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AGAINST CORRUPTION

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# COMMUNICATING ANTI-CORRUPTION MESSAGES IN COMMUNITY LANGUAGES

GUIDELINES FOR  
NSW LOCAL  
COUNCILS  
AUGUST 2010



INDEPENDENT COMMISSION  
AGAINST CORRUPTION

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Public sector organisations are welcome to refer to this publication in their own publications. References to and all quotations from this publication must be fully referenced.

### **Caveat on use of this publication**

This publication provides readers with advice and guidance for NSW local councils regarding the communication of anti-corruption messages in community languages.

The advice contained herein relates to what the ICAC considers at the time of publication to be best practice in relation to these issues. It does not constitute legal advice.

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## Acknowledgments

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# 1. The problem

The aim of these guidelines is to assist local councils in NSW to educate culturally and linguistically diverse (CALD) communities that the offer of gifts or cash inducements to facilitate or assist council decision-making is unacceptable and will be reported to the Independent Commission Against Corruption (“the ICAC”).

In some countries, it is considered necessary to pay local officials for approvals or to speed up the process of getting an application approved. While individuals may not want to do this because it is illegal, they do so believing it is the only way. In the absence of information to the contrary, recent arrivals may bring this belief to Australia. It is the responsibility of local officials to educate their CALD communities that such payments are not acceptable.

Every year, Transparency International (TI) publishes the Corruption Perceptions Index (CPI). The CPI measures the perceived level of public-sector corruption in 180 countries and territories around the world. The objective of the index is not to brand a country as being the most corrupt but to raise public awareness and promote better governance. Corrupt practices occur everywhere, as has been demonstrated in recent scandals in some of the world’s most developed countries. However, as TI notes:

*People are as corrupt as the system allows them to be. It is where temptation meets permissiveness that corruption takes root on a wide scale. Such an environment is more likely in the emerging democracies of the South and East. There, administration and political institutions are still weak and pay scales are generally very low, tempting officials to “supplement” their income. In dictatorial*

*systems, meanwhile, administrative and political institutions are nothing but an extension of the usurper’s corrupt practices.<sup>1</sup>*

As a multicultural country with a long history of immigration, Australia has become home to many millions of people born and raised in other countries. In recent years, people have come to Australia to live and work as skilled migrants, sponsored migrants, humanitarian program entrants, and as refugees (see p.11).

Many come with very limited English language skills, and many settle in areas where their compatriots also live. Of concern, is how recent arrivals are informed about the processes involved in gaining the services of local government. This is further complicated by the pressures they face to establish themselves and their businesses as soon as possible.

In the past 24 months prior to the publication of these guidelines, the Commission has held three public inquiries (see p.5) involving the offer of money to a public official from a local government council for the purpose of influencing decisions. Of particular concern to the Commission is that the individuals offering gifts or cash payments were of a non-English speaking background and/or migrants that had recently arrived and settled in Australia.

For example, at the public inquiry into attempted bribery at Strathfield Council conducted in February 2010, it was revealed that the Commission had, since 1 January 2008, received 33 reports by general managers of councils relating to bribes or gifts offered to them personally or to council staff.

1. Source: [www.transparency.org/policy\\_research/surveys\\_indices/cpi/2009](http://www.transparency.org/policy_research/surveys_indices/cpi/2009). Accessed in August 2010.

## Strathfield Council – attempt to bribe general manager (Operation Centurion)

David Pyo, a businessman and migrant from Korea, wanted to establish a community centre in a leased property owned by Strathfield Council.

In this public inquiry, the Commission was seeking to determine why Mr Pyo gave a Christmas card to the Council's General Manager containing \$2,000 in cash.

It was clear from the Council's initial dealings with Mr Pyo that his English was not very good, and that he brought his son or solicitor along to meetings to interpret for him.

Strathfield Council had a business ethics policy that clearly stated:

*Strathfield Council is committed to promoting ethical behaviour. Reports of unethical behaviour, fraud, corrupt conduct, maladministration or waste should be made to Council's General Manager.*

*Alternatively, reports of any suspected instance of corruption can be made to the Independent Commission Against Corruption (ICAC) and any instances of maladministration to the NSW Ombudsman.*

While this information was presented to Mr Pyo, he did not recall seeing it. Mr Pyo was also provided with a draft agreement to consider. This draft agreement stipulated the terms and conditions of the lease agreement. Mr Pyo, at his own discretion, had the document translated into Korean. However, what was missing from the translated draft agreement was a clause that appears in Council's *Purchasing and*

*Tendering Operation Guidelines*. It states:

*In all Council contracts, a clause must be inserted to provide for termination of a contract and the payment of damages, if any contract is entered into as a result of a corrupt act such as bribery or other inducements by the contractor/supplier or the contractor/supplier employees.<sup>2</sup>*

It may be assumed that if this clause was in the draft agreement, it would have been translated into Korean.

## Ku-ring-gai Council – attempts to improperly influence a council officer (Operation Capella)

Wing Mak and his employee, Diana Huang, were attempting to subdivide and develop a property.

The Commission investigated whether Mr Mak and Ms Huang engaged in corrupt conduct by giving corrupt benefits to an officer of Ku-ring-gai Council. The Council officer was involved with assessing planning applications to do with a subdivision and development of a property owned by a company of which Mr Mak was a director and shareholder.

Ms Huang admitted that she had given the Council officer a pearl pendant (purchase price \$807) and \$1,000 cash. She denied she did this for any improper reason. She claimed it was a Chinese custom to show appreciation in this way and that placing \$1,000 in an envelope was consistent with Chinese tradition.

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2. Strathfield Council, *Purchasing and Tendering Operation Guidelines*, March 2007 (version 1), section 1.5.3, p.5.

## Warringah Council – attempts to improperly influence building inspection approval (Operation Bauer)

The Commission investigated allegations that business owners Jin Hua Chen and Yu Ling Sun had engaged in corrupt conduct by offering cash payments to two Warringah Council employees in order to facilitate council building inspection approval of their business premises.

After Council staff had discussed with Mr Chen and Ms Sun that there were problems with the premises, Mr Chen placed an envelope into a Council officer's pocket. The officer pulled out the envelope and saw some 100 dollar notes inside. Ms Sun was present at this time. When the officer asked why he was given the envelope, Mr Chen and Ms Sun indicated that it was "for the lucky" and that "yeah, Chinese people say you lucky".

A few days later, at a follow-up appointment with Ms Sun, the Council officer attended the Dee Why premises to conduct a final building inspection. He found the premises to be generally satisfactory this time, however, there were still a few matters requiring attention. He discussed these with Mr Chen who understood that there was still some work required before the building inspection approval could be issued and trading could commence.

In the course of the building inspection, Mr Chen placed an envelope into the officer's trouser pocket. Mr Chen said that it was "lucky notes". The officer, once he realised that the envelope contained 50 dollar notes, told Mr Chan that this was not the way to conduct business in Warringah and Australia.

## Key considerations

These councils were doing business with people whose English literacy skills were limited, yet information about council business ethics had not been presented to them in their own language.

In the case of Mr Pyo, Strathfield Council did not appear to make any significant effort to ensure that Mr Pyo clearly understood the terms of the lease agreement. This "communication" had been left to Mr Pyo's solicitor or son to take care of by way of interpreting and translating.

All three public inquiries involved recent migrants with low literacy skills doing business with local councils.

However, there is an additional element that needs to be added to the equation – the nature of the services that councils conduct. This often includes a public official's high discretionary powers that may increase the risk of corruption.

Research conducted by the Commission<sup>3</sup> has shown that public officials in councils face higher corruption risks than their state agency counterparts, face a greater variety of corruption risks, and perform more high-risk functions. This is predominantly due to the discretionary powers councils and local officials often hold in deciding outcomes important to members of the general public.

The Commission recognises that many councils make information (for example, publications or council websites) available in languages other than English. However, the information provided in this way does not usually include guidance about doing business with councils. This information is usually available in the Statement of Business Ethics or in clauses in contractual documents, but is rarely translated into languages other than English or actively disseminated to communities. The Commission now urges councils to make this information accessible to all communities in its jurisdiction.

In the investigation report on the Strathfield Council matter, the Commission made a recommendation that the Division of Local Government issue a Circular requesting councils to communicate anti-corruption messages in community languages:

*It is recommended that the Chief Executive, Local Government, a division of the Department of Premier and Cabinet, issue a Circular to local councils in NSW to communicate anti-corruption messages to their communities in relevant languages for their areas.<sup>4</sup>*

In preparing these guidelines, the Commission acknowledges that this education activity is a responsibility of all councils. In the event that a council appears before the Commission in a matter involving bribes and/or gifts from members of the community, the Commission will closely scrutinise what the council in question has done to communicate anti-corruption messages in community languages.

3. Independent Commission Against Corruption, *Profiling the NSW Public Sector – Report 3: Differences between local and state government*, April 2010

4. Circular to Councils 10-12, Enhancement of Corruption Prevention Strategies, was issued to all councils on 4 June 2010.

## 2. Developing your message

Campaigns to change behaviour often rely on both an outcome, such as a fine, and the perceived threat of that fine being issued (that is, having police cars visible). Based on behavioural economics, campaigns such as the “Random Breath Test (RBT) – Anywhere Anytime” and “Mobile RBT. You won’t know where. You won’t know when”<sup>5</sup> initiatives create a fear of being caught.

Research conducted for these campaigns found that drivers were not likely to change their behaviour when they were given messages that speeding or drink driving increases the likelihood of having an accident or dying (personal experience suggested that such accidents did not happen to them). They were much more likely to change their behaviour if the message was a warning that they would get caught; a perception that was reinforced by well publicised and ultimately effective speed cameras or RBT campaigns.

As mentioned earlier, people from all countries are aware that bribes are wrong, but in some countries the law is not enforced and, therefore, the probability of getting caught is low. If individuals know that councils in NSW will report the inappropriate offer of a gift or bribe, and are made aware that Commission inquiries have resulted in findings of corrupt conduct against individuals offering such bribes, they may be more inclined to change their behaviour. The message “you will be reported” combined with a negative outcome is more powerful.

When developing your message, it is recommended that you “focus test” the message with representatives from your target audience. It is important to note that the target audience can be diverse and may include not only members from different language groups but also council staff and public officials that act as service providers.

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5. Since the introduction of RBT in 1982, fatal crashes involving alcohol have dropped from 40% of all fatalities that year to the current level of 19%. In 2008, police conducted 3.4 million breath tests in NSW. Source: [www.rta.nsw.gov.au/roadsafety/alcoholdrugs/campaigns/rbt/index.html](http://www.rta.nsw.gov.au/roadsafety/alcoholdrugs/campaigns/rbt/index.html). Accessed in August 2010.

### 3. Communicating the message

Once a message or messages have been decided, it is essential that local councils identify two key factors: the delivery mode and the language choice.

#### Delivery mode

It is recommended that councils identify the business services they provide to the community, and the pathways (that is, the point of interaction between the individual and the council) that can be used to deliver certain messages. Examples are provided in the table below.

Furthermore, certain formats or delivery modes work better for certain cultural groups. For this reason, consulting with language groups when developing the message and the delivery mode is recommended.

Ultimately, the message will be delivered in print, electronically and/or verbally.

BUSINESS FUNCTION	PATHWAYS				
	Phone	Website	Mail	Counter	Site inspection
Development application	✓	✓	✓	✓	
Licence application	✓	✓	✓	✓	
Inspection					✓
Permit applications	✓	✓	✓	✓	

## Print

- The message should be clearly presented in relevant languages in a range of council application forms for business services.
- The message, clearly visible on posters, postcards, leaflets and so forth, can be provided to individuals at a service counter and/or as part of the mail-out of council documentation and/or application forms.
- The message should be clearly presented in council business documents, such as the Statement of Business Ethics. These documents should be available in their entirety in print form and as web downloads in relevant languages.

## Electronic

Council websites could be used to deliver the message; for example, as a scroll in relevant languages on the home page or as an acknowledgement statement requiring acceptance when completing and submitting online application forms. Other electronic tools could also be used to deliver the message, such as a footer on council emails.

## Verbal

For effective communication, it is important that the person sending the message, that is, the public official, understands the objective of the message. Each official has a public duty to perform their role honestly and ethically. When a public official encounters inappropriate behaviour, they need to be aware of the tools at their disposal (whether print, electronic or verbal) to assist them in communicating these messages. They also need to know their internal reporting system, and be able to report corrupt conduct. Council staff also need to be briefed on the appropriate way to refuse improper gifts.

## Language choice

Every council is likely have a community profile page on their website that includes information about their demographic, as follows:

- Where were we born? (Birthplace countries)
- How many of us have recently arrived? (Year of arrival in Australia)
- How well do we speak English? (Proficiency in English)
- What language do we speak at home?
- What is our religion?

When developing its communication strategy, a council should refer to its profiles to identify which languages it should focus on.

The publication, *The People of NSW: Statistics from the 2006 Census*, (available from the website of the Community Relations Commission For a multicultural NSW),<sup>6</sup> is a major compilation of statistics on the demography of each NSW local government area. It includes information on birthplace countries, languages spoken, and levels of English proficiency.

Page 11 provides a snapshot of recent statistics.

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6. Available from [www.crc.nsw.gov.au/publications/documents/ponsw](http://www.crc.nsw.gov.au/publications/documents/ponsw). Accessed in August 2010.

## 4. Further information

The Community Relations Commission For a multicultural NSW and the *Principles of Multiculturalism Act 2000* give local councils in NSW responsibility for implementing the “Principles of Multiculturalism”.

In 2008, the then Department of Local Government (now Division of Local Government) and the Community Relations Commission For a multicultural NSW, developed an information kit and planning framework to help councils develop and implement policies and services appropriate to the needs of their CALD communities. Amendments to the *Local Government Amendment (Planning and Reporting) Act 2009* require that councils base these policies and services on long-term strategic planning, social justice principles, and community consultation in order to ensure that they are affordable and appropriate to community needs.

This publication, *Implementing the Principles of Multiculturalism Locally: Information Kit for Councils*, is available from the websites of both the Division of Local Government and the Community Relations Commission For a multicultural NSW.

These guidelines should be used by councils in conjunction with the information kit above, particularly when planning the framework; that is, in considering how a council’s corruption prevention policies and procedures can best be incorporated into its policy and services for its CALD communities. For example, activity areas within the planning framework and possible strategies may include:

- communication – review relevant documents and web pages to determine the appropriateness of incorporating key corruption prevention messages within them
- training – instruct staff during customer service training on how to deal with an offer of a cash inducement from an individual from a CALD community.

### ICAC resources

#### In community languages

The Commission has developed a number of resources over the years that are available in over 30 languages.<sup>7</sup> Some of these resources include:

- *Bribery = Crime* (brochure available in print and from the website, [www.icac.nsw.gov.au](http://www.icac.nsw.gov.au))
- *Corruption is Wrong* (postcard available in print and from the website)
- *Introducing the ICAC* (brochure available only from the website)
- *Reporting Corruption to the ICAC* (brochure available only from the website)

#### Risks in development

*Corruption Risks in NSW Development Approval Processes – Position paper*, September 2007 (publication available in print and from the website)

*Development Assessment Internal Audit Tool*, April 2010 (publication available in print and from the website)

#### Policy framework

[www.icac.nsw.gov.au/preventing-corruption/foundations-for-corruption-prevention/policy-frameworks/4874](http://www.icac.nsw.gov.au/preventing-corruption/foundations-for-corruption-prevention/policy-frameworks/4874) (link to web page)

#### Regulatory functions

[www.icac.nsw.gov.au/preventing-corruption/known-your-risks/regulatory-functions/4902](http://www.icac.nsw.gov.au/preventing-corruption/known-your-risks/regulatory-functions/4902) (link to web page)

7. Arabic, Assyrian, Bengali, Bosnian, Chinese, Croatian, English, Farsi, Filipino, French, Greek, Hindi, Indonesian, Italian, Japanese, Khmer, Korean, Lao, Macedonian, Polish, Portuguese, Russian, Serbian, Spanish, Somali, Tamil, Thai, Turkish, Urdu and Vietnamese.

## Multicultural snapshot

Australia is a multicultural country. Since 1945, 6.8 million people have migrated here.<sup>8</sup>

The top 10 countries of birth of people that settled permanently (onshore and arrivals) in Australia in 2007–08 were:

1. United Kingdom (30,841)
2. New Zealand (27,619)
3. India (22,688)
4. China (excluding Hong Kong, Macau and Taiwan) (21,208)
5. South Africa (7,762)
6. Philippines (7,382)
7. Malaysia (5,139)
8. Korea (4,953)
9. Sri Lanka (4,824)
10. Thailand (3,384)

In 2006, the top 10 languages spoken by people in NSW that either do not speak English well or do not speak English at all were:<sup>9</sup>

1. Cantonese
2. Vietnamese
3. Arabic
4. Mandarin
5. Greek
6. Italian
7. Korean
8. Spanish
9. Macedonian
10. Serbian

Main languages used by interpreters of the Telephone Interpreter Service (TIS) in 2007–08:<sup>10</sup>

1. Mandarin
2. Arabic
3. Vietnamese
4. Cantonese
5. Korean

6. Persian
7. Spanish
8. Turkish
9. Serbian
10. Greek

NSW local government areas with the highest proportion of people that either do not speak English well or do not speak English at all:<sup>11</sup>

1. Fairfield
2. Auburn
3. Canterbury
4. Burwood
5. Strathfield
6. Bankstown
7. Ashfield
8. Hurstville
9. Rockdale
10. Marrickville
11. Liverpool
12. Parramatta
13. Kogarah
14. Holroyd
15. Botany Bay
16. Ryde
17. Willoughby
18. Canada Bay
19. Sydney
20. Blacktown
21. Griffith
22. Randwick
23. Hornsby
24. Wollongong
25. Campbelltown
26. Baulkham Hills
27. Leichhardt
28. Hunters Hill
29. Lane Cove
30. Warringah

8. Australian Human Rights Commission, *Face the Facts*, 2008, p.3.

9. NSW Community Relations Commission, *The People of NSW: Statistics from the 2006 Census*, Table 2.9, p.92.

10. Department of Immigration and Citizenship, *Population Flows – Immigration Aspects 2007–08*, p.101.

11. NSW Community Relations Commission, *The People of NSW: Statistics from the 2006 Census*, Chart 2.17, p.113.



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