

INDEPENDENT COMMISSION AGAINST CORRUPTION

STATEMENT IN THE MATTER OF: Murray Kear

PLACE: Sydney, NSW
NAME: Jacqueline Fredman
ADDRESS: Known to the ICAC
OCCUPATION: Deputy Registrar
TELEPHONE NO: Known to the ICAC
DATE: 10 July 2013

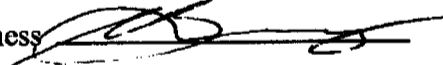
States: -

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1. This statement made by me accurately sets out the evidence which I would be prepared, if necessary, to give in Court as a witness. The statement is true to the best of my knowledge and belief, and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.
 2. I am 46 years of age.
 3. I am currently employed with the Migration and Refugee Review Tribunals (the tribunals) as Deputy Registrar, Client Services & Delivery. Prior to my employment at the tribunals, I was employed as the Manager Assessments at the Independent Commission Against Corruption. I held this position for 6 years. My duties as the Manager Assessments included leading the Section responsible for triaging all new complaints and reports received about possible corrupt

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conduct affecting the NSW public sector, as well as providing advice to the heads of NSW public sector agencies about their reporting obligations under the ICAC Act.

4. To the best of my recollection, about 9.30am on Friday 17 May 2013, (my last day of employment with the ICAC), I received a telephone call from a person who identified himself as Murray Kear, the Commissioner for the NSW State Emergency Service, who spoke to me concerning his dismissal of SES Deputy Commissioner, Tara McCarthy on 14 May 2013.

5. To the best of my recollection the words said during the phone call were:

I said: "Hello, Jacqueline Fredman

He said: "Murray Kear – SES Commissioner - I am ringing to advise that my former Deputy Commissioner, Tara McCarthy was dismissed last Tuesday, the 14th May 2013 and I anticipate that she will make a complaint to you. She had only been here 9 months.

I said: "Why do you believe she would complain to us?"

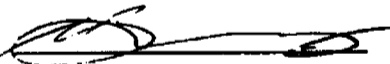
He said: "She is of the opinion that she was dealt with unfairly and she had already made allegations of impropriety about colleagues".

I said: "Where did she work previously?"

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He said: "She was on a contract with WorkCover. From her second week at work she started complaining about Steve Pearce, the other Deputy Commissioner. Her complaints about his alleged corruption were unrelenting. She openly criticised Pearce to his subordinates and she was undermining my authority (as Commissioner)."

I said: "Why would she take such an instant dislike to Pearce?"

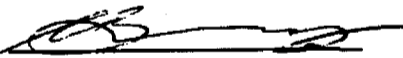
He said: "When I interviewed her for the position of Deputy Commissioner I said to her that if she was successful, she may be appointed to either one of the Deputy Commissioner roles, either Operations or Corporate Services. I appointed her to the latter but she must have thought she would have been appointed to be in charge of Ops. I took the view that Pearce was more suited to the Ops role and therefore I moved Pearce from Corporate Services to Operations and offered her Corporate Services. She was aggrieved from the outset. Why she accepted the role then is a mystery. In a nutshell, most of her allegations have been looked into and disproven; she had alleged that Pearce engaged in credit card fraud which MYOB examined and came to nought. There were some other matters such as alleged misconduct in relation to a staff member of Pearce's being allocated a car. I have no suspicion that there has been corrupt conduct."

I said: "From what you're telling me, as you have no suspicion of corrupt conduct, there is no trigger for a section 11 report to us. However, it

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would be useful to have the background information you refer to in our system. Can you send in the material as information?"

He said: "Will do next week."

I said: "I should tell you that it is my last day at the Commission, but I will make a note that the material is on its way. Do you have any reason to believe that McCarthy will take legal action?"

He said: "She has no recourse as far as I can see. Clause 771 of the Public Sector Management Act permits an employer to terminate the employment of an SES appointee without cause and without notice basically if I lose confidence in someone. She is entitled to go to SOORT to get a payout which I envisage would be about 38 weeks. She was afforded procedural fairness but chose not to put in a submission. In hindsight, there were warning bells when I interviewed her, in her reference checks and in psych testing. Next time I will be more careful."

6. The conversation then concluded and I attended to other duties.

Signature



Witness

