainant advising that an assessment of the complaint showed that the allegations could not be substantiated and the complaint would therefore not be investigated.
2. In July 2007 a complaint was received by mail alleging maladministration by the ICAC and in particular by a named ICAC officer. The particulars of the allegation were that the ICAC and the named ICAC officer had unreasonably delayed dealing with the complaint. The complainant also made allegations against another public authority. The complainant did not, however, seek an investigation of her allegations against the ICAC but requested that the Inspector investigate the original complaint that she had made to the ICAC. In August 2007 the Inspector wrote to solicitors representing the complainant (who had been identified as persons to whom any correspondence should be directed) and advised that he would not be dealing with the complaint as the request for action was outside his jurisdiction.
3. In July 2007 a complaint was received by facsimile alleging harassment by unnamed members of a named public authority. In August 2007 the Inspector advised the complainant that the complaint was not within jurisdiction and would therefore not be investigated.
4. In July 2007 an anonymous complaint was received by mail alleging the dumping of toxic soil and asbestos waste at a named public high school. In July 2007 the Inspector determined that the complaint was not within jurisdiction and would therefore not be investigated.

5. In July 2007 a complaint was received by email alleging impropriety by a named public authority. In August 2007 the Inspector advised the complainant that the complaint was not within jurisdiction and would therefore not be investigated.
6. In July 2007 a complaint was received by email alleging maladministration by the ICAC in unreasonably failing to assess evidence provided to it concerning a named local government council. The particulars of the complaint included an allegation that the ICAC had failed to make proper enquiries in order to obtain relevant evidence during the assessment process. In November 2007 the Inspector wrote to the Commissioner seeking an explanation as to why certain enquiries, which appeared to be material to assessment of the complaint, had not been made. In January 2008 the Commissioner responded advising that he considered that whether or not the ICAC made certain enquiries during the assessment process was not a matter for the Inspector. The Commissioner reasoned that this was because the ICAC had a broad discretion as to whether or not it investigated any particular matter and the exercise of this discretion was affected by such considerations as the availability of financial resources and competing work priorities. The Commissioner advised that, in any event, in this particular matter the ICAC had decided not to make enquiries as it assessed that there was insufficient evidence to suggest corrupt conduct.

In May 2008 the Inspector wrote to the complainant advising that he had written to the ICAC concerning its conduct during the assessment process, however, as he was of the view that the allegations of maladministration could not be substantiated the complaint would not be investigated.

7. In July 2007 a complaint was received by mail alleging maladministration by the ICAC in unreasonably failing to investigate a complaint made to it concerning alleged corrupt conduct by a named public agency. In October 2007 the Inspector wrote to the Commissioner enclosing a draft of the letter proposed to be sent to the complainant in order to allow the Commissioner an opportunity to comment on any matters outlined in the draft letter. The Commissioner responded in November 2007 advising that he objected to the Inspector's comment in the letter concerning his conduct.

The Inspector made a minor modification to the letter taking into account the Commissioner's comment. The Inspector sent the finalised letter to the complainant in late November 2007. The letter included advice that the Inspector had determined that the allegations could not be substantiated and the complaint would therefore not be investigated.

8. In July 2007 a complaint was referred to the Inspector by a Member of Parliament on behalf of a constituent. The complaint alleged that the ICAC had engaged in corrupt conduct by covering up alleged corrupt conduct of high-profile named public officers. In November 2007 the Inspector wrote to the Member of Parliament and also to the complainant advising that an

assessment of the complaint showed that the allegations could not be substantiated and the complaint would therefore not be investigated.

9. In July 2007 a complaint was received by mail alleging impropriety by the ICAC in dealing with a complaint and also maladministration, namely unreasonable conduct, in its assessment of the complaint. In September 2007 the Inspector wrote to the complainant advising that an assessment of the complaint showed that the allegations could not be substantiated and the complaint would therefore not be investigated.
10. In August 2007 a complaint was received by email alleging corrupt conduct by a named public officer. In September 2007 the Inspector wrote to the complainant advising that the complaint was not within jurisdiction and would therefore not be investigated.
11. In September 2007 a complaint was received by telephone alleging maladministration by the ICAC in unreasonably failing to deal with a complaint in a timely manner and also being unreasonable in not providing the complainant with appropriate information during the assessment process. In December 2007 the Inspector wrote to the complainant advising that an assessment of the complaint showed that the allegations could not be substantiated and the complaint would therefore not be investigated.
12. In October 2007 a complaint was received by mail alleging impropriety by a named public authority. In November 2007 the Inspector advised the complainant that the complaint was not within jurisdiction and would therefore not be investigated.
13. In October 2007 a complaint was received by email alleging impropriety by a named former officer of a local government council. In November 2007 the Inspector advised the complainant that the complaint was not within jurisdiction and would therefore not be investigated.
14. In October 2007 a complaint was received by facsimile alleging maladministration by the ICAC in that it had been unreasonable in its assessment of evidence concerning alleged corruption by a named public authority. This included an allegation that it had failed to consider relevant evidence and based its decision not to investigate on irrelevant evidence. The complainant also alleged that there had been an unreasonable delay by the ICAC in dealing with the complaint. In December 2007 the Inspector wrote to the complainant advising that an assessment of the evidence showed that the allegations could not be substantiated and the complaint would therefore not be investigated.
15. In September 2007 a complaint was received by email alleging impropriety by named ICAC officers in their dealing with a complainant. In November 2007 the complainant made a further complaint to the Inspector alleging improper conduct by the Executive Officer of the Office of the Inspector of the ICAC in dealing with the complaint. In late November 2007 the Inspector wrote to the complainant and advised that he had investigated

the complaint against the Executive Officer and had formed a view that the allegations could not be substantiated.

The Inspector further advised that he was currently assessing the complainant's allegations against the ICAC and would correspond further when the assessment had been completed. In March 2008 the Inspector wrote to the complainant advising that his assessment of the complaint against the ICAC's named officers showed that the allegations could not be substantiated and the complaint would therefore not be investigated.

16. In November 2007 a complaint was received by mail alleging impropriety by the ICAC. The particulars of the complaint were that an ICAC report, which included details of the complainant's name and her involvement as a witness in an ICAC inquiry (in which no adverse findings were made against the complainant), was available on the internet. The complainant claimed that the publication of her name on the internet harmed her reputation. In February 2008 the Inspector wrote to the complainant advising that the complaint would not be investigated because he did not consider that the publication of an ICAC report on the internet containing her name and involvement in the ICAC's public inquiry constituted an impropriety. The Inspector further advised the complainant that he noted that during the course of the ICAC inquiry an application to suppress the complainant's name had been refused.
17. In November 2007 a complaint was received by mail alleging maladministration by the ICAC in allegedly engaging in improper and unreasonable conduct in relation to an investigation that it had conducted against the complainant. The complainant also alleged that the ICAC had given misleading evidence to the Parliamentary Joint Committee on the ICAC in respect of certain comments made about the complainant. The Inspector's assessment of the complaint included an examination of relevant ICAC files, the ICAC report concerning the investigation and transcripts of evidence from the public hearing. In May 2008 the Inspector wrote to the complainant advising that an assessment of the evidence showed that the allegations could not be substantiated and the complaint would therefore not be investigated.
18. In November 2007 a complaint was received by mail alleging misconduct by a named local government council. In late November 2007 the Inspector advised the complainant that the complaint was not within jurisdiction and would therefore not be investigated.
19. In December 2007 a complaint was received by mail alleging maladministration by the ICAC in unreasonably failing to assess evidence concerning corrupt conduct by a named officer of a local government council. In February 2008 the Inspector wrote to the complainant advising that an assessment of the evidence showed that the allegations could not be substantiated and the complaint would therefore not be investigated.

20. In December 2007 a complaint was received by telephone alleging maladministration by the ICAC in unreasonably failing to assess evidence submitted to it concerning the conduct of a named public authority. In February 2008 the Inspector wrote to the complainant advising that an assessment of the evidence showed that the allegations could not be substantiated and the complaint would therefore not be investigated.
21. In January 2008 a complaint was received by mail alleging misconduct and impropriety by the ICAC in ignoring allegations of corrupt conduct made against a named public authority. In June 2008 the Inspector wrote to the complainant advising that an assessment of the evidence showed that the allegations could not be substantiated and the complaint would therefore not be investigated.
22. In January 2008 a complaint was received by mail alleging abuse of power and maladministration by a named ICAC officer in respect of a complaint made to the ICAC against a named government service provider. In March 2008 the Inspector wrote to the complainant advising that an assessment of the evidence showed that the allegations could not be substantiated and the complaint would therefore not be investigated.
23. In January 2008 a complaint was received by email concerning the conduct of public officers and private organisations located outside of Australia. In March 2008 the Inspector advised the complainant that the complaint was not within jurisdiction and would therefore not be investigated.
24. In January 2008 a complaint was received by telephone alleging maladministration by the ICAC in unreasonably failing to assess evidence concerning alleged corrupt conduct by named officers of a named local government council. In March 2008 the Inspector wrote to the complainant advising that an assessment of the evidence showed that the allegations could not be substantiated and the complaint would therefore not be investigated.
25. In January 2008 a complaint was received by telephone alleging maladministration by the ICAC, namely bias and an unreasonable failure to take into account relevant evidence in assessing a complaint concerning alleged corrupt conduct by a named public agency. In March 2008 the Inspector wrote to the complainant advising that an assessment of the evidence showed that the allegations could not be substantiated and the complaint would therefore not be investigated.
26. In January 2008 a complaint was received by mail alleging improper conduct by a named ICAC officer in respect of a complaint made to the ICAC concerning alleged corrupt conduct by a named government agency. The particulars of the complaint were that the officer had behaved inappropriately towards the complainant and had also failed to reasonably assess relevant evidence. In March 2008 the Inspector wrote to the complainant advising that an assessment of the evidence showed that the

allegations could not be substantiated and the complaint would therefore not be investigated.

27. In January 2008 a complaint was received by telephone alleging maladministration by the ICAC in that it had been unreasonable in failing to assess evidence in a complaint made to it concerning alleged corrupt conduct by a named local government council. In March 2008 the Inspector wrote to the complainant advising that an assessment of the evidence showed that the allegations could not be substantiated and the complaint would therefore not be investigated.
28. In February 2008 a complaint was received by telephone alleging maladministration, namely an unreasonable failure to assess relevant evidence in respect of a complaint concerning alleged corrupt conduct by a named public authority. The complainant also alleged that the ICAC had engaged in a lengthy delay in dealing with the complaint. In March 2008 the Inspector wrote to the complainant advising that an assessment of the evidence showed that the allegations could not be substantiated and the complaint would therefore not be investigated.
29. In February 2008 a complaint was received by telephone alleging bias and misconduct by named ICAC officers in relation to the assessment of evidence in a complaint made concerning alleged corrupt conduct by named public authorities. The complainant further alleged that he had been blacklisted by the ICAC and that it was therefore now refusing to deal with him. In May 2008 the Inspector wrote to the complainant advising that an assessment of the evidence showed that the allegations could not be substantiated and the complaint would therefore not be investigated.
30. In February 2008 a complaint was received by email alleging abuse of power by the ICAC. Although the complainant alleged an abuse of power, a review of the complaint indicated that the allegations appeared to be that the ICAC had acted improperly by unreasonably declining to investigate a complaint because of bias arising out of a conflict of interest. In June 2008 the Inspector wrote to the complainant advising that an assessment of the evidence showed that neither the original allegations made by the complainant, nor the allegations as assessed by the Inspector, could be substantiated and that the complaint would therefore not be investigated.
31. In February 2008 a complaint was received by email alleging illegal conduct by a private company. In March 2008 the Inspector advised the complainant that the complaint was not within jurisdiction and would therefore not be investigated.
32. In March 2008 a complaint was received by telephone originally alleging maladministration by an unnamed ICAC officer in the handling of a complaint made to the ICAC concerning alleged corrupt conduct by a named local government council. The particulars of the alleged maladministration were that there had been a lengthy delay in dealing with the complaint and also that the ICAC had lost its files concerning the complaint. The complainant further alleged an unreasonable failure to

properly assess relevant evidence by a named officer and misconduct by unnamed ICAC officers who allegedly threatened and intimidated him so that he would discontinue pursuit of his complaint. Furthermore, the complainant alleged that another named ICAC officer was unprofessional and rude to him. In June 2008 the Inspector wrote to the complainant advising that an assessment of the evidence showed that the allegations could not be substantiated and the complaint would therefore not be investigated.

33. In March 2008 a complaint was received from a solicitor, who had recently taken over carriage of a matter to act on behalf of a witness who had been served with a summons to give evidence at an inquiry held by the ICAC. The complainant alleged maladministration by the ICAC, in that it was unreasonable for the ICAC to refuse the solicitor's request for a variation of a non-publication order so that he could attend at the ICAC to read transcripts of a compulsory examination at which his client had given evidence. The complainant alleged that he needed to do this in order to effectively represent his client at a forthcoming ICAC inquiry. The ICAC had advised the complainant that an application for a variation of the non-publication order could be made on the first day of the inquiry.

In March 2008 the Inspector spoke with the Commissioner about the complaint. The Commissioner advised his view on the matter and subsequently confirmed this advice in writing.

In March 2008 the Inspector wrote to the complainant advising that he was satisfied with the Commissioner's explanation as to why the ICAC did not vary the non-publication order. The Inspector further advised the complainant that it was open to him to seek a variation of the suppression order enabling his client's previous solicitor to discuss the evidence that his client had previously given at an ICAC compulsory examination. The Inspector advised the complainant that as he had formed the view that the ICAC's conduct did not amount to maladministration he would not be dealing with the complaint any further.

34. In April 2008 a complaint was received by telephone alleging maladministration on the part of the ICAC in failing to properly assess evidence with respect to a complaint concerning alleged corrupt conduct by unnamed officers of a named public authority. In May 2008 the Inspector wrote to the complainant advising that an assessment of the evidence showed that the allegations could not be substantiated and the complaint would therefore not be investigated.
35. In April 2008 a complaint was received by mail alleging impropriety on the part of a named ICAC officer, namely that he was disclosing confidential information to a named officer of a named public authority about ICAC investigations against that authority. In May 2008, prior to the complaint being assessed, the complaint was withdrawn. The Inspector had, however, communicated the allegations to ICAC management and discussions had occurred as to the likelihood of the allegations being

substantiated. The Inspector was satisfied that no inquiries needed to be conducted in respect of the complaint.

36. In April 2008 a complaint was received by mail alleging maladministration on the part of the ICAC in failing to properly assess evidence concerning alleged corrupt conduct by a named public authority. In June 2008 the Inspector wrote to the complainant advising that an assessment of the evidence showed that the allegations could not be substantiated and the complaint would therefore not be investigated.
37. In April 2008 a complaint was received by email alleging maladministration on the part of the ICAC in failing to properly assess material evidence in a complaint concerning alleged corrupt conduct by a named public authority. In May 2008 the Inspector wrote to the complainant advising that an assessment of the evidence showed that the allegations could not be substantiated and the complaint would therefore not be investigated.
38. In May 2008 a complaint was received by telephone alleging corrupt conduct by a named ICAC officer in the handling of a complaint concerning alleged corrupt conduct by a named public agency. The complainant alleged that the alleged corrupt conduct had led to the ICAC declining to investigate the complaint. Enquiries with the ICAC revealed that no such named person had been or was employed by the ICAC. In June 2008 the Inspector wrote to the complainant advising that enquiries had shown that no such ICAC employee existed and therefore that the complaint would not be investigated.
39. In May 2008 a complaint was received by email alleging mistreatment by various government authorities. In May 2008 the Inspector advised the complainant that the complaint was not within jurisdiction and would therefore not be investigated.
40. In May 2008 a complaint was received by facsimile alleging corrupt conduct by the ICAC and its officers in respect of its decision not to investigate a complaint made to it concerning alleged corrupt conduct by various public officials. In June 2008 the Inspector wrote to the complainant advising that an assessment of the evidence showed that the allegations could not be substantiated and the complaint would therefore not be investigated.

Complaints referred back to the ICAC by 30 June 2008

1. In October 2007 a complaint was received by mail alleging maladministration by the ICAC, namely that it had been unreasonable in failing to properly assess a complaint against a named public authority and a named public officer. In January 2008, after assessing the complaint, the Inspector wrote to the complainant advising that an assessment of the evidence showed that the allegations could not be substantiated and the complaint would therefore not be investigated.

In the same month the Inspector also wrote to the Commissioner indicating that while the complainant's allegations of maladministration against the ICAC could not be sustained, there were two issues of concern. The first was that it appeared that information about the Inspector's role was not provided to the complainant following the complainant's specific request to the ICAC for an external body or agency from whom he could seek a review of the ICAC's conduct. In February 2008 the Commissioner responded in writing advising that he accepted that appropriate information had not been given to the complainant at the relevant time but, since then, the Deputy Commissioner had met with assessment officers to confirm their obligations in this regard. The Commissioner further advised that a revision of the ICAC's assessment policies and procedures would include a reference as to when it would be appropriate for assessment officers to advise complainants about the Inspector's role and functions.

The Inspector's second concern was that the ICAC had not, as per its usual practice, advised the complainant that any further information provided by him would be assessed but that no further correspondence could be entered into unless new or substantive information was provided. In response to this concern the Commissioner advised that the complainant had been given such advice in previous correspondence. The Inspector accepted this explanation.

2. In January 2008 an anonymous complaint was received by mail alleging maladministration by the ICAC in failing to properly assess evidence concerning alleged corrupt conduct by a named former employee of a named public authority. The particulars of maladministration were that the ICAC based a decision not to investigate the complaint on incorrect factual information and also failed to consider material evidence. In April 2008 the Inspector wrote to the Commissioner indicating that there appeared to be a factual error contained in the ICAC's report to the Assessment Panel in respect of certain evidence and that it also appeared that a key report had not been assessed. The Inspector recommended that the key report be assessed. In May 2008 the Deputy Commissioner wrote to the Inspector and advised that the ICAC would reassess the complaint.
3. In March 2008 a complaint was received by email alleging maladministration, namely an unreasonable failure by the ICAC to respond to the complainant about a complaint that he had made about alleged corrupt conduct by a named public agency. The complainant sought the Inspector's assistance to obtain a response from the ICAC. In April 2008 the Inspector wrote to the ICAC requesting that it respond to the complainant if it had not already done so. In late April 2008 the Deputy Commissioner wrote to the Inspector advising that the ICAC had already responded to the complainant and was currently undertaking a review of the complaint based on a recent request from the complainant. The Inspector determined that in light of the ICAC's response no further action on the complaint was warranted.

Complaints received between 1 July 2007 and 30 June 2008 that had not been finalised by 30 June 2008

As at the time of writing this report, the complaints listed below were at various stages of assessment, including some nearly being finalised.

1. In July 2007 a complaint was referred from the ICAC by mail alleging abuse of power and improper conduct by named ICAC officers in the course of an ICAC investigation. The complainant alleged that the named officers had harassed and intimidated her and her staff during the course of serving legal process and during the course of a compulsory examination which the complainant had attended.
2. In September 2007 a complaint was received by mail alleging maladministration by the ICAC in failing to properly assess evidence in respect of a complaint made alleging corrupt conduct by a named former officer of a named public authority. In February 2008 the Inspector wrote to the complainant advising that the ICAC's assessment of the complaint had not been finalised and he would wait until this had been done. In June 2008 the Inspector wrote to the complainant advising that as the ICAC had now declined to investigate the complaint but had referred certain allegations to other government agencies, he would now proceed to assess the complaint.
3. In September 2007 a complaint was received by email alleging maladministration by the ICAC in unreasonably failing to properly consider and assess material evidence concerning a complaint against a named public authority. It was also alleged that a named ICAC officer had misreported material facts and thereby distorted key elements of the complaint. A further and separate allegation was that the same named ICAC officer had breached the complainant's protected disclosure status by telephoning him at his workplace to discuss his complaint. The complainant also alleged that the named ICAC officer was rude and unprofessional towards him, including ridiculing him about the allegations that he had made.

In late September 2007 the Inspector sought further particulars from the complainant. Between late September 2007 and October 2007, correspondence was exchanged between the Inspector's office and the complainant. The Inspector subsequently reviewed relevant material including the ICAC's files from November 2007. As a result of this review the complainant was requested to provide particulars. As of 30 June 2008 the complainant has continued to write to the Inspector requesting information but had not answered the Inspector's request for particulars.

4. In October 2007 a complaint was received by mail alleging maladministration by the ICAC in failing to properly assess evidence concerning alleged corrupt conduct by named public authorities. The complainant further alleged unlawful and improper conduct by a named ICAC officer in his dealings with the complainant.

The complainant had previously complained to the Inspector on substantially the same issues in November 2006 and had subsequently been advised by the Inspector that the complaint would not be investigated. The complainant had also been advised by the Inspector in October 2007 that there was no body to whom he could complain about the Inspector's decision.

In December 2007 the complainant raised further allegations of corrupt conduct by the ICAC. In February 2008 the complainant alleged unlawful conduct by a second named ICAC officer. The complainant also raised fresh allegations of improper conduct against the first named ICAC officer. Between April 2007 and June 2008 the complainant contacted the Inspector's office regarding administrative issues concerning his complaint.

5. In August 2007 a complaint was received by mail alleging maladministration by the ICAC, namely that the ICAC had been unreasonable in its assessment of a complaint concerning a named public authority. In August 2007 the Inspector wrote to the complainant requesting further particulars of the complaint. The complainant wrote to the Inspector in October 2007 but did not respond to the request for particulars. The Inspector subsequently wrote to the complainant again in November 2007 repeating his request for particulars. In May 2008 a further letter was sent to the complainant on the same issue. As of 30 June 2008 there has been no response from the complainant.
6. In March 2008 a complaint was received by mail alleging maladministration by the ICAC in failing to properly assess evidence provided by the complainant concerning alleged corrupt conduct by two named officers of a named public agency. The alleged failure to properly assess evidence included a failure to consider audio evidence containing alleged evidence of corrupt conduct.
7. In March 2008 a complaint was received by email alleging corrupt conduct on the part of a named public authority and a named ICAC officer.
8. In March 2008 a complaint was received by telephone alleging maladministration by the ICAC in failing to properly assess evidence provided by the complainant concerning a named local government council.
9. In March 2008 a complaint was received by mail alleging maladministration by the ICAC in failing to properly assess or investigate a complaint concerning a named local government council. In particular the complainant alleged that the ICAC had unreasonably failed to consider material evidence during the assessment process. Subsequent to that date, the Inspector requested the ICAC's files so that the complaint could be assessed.

10. In March 2008 a complaint was received by mail alleging maladministration by the ICAC, namely that it had been unreasonable and improperly discriminatory in withdrawing an offer of employment to the complainant following a security vetting process conducted on the complainant. As of 30 June 2008 the Inspector had arranged for the Executive Officer to attend the ICAC premises to review the ICAC security vetting file.
11. In April 2008 a complaint was received by mail alleging maladministration by the Commissioner of the ICAC, namely that it had been unreasonable of the Commissioner not to directly respond to a letter of complaint concerning alleged corruption by a named academic institution. As at 30 June the Inspector was yet to finalise assessment of the complaint. However, the Inspector had noted a senior ICAC officer had responded on the Commissioner's behalf to the complainant.
12. In May 2008 a complaint was received by facsimile alleging maladministration by the ICAC, namely that the ICAC had based its decision not to investigate a complaint on the wrong facts. The complaint also alleged discrimination by the ICAC. Although the complaint was addressed to the Inspector, the contents of the complaint were addressed to the ICAC.

In May 2008 the Executive Officer to the Inspector wrote to the complainant outlining the Inspector's role and functions, and inviting the complainant to lodge a complaint to the Inspector should she wish to do so. As at 30 June 2008 the Inspector determined that, in light of the complainant stating in her original letter of complaint that she had a disability, it would be appropriate to allow the complainant a further period of time in which to respond to the Executive Officer's letter.
13. In May 2008 a complaint was received by facsimile alleging maladministration by the ICAC in failing to assess a complaint in a timely manner and being unreasonable in not allocating appropriate resources to assess the complaint.
14. In June 2008 a complaint was received by email alleging corrupt conduct by unnamed public officers and named public agencies.
15. In June 2008 a complaint was received by mail alleging maladministration by the ICAC in unreasonably failing to properly assess evidence concerning alleged corrupt conduct by a named official of a named local government council. In June 2008 the Inspector wrote to the complainant concerning the complaint.
16. In June 2008 a complaint was received by telephone alleging corrupt conduct by the ICAC in respect of a complaint made to it concerning a named public authority.
17. In June 2008 a complaint was received by telephone alleging maladministration by the ICAC in withdrawing an offer of employment. The

particulars of the maladministration were that the ICAC's decision to withdraw the offer of employment had been based wholly or partly on improper motives.

18. In June 2008 a complaint was received by email requesting a review of an ICAC decision not to investigate a complaint of corrupt conduct by a named local government council. The complainant wrote to the Inspector three further times in June 2008.
19. In June 2008 a complaint was received by email alleging improper conduct by lawyers and members of the NSW judiciary in relation to the complainant's sentencing.

PART 4: CORRECTIONS

INSPECTOR'S 2006-2007 ANNUAL REPORT

Off-duty conduct referred back to the ICAC: page 12

The table on Page 12 of the 2006-2007 Annual Report lists a complaint concerning off-duty conduct by an ICAC officer as being referred back to the ICAC between 1 July 2006 and 30 June 2007. This is incorrect. No complaints concerning off-duty conduct were referred back during this period. A complaint concerning off-duty conduct of an ICAC officer was referred back to the ICAC in June 2006.

Complaints not warranting investigation: page 12

The table on page 12 of the 2006-2007 Annual Report lists 29 complaints as not warranting investigation between 1 July 2006 and 30 June 2007. This figure is incorrect and should read as '30'. The corrected figure is reproduced in the 2007-2008 Annual Report.

Method of receipt of complaints: page 12

The table on Page 12 of the 2006-2007 Annual Report lists 21 complaints received by mail, 9 complaints received by email, 3 complaints received by facsimile and 16 complaints received by telephone between 1 July 2006 and 30 June 2007. These statistics wrongly included the secondary method of receipt. For example, when a complaint was received by telephone and then followed up in greater detail in writing, both the telephone call and the written form of communication were recorded as methods of receipt. In such an instance, only the telephone call should have been recorded as it was the original method of receipt. The correct statistics for complaints received between 1 July 2006 and 30 June 2007 for the above-mentioned categories are as follows:

- Mail: 18
- Email: 6
- Facsimile: 1
- Telephone: 12

INSPECTOR'S EVIDENCE TO THE PARLIAMENTARY JOINT COMMITTEE ON 1 NOVEMBER 2007: PAGE 34

At its meeting of 1 November 2007 with the Inspector, the Parliamentary Joint Committee raised a discrepancy in the number of complaints that had been advised as having been received between 1 July 2006 and 30 June 2007. The Committee noted that page 12 of the 2006-2007 Annual Report noted the number as being 37, while in response to questions on notice, the Inspector had advised this number as being 39. The Inspector confirmed that the correct number was 37 and that the advice of 39 had been mistakenly provided in response to the questions on notice.

INSPECTOR'S REPORT ON AN AUDIT OF THE ICAC'S COMPLIANCE
WITH THE *LISTENING DEVICES ACT 1984*: PAGE 16

Page 16 of the Inspector's report on the audit states:

"Where a report is given to an eligible Judge under ss (1), an eligible Judge may direct that any record of evidence or information obtained by the use of the listening device to which the report relates be brought into the Court, and a person to whom any such direction is given shall comply with the direction.

There was no documentation provided to the OIICAC which indicated that any of the listening devices granted in the warrants audited were subject to such a direction. The ICAC was asked to advise on this issue. The ICAC's response will be incorporated in the final audit report."

The last two sentences, quoted above from the audit report, should have read:
"The ICAC has advised that no such directions were given."