

Attempt to obtain entry to a selective public high school through payment of money

ICAC FINDINGS

- The ICAC has made findings of corrupt conduct against Ms Xiaodong Lu and Mr Qinghua Pei.
- The Commission finds that Ms Lu and Mr Pei's conduct is conduct that could adversely affect the honest exercise of official functions of Jodie-Lee Pearce in her public official capacity as a teacher at Westmead Public School and therefore comes within section 8(1)(a) of the *Independent Commission Against Corruption Act 1988*, or could adversely affect the official functions of Ms Pearce in her public official capacity and could involve bribery, and therefore comes within section 8(2) of the ICAC Act.
- Their conduct could also, for the purposes of section 9(1)(a) of the ICAC Act, constitute or involve a criminal offence of offering a corrupt benefit contrary to section 249B(2) of the *Crimes Act 1901 (NSW)* and common law offence of bribery.

ICAC RECOMMENDATIONS

- The Commission is of the opinion that consideration should be given to obtaining the advice of the Director of Public Prosecutions with respect to the prosecution of Ms Lu and Mr Pei for an offence of offering a corrupt benefit contrary to section 249B(2) the *Crimes Act 1901 (NSW)*.

BACKGROUND

- The ICAC investigation arose from information provided by the NSW Department of Education and Training about an incident alleged to have taken place on Tuesday 5 August 2008 at Westmead Public School.
- The Department advised that Jodie-Lee Pearce, a teacher at the school, had met with Ms Lu to speak about Ms Lu's son. During the conversation an envelope was handed to Ms Pearce. After Ms Lu left, Ms Pearce opened the envelope and found it contained \$2,000 in \$50 notes and a letter.
- The letter generally canvassed the son's health and educational circumstances and concluded: "In the next time leading to the selective school exam, we hope you could help him in all area (sic), especially reading comprehension. We hope his ability was recognized and he can get a good school marks and also do well in the selective exam".
- While enquiries were taking place, on Tuesday 28 October 2008 the School contacted Commission investigators and alleged that a second similar incident had taken place, involving a payment of \$500 by Mr Pei. After a brief discussion that day with Ms Pearce about his son Mr Pei left, handing Ms Pearce an envelope which contained \$500 and a letter that highlighted the son's academic achievements and aspirations and concluded: "In light of the above, I hope you give him a favourable consideration in the school assessment and report".
- The Commission held a public inquiry, as part of this investigation, on Tuesday 9 December 2008. The ICAC Commissioner, the Hon Jerrold Cripps QC, presided at the inquiry at which three witnesses gave evidence.
- The full report is available on the Commission's website at www.icac.nsw.gov.au.

Editor/News Director's note: During the public inquiry, the ICAC Commissioner made a direction pursuant to s.112 of the ICAC Act that the name of Mr Pei and Ms Lu's son shall not be published.

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