



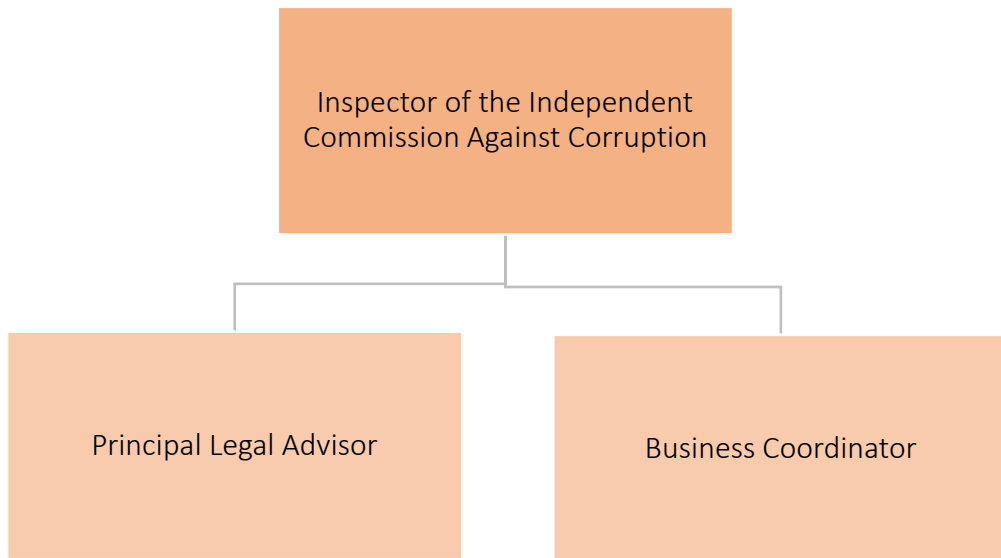
## **Agency Information Guide**

Section 20 of the *Government Information (Public Access) Act 2009* (“the GIPA Act”) requires an agency to have an information guide. This is the Office of the Inspector of the Independent Commission Against Corruption (OIICAC) Information Guide. As required by the GIPA Act, this Guide:

- (a) describes the structure and functions of the agency, and
- (b) describes the ways in which the functions (including, in particular, the decision-making functions) of the agency affect members of the public, and
- (c) specifies any arrangements that exist to enable members of the public to participate in the formulation of the agency’s policy and the exercise of the agency’s functions, and
- (d) identifies the various kinds of government information held by the agency, and
- (e) identifies the kinds of government information held by the agency that the agency makes (or will make) publicly available, and
- (f) specifies the manner in which the agency makes (or will make) government information publicly available, and
- (g) identifies the kinds of information that are (or will be) made publicly available free of charge and those kinds for which a charge is (or will be) imposed.



*OIICAC's Structure*





### ***OIICAC's Functions***

The Inspector of the Independent Commission against Corruption (ICAC) is an independent statutory officer whose primary role is to provide oversight of the ICAC and its officers in the manner in which it carries out its functions. The Inspector's functions and powers are set out in Part 5A of the *Independent Commission Against Corruption Act 1988* (ICAC Act).

Pursuant to section 57B(1) of the ICAC Act, the Inspector has the following functions:

- (a) to audit the operations of ICAC for the purpose of monitoring compliance with the law of the State, and
- (b) to deal with (by reports and recommendations) complaints of abuse of power, impropriety and other forms of misconduct on the part of ICAC or officers of ICAC, and
- (c) to 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 ICAC or officers of ICAC, and
- (d) to assess the effectiveness and appropriateness of the procedures of ICAC relating to the legality or propriety of its activities.

### ***How OIICAC's functions affect the public***

As the Inspector is responsible for overseeing ICAC, members of the public may complain to the Inspector about the conduct of ICAC and/or its officers. His function in that respect is set out in section 57B(1)(b) of the ICAC Act which states that:

*to 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*

Members of the public may be asked to assist the Inspector in investigating misconduct on the part of ICAC or its officers by providing information. In carrying out his functions, the Inspector may make or hold inquiries and in doing so the Inspector has the powers, authorities, protections and immunities conferred on a commissioner by the *Royal Commissions Act 1923*.

### ***Types of Government information held by OIICAC***

OIICAC holds information relating to its auditing and complaint handling functions. However, such information is "excluded information" for the purposes of the GIPA Act. This means that an access application under the GIPA Act seeking any of this information is not a valid application. There may be occasions where such information is made publicly available on the OIICAC website, for instance, any OIICAC report that is tabled in Parliament is available on the OIICAC website ([oiicac.nsw.gov.au](http://oiicac.nsw.gov.au)) under "Reports".



Under the GIPA Act information can be made available to the public in the following ways:

- Open access information:
  - Section 6(1) of the Act provides that an agency must make government information that is its *open access information* publicly available unless there is an overriding public interest against disclosure of the information (as to what constitutes “open access information” see paragraph 4 below.)
- Proactive release of Government information:
  - Section 7(1) of the Act provides that an agency is authorised to make any government information held by the agency publicly available unless there is an overriding public interest against disclosure of the information.
- Informal release of Government information:
  - Section 8(1) of the Act provides that agency is authorised to release government information held by it to a person in response to an informal request by the person (that is, a request that is not an access application) unless there is an overriding public interest against disclosure of the information.
- Access application
  - Section 9(1) of the Act provides that a person who makes an access application for government information has a legally enforceable right to be provided with access to the information in accordance with Part 4 (Access applications) unless there is an overriding public interest against disclosure of the information.

### ***Publicly available OIICAC Government Information***

The GIPA Act requires “open access information” to be made publicly available. This information is identified under the “Reports” section of the OIICAC website ([www.oiiac.nsw.gov.au](http://www.oiiac.nsw.gov.au) ). OIICAC information that is publicly available free of charge includes Annual Reports and Special Reports prepared by the Inspector.

### ***Public Participation***

As indicated earlier, members of the public can make a complaint to OIICAC if they believe that the conduct of ICAC and/or its officers amounts to agency and/or officer maladministration or officer misconduct. Other than that, ICAC does not directly involve members of the public in its work, particularly its auditing function which involves handling information which is highly confidential and sensitive.

### ***Manner in which OIICAC government information is made available***

Formal applications for information under GIPA (Access applications) can be found on the OIICAC website ([www.oiiac.nsw.gov.au](http://www.oiiac.nsw.gov.au)) under the *Access to Information* tab.



Office of the Inspector of the  
**Independent Commission Against Corruption**

All information contained on OIICAC's website can be downloaded free of charge. Alternatively, you may write to the Office:

Office of the Inspector of ICAC  
GPO Box 5341  
Sydney NSW 2001

***Further information about the GIPA Act***

Further information on the operation of the GIPA Act and your rights under the GIPA Act can be obtained from the Information and Privacy Commission NSW (the Commission). Further information is available on the Commission's website at [www.ipc.nsw.gov.au](http://www.ipc.nsw.gov.au), or by contacting them in one of the following ways:

- By telephone on 1800 472 679,
- By emailing [ipcinfo@ipc.nsw.gov.au](mailto:ipcinfo@ipc.nsw.gov.au)
- By mail at GPO Box 7011 Sydney NSW 2001
- In person by visiting the Privacy Commission at Level 17, 201 Elizabeth Street, Sydney