



ICAAC

INDEPENDENT COMMISSION
AGAINST CORRUPTION
NEW SOUTH WALES

annual report

2023-24

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Acknowledgement of Country

The NSW Independent Commission Against Corruption acknowledges and pays respect to the Traditional Custodians of the lands across NSW on which we live and work. We recognise their continuing connection to land, water and community. We honour the Gadigal people of the Eora Nation, on which our office is located, and pay our respects to Elders past and present.

The Hon Chris Minns MP
Premier of NSW
Parliament House
SYDNEY NSW 2000

The Hon Benjamin Cameron Franklin MLC
President
Legislative Council
Parliament House
SYDNEY NSW 2000

The Hon Greg Piper MP
Speaker
Legislative Assembly
Parliament House
SYDNEY NSW 2000

Mr Premier
Mr President
Mr Speaker

In accordance with the requirements of the *Government Sector Finance Act 2018* and the *Independent Commission Against Corruption Act 1988*, the Commission hereby furnishes to you the Commission's annual report for the year ended 30 June 2024.


The report has been prepared in accordance with the requirements of those Acts.

Pursuant to s 78(2) of the *Independent Commission Against Corruption Act 1988*, it is recommended that this report be made public immediately. This recommendation allows either presiding officer of the Houses of Parliament to make the report public whether or not Parliament is in session.

Yours sincerely



The Hon John Hatzistergos AM
Chief Commissioner



Darrin Moy
Chief Executive Officer

Chief Commissioner's foreword



Each year, the Public Service Commission's People Matter Employee Survey asks public officials about misconduct. In the 2023 survey, 14 per cent of respondents reported that they were aware of misconduct. This figure has never been lower and is a far cry from figures such as 24 per cent and 27 per cent reported in 2016 and 2019. Overall, this is a pleasing sign.

Equally noteworthy is that 2023–24 saw a significant increase of 54 per cent more alleged corruption referrals under s 11 of the ICAC Act. That is, referrals from the principal officer of a public authority or minister of the Crown. This increase comes on top of the record number received in the previous year and is part of an overall 21 per cent increase in reports generally received this year. The Commission sees this as a positive indicator of a corruption-resistant culture. To that end, the increase is welcome and follows:

- The Commission's first finding of corrupt conduct arising from a failure to make an s 11 report (Operation Keppel)
- Publication and distribution of revised s 11 reporting guidelines as to what constitutes reasonable grounds to suspect corrupt conduct
- An expanded education program for public officials across the state in how to identify and report suspected corrupt conduct

- Targeting agencies with low reporting relative to corruption risk with assistance and advice as to their responsibilities
- The commencement of the *Public Interest Disclosures Act 2022* on 1 October 2023.

Increased reporting is also the result of our extended corruption prevention work, with 166 workshops held in locations right across the state. Prevention messages were also communicated through presentations to key audiences including universities, the incoming ministry, MPs, their staff and local government councillors. Annotated codes of conduct were distributed to the ministry and MPs, reminding them of their obligations. Five YouTube videos and six corruption prevention publications were published. The Commission also reignited its rural and regional outreach program, holding successful events throughout the Hunter and Riverina regions, to engage with public officials, state agencies, local councils, students and community members.

The 2024 local government elections presented new challenges. Prior to the elections, I wrote to outgoing councillors, political parties and other interested parties, reminding them of their responsibilities. This was followed up with participation in specific council-based induction activities and broader councillor outreach programs, held recently in western Sydney and scheduled for November in Tamworth.

The increase in reporting has placed added workload on our assessment and investigation teams. In 2023–24, the number of preliminary investigations tripled compared to the previous year. At the end of this period, active full investigations stood at five, compared to three at the same time last year, with investigations classified as "complex" rising from one to two.

While the increase in resources particularly consequent to the baseline review of 2022–23 has been most welcome, the Commission is now fully deployed and indeed under some pressure.

Yet, by exercising improved efficiency and effectiveness, we have completed 91 per cent of our preliminary investigations within key performance indicator (KPI) timelines, the highest figure in nine years, while maintaining our previous year's standard for completing full investigations at 66 per cent of KPI timelines.

2023–24 saw the Commission furnish three investigation reports to Parliament, with local government and contractors featuring heavily.

Operations Galley and Tolosa emphasised the need for declaration and management of conflicts of interest on the part of elected councillors. They both highlighted the dangers of foreign influence, particularly involving grooming of public officials. These issues have also arisen in other recent investigations. To that end, we have resources provided in the 2024–25 budget towards a dedicated project aimed at broadening engagement with diverse communities to address corruption risks, including foreign interference and grooming.

Operation Hector was notable as the Commission's first public inquiry in which it was necessary to consider the limitations of the scope of s 8(2A) of the ICAC Act, which was enacted following the Review of the Independent Panel headed by the Hon Murray Gleeson AC and Mr Bruce McClintock SC of 30 July 2015. Following furnishing of the Operation Hector report, I wrote to the Parliamentary Committee on the ICAC ("the Parliamentary Committee") and provided a copy of that letter to the Secretary of The Cabinet Office drawing their attention to the limitation of that provision in the context of investigating subcontracting work to third parties awarded by a government-appointed head contractor.

Even following completion of investigations and furnishing reports, work continues to assemble briefs for referral to the Director of Public Prosecutions (DPP). At the meeting with the Parliamentary Committee on 11 December 2023, I acknowledged that more needed to be done to improve our processes. Our *2022–2025 Strategic Plan* committed us to doing so. We now have staff dedicated to preparing briefs rather than relying on the investigators putting aside time from their other duties. In June this year, the Director, Sally Dowling SC, wrote to me, acknowledging our improvements and forecasting that these also will assist greatly in the preparation and conduct of prosecutions where charges are laid.

Accountability and transparency remain fundamental to maintaining public confidence in the Commission's work. To that end, we have continued to engage productively with our main oversight agencies, the Parliamentary Committee on the ICAC and the Inspector of the ICAC, including expanding our witness wellbeing program and improving the processes leading to our reporting.

In furtherance of our plan to explain the reasons more fully for discontinuing investigations, we have expanded the use of reports under s 14 of the ICAC Act.

During the year, the Commission welcomed the opportunity to make submissions to Federal and NSW parliamentary inquiries. One submission deserves particular mention. In the inquiry into the administration of the 2023 NSW State Election, the Commission highlighted that one recommendation arising out

of the 2014 report of the Expert Panel examining political donations, chaired by Dr Kerry Schott, and followed up in Operation Aero, remains outstanding nearly 10 years after it was first raised. It related to political parties' receipt of public funding being conditional on good governance, and echoed the Commission's recommendation in its 2014 report on election funding. In 2023, over \$15,000,000 of public funds were disbursed for administrative and operating expenditure of eligible political parties and other MPs. For reasons well demonstrated in Operation Aero, the Commission's position is that receipt of this taxpayers' money should be contingent on political parties meeting acceptable standards of party governance and internal control.

This is the 35th annual report following the Commission's formal commencement on 13 March 1989. It is noteworthy that bodies similar to the NSW ICAC have since been established in every state and territory, as well as at the national level.

None of these bodies is entirely identical and, even in this state, the integrity landscape has changed significantly since those times.

The Commission's greatest achievement, however, is not its longevity. It is the quality and impact of its work, which has overwhelmingly been well received. This annual report chronicles yet another year of our commitment to excellence.

In preparation for its next phase, the Commission has heavily invested in staff development and technology upgrades. These are vital to redress the deficit of years past and to enable us to meet the challenges that lie ahead.

I express sincere appreciation to Commissioners the Hon Helen Murrell SC and Paul Lakatos SC together with our diligent and experienced staff. Without them, the accomplishments recorded in this annual report would not have been possible.

Together, we have achieved an extraordinary amount. As we mark 35 years since the Commission began operating, we remain as committed as ever to serving the state of NSW and its people, through exposing and preventing corruption, and building probity in our public institutions.



The Hon John Hatzistergos AM
Chief Commissioner

Snapshot 2023–24

Public inquiries



conducted

1

over

11

days

Compulsory examinations



conducted

36

over

30

days

3,635

Matters received and managed

3

Investigation reports furnished to Parliament

Corrupt conduct

49

corrupt conduct findings made against 16 people



Prosecution advice

17

recommended the advice of the Director of Public Prosecutions be sought with respect to the prosecution of 17 people



91%



91% of preliminary investigations were completed within KPI timelines, the highest figure in nine years.

Corruption prevention



presentations and training

252 anti-corruption speaking presentations and training workshops reaching almost 12,000 people

252



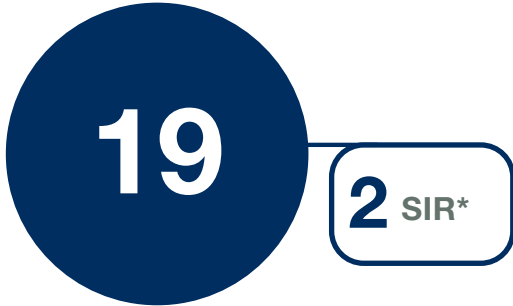
advice provided

146
occasions

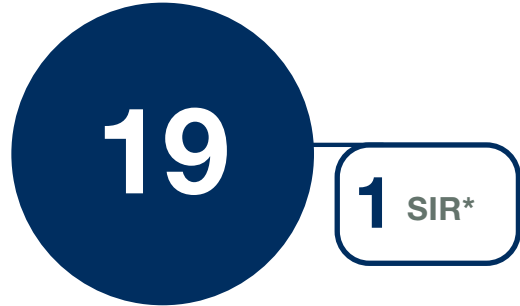
Preliminary investigations



commenced
(new)



completed



completed
within 120-day
target



Operations

commenced (new)



completed



Recorded 802 staff attendances at learning activities, equating on average to each staff member participating in 40 hours of formal development



Recorded 1.14 million visits to the ICAC website



Published two editions of the *Corruption Matters* e-newsletter, reaching over 1,140 subscribers, with readers located in Australia and overseas



Recorded over 56,000 views on the ICAC's YouTube channel

*Strategic Intelligence and Research

Financial overview

In the 2023–24 year, the Commission achieved a net result of \$5.603 million, which is \$3.532 million favourable compared to budget.

Table 1: Operating result 2023–24

	\$'000
Expenses	35,320
Revenue	40,963
Loss on disposal	(40)
Net result	5,603

Table 2: Financial position 2023–24

	\$'000
Assets	14,240
Liabilities	10,847
Net assets	3,393

Revenue

The main source of revenue was recurrent and capital allocations. This was \$40.222 million in 2023–24, which was \$10.138 million higher than in 2022–23 and in line with the approved budget allocation for 2023–24. The increase over the prior year represented funding for re-baseline staff and the commencement of Project Nexus, which is the Commission's uplift of its information management systems.

Expenses

Total expenses were \$35.320 million, which was \$3.132 million (or 10 per cent) higher than the previous year, also due to the additional re-baseline positions received in the above-mentioned 2023–24 budget. Total expenses were \$6.010 million less than budget, mainly due to delays in filling vacancies and new positions occurring within a tight labour market, which also constrained progress in Project Nexus. Remaining variations were reduced depreciation from lower right-of-use asset values and lower expenditure across legal fees, consultants and travel.

Assets

Total assets increased by \$1.938 million (or 16 per cent). The increase in the cash balance was offset by lower right-of-use asset values due to the continued incentive received at the renewal of the Commission's lease option.

Liabilities

Total liabilities decreased by \$3.665 million (25 per cent), largely to the revaluation of office lease liability to reflect the lease incentive option.

Net equity

The Commission's equity increased by \$5.603 million, resulting in a positive equity of \$3.393 million.

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Our mission is to
combat corruption
and improve the
integrity of the
NSW public sector.

Our purpose

The Commission's purpose is to protect the public interest, prevent breaches of public trust, guide the conduct of public officials, and help build integrity and good repute in the NSW public sector.

Exposure of corrupt conduct

The Commission investigates and exposes corrupt conduct involving or affecting most of the NSW public sector, including state government agencies, local government authorities, members of Parliament and the judiciary. Allegations of NSW Police Force and NSW Crime Commission corruption are dealt with by the Law Enforcement Conduct Commission.

The Commission receives and analyses complaints from members of the public and public officials, and reports made by the principal officers of public sector organisations and ministers of the Crown.

It has extensive powers of investigation and may conduct hearings, including public inquiries, for the purposes of its investigations.

The Commission can make findings of corrupt conduct, may make recommendations for disciplinary action and can obtain the advice of the Director of Public Prosecutions (DPP) with respect to the prosecution of individuals.

Education and prevention of corruption

One of the most important aims of the Commission is to actively prevent corruption. The Commission conducts research to identify specific areas of corruption risk. It educates the NSW community and public sector about corruption, its effects and how to report it. The Commission also helps the public sector to identify and address existing or potential corruption issues through providing advice and resources, and running events and training.

What we do

The primary functions of the Commission are:

- Receiving, analysing and assessing complaints and reports of alleged corruption, whether from external agencies or internally generated. The Commission actively encourages members of the public and public officials to report suspected corrupt conduct. It can also receive referrals by the NSW Electoral Commission of

certain possible criminal offences under election funding, election or lobbying laws.

- Using covert and overt methods to conduct investigations, compulsory examinations and public inquiries into serious and systemic corruption. The ICAC Act gives the Commission broad jurisdiction to investigate any allegation or circumstance which, in its opinion, implies that corrupt conduct has occurred. The Commission can also investigate conduct likely to allow, encourage or cause corrupt conduct. Following a public inquiry, the Commission publishes a report to Parliament on the investigation.
- Recommending that consideration be given to the taking of disciplinary or dismissal action.
- Obtaining the advice of the DPP with respect to the prosecution of persons for criminal offences; preparing briefs of evidence for submission to the DPP; and liaising with DPP lawyers in relation to answering requisitions for further evidence and the conduct of any prosecutions.
- Examining the laws, practices and procedures relevant to public sector organisations that may be conducive to corrupt conduct. The Commission makes recommendations for legal changes and changes in structures, systems and procedures to close corruption loopholes revealed in investigations and to heighten detection through supervision and reporting. The Commission also monitors the implementation of any corruption prevention recommendations.
- Analysing the nature and number of complaints and reports received to determine emerging trends, areas of corruption risk, effective approaches to prevention, and the need for specific education and training initiatives.
- Conducting original research, such as periodic examination of the corruption risks and prevention strategies in NSW public sector organisations, and developing strategic intelligence products and reports.
- Providing expert advice and consultancy to public authorities and the community on methods to eliminate corrupt conduct.
- Producing publications and videos on corruption prevention, including information on developing corruption prevention policies and plans and on managing specific corruption risks.
- Delivering training workshops, speaking engagements and educational events for the public sector and community on how to identify, report and prevent corrupt conduct.

- Proactively conducting corruption prevention activities throughout NSW via the rural and regional outreach program and other events.

Clientele and community served

The Commission is accountable to the people of NSW through the NSW Parliament and is also overseen by the Inspector of the ICAC.

The Commission's jurisdiction extends to all NSW public sector agencies (except those noted below), their employees and contract staff in government departments and state-owned corporations, local councils, members of Parliament, ministers, the judiciary, the governor, and to people performing public official functions. The Commission's jurisdiction does not extend to officers of the NSW Police Force or the NSW Crime Commission, or the administrative employees of those agencies. The Commission may, however, investigate corrupt conduct involving members of the NSW Police Force and NSW Crime Commission provided the matter involves other NSW public officials.

Charter

The principal legislation administered by the Commission is the ICAC Act. The Commission was established as an independent and accountable body by the ICAC Act in response to community concern about the integrity of public administration in the state.

The principal functions of the Commission as set out in the ICAC Act are:

- to investigate and expose corrupt conduct in the public sector
- to actively prevent corruption through advice and assistance, and
- to educate the NSW community and public sector about corruption and its effects.

Management and structure

Names, offices and qualifications of principal officers

In 2023–24, the Commission's Executive Management Team comprised:

The Hon John Hatzistergos AM, Chief Commissioner, BEc, LLB, LLM (University of Sydney)

The Hon Helen Murrell SC, Commissioner, BA/LLB, Dip Crim (University of Sydney)

Paul Lakatos SC, Commissioner, LLB, Dip Crim, LLM (Hons) (University of Sydney)

Darrin Moy, Chief Executive Officer

Roy Waldon, Executive Director, Legal, and Solicitor to the Commission, LLB (Hons) (University of Tasmania).

Bernadette Dubois, Executive Director, Investigation Division, Grad Dip Public Policy and Administration (Charles Sturt University)

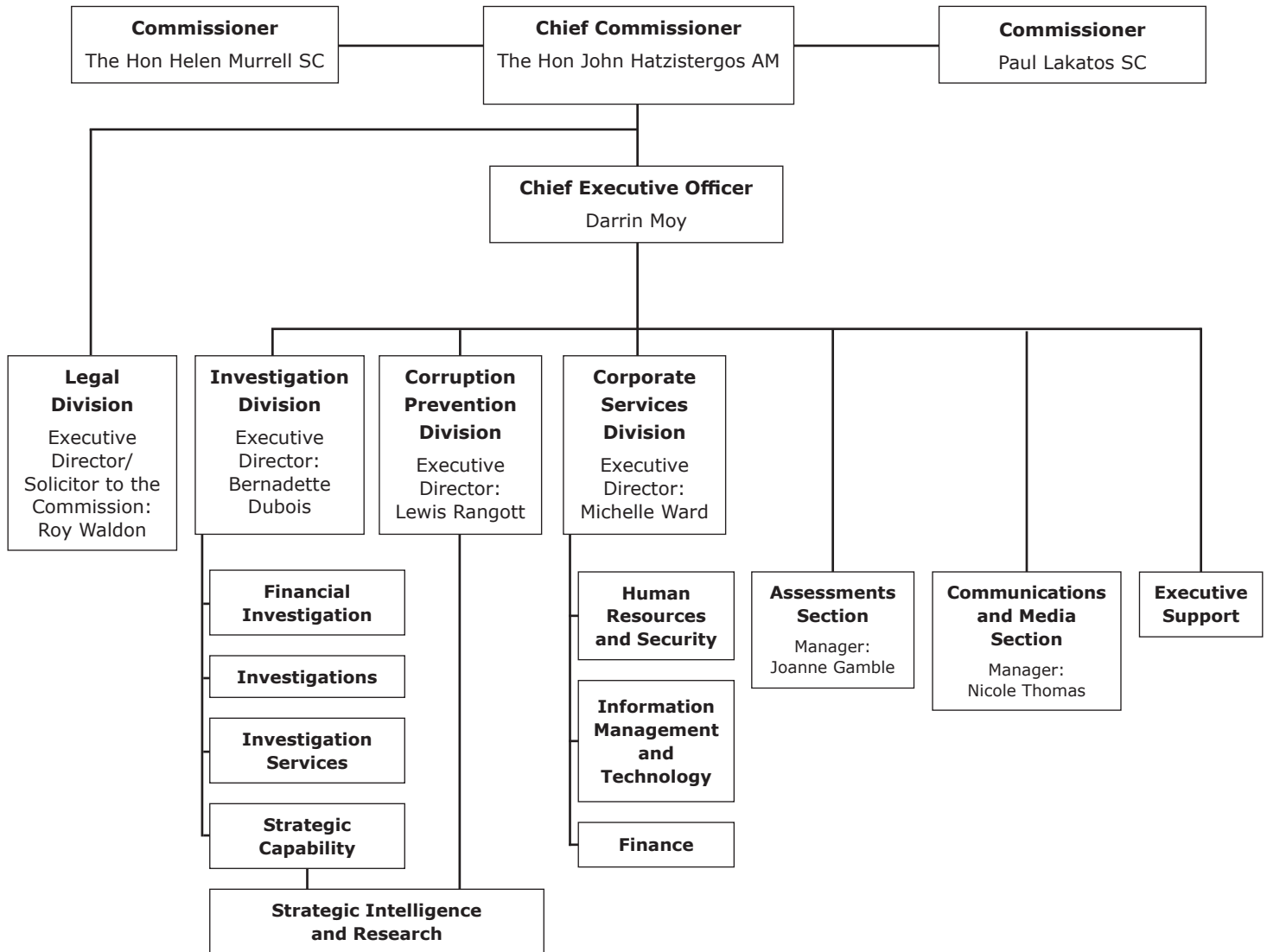
Michelle Ward, Executive Director, Corporate Services and Chief Financial Officer, BComm (University of Wollongong), CPA

Lewis Rangott, Executive Director, Corruption Prevention, BEc (University of NSW), MComm (University of Sydney)

Stephanie Foster, Director, Investigation Services, BSoc, Security and Counter-Terrorism (Swinburne University)

Timothy Fox, Director, Strategic Capability Unit

Organisational chart indicating functional responsibilities*



* As at 30 June 2024

Strategy

2022–2025 Strategic directions	14
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NSW Independent Commission Against Corruption Strategic Plan 2022–2025



Our directions for 2022 to 2025

Goals – what we plan to achieve	Key elements of the strategy – how we plan to achieve our goals	Outcomes – the measures of our success
<p>Influence and effectiveness</p> <p>Build public sector integrity through:</p> <ul style="list-style-type: none"> – education and prevention – risk-based, targeted approaches 	<ul style="list-style-type: none"> • Establish a more targeted approach to lead public service decision-makers, particularly in high-risk areas • Focus on emerging corruption issues, while maintaining emphasis on long-standing corruption risks • Expand and recalibrate the existing education function to allow broader reach, improved customisation of information and a risk-based targeted approach 	<ul style="list-style-type: none"> • Public sector agencies accept and implement our advice and education products • Clearer understanding of public sector integrity within agencies • Agencies and clusters have programs and systems for managing corruption risks • Strong collaborative working relationships with agencies in terms of effective management of corruption risks
<p>Impact and awareness</p> <p>Streamline operations and more effectively communicate lessons learned</p> <ul style="list-style-type: none"> – raise awareness of investigations, reports, and of people brought to account 	<ul style="list-style-type: none"> • Streamline investigations by applying risk-based decision-making • Work more effectively with stakeholder agencies, including the DPP, to bring people to account • Better communicate lessons learnt 	<ul style="list-style-type: none"> • Timely completion of investigations and reports • Progression of the outcomes of the Commission's recommendations • Broader and improved understanding of the lessons learned
<p>Organisational capability</p> <p>Nurture and support people</p> <ul style="list-style-type: none"> – improve Commission management of human resources and welfare of witnesses – focus on staff talent and development 	<ul style="list-style-type: none"> • Implement a more systemic approach to witness welfare • Build our organisational capability through training, mentoring and engagement 	<ul style="list-style-type: none"> • The ICAC has built a safe, collaborative and innovative culture with a clear focus on staff development • The ICAC is clearly identifying and managing vulnerable witnesses
<p>A fair and trusted integrity agency</p> <p>Develop a transparent and accountable organisation</p> <ul style="list-style-type: none"> – improve the use of learning processes – reform business processes – introduce ICT improvements 	<ul style="list-style-type: none"> • Better explain our powers and how they are applied • Continually focus on streamlining business processes and measuring outcomes • Keep pace with digital technology and collaborate with like agencies to adopt best practice investigative techniques • Improve ICT systems and analytical capability 	<ul style="list-style-type: none"> • The ICAC is transparent and accountable in its use of its powers, in its public communications and with its oversight agencies • Business processes are streamlined, outcomes are measured and reported publicly • The ICAC is at the forefront of using best practice investigative techniques and digital technologies • ICT systems and information security are adequately resourced

Strategic objectives and outcomes



Influence and effectiveness

Build public sector integrity through:

- education and prevention
- risk-based, targeted approaches

The Chief Commissioner wrote to all ministers and secretaries to remind them of their duty under s 11 of the ICAC Act to report any suspected corrupt conduct, and provided them with updated reporting guidelines. We also promoted s 11 reporting to councils through the Office of Local Government's monthly newsletter.

We provided annotated versions of relevant Codes of Conduct for both members and the NSW Ministry.

The Corruption Prevention Division finalised a major project that involved evaluating the corruption control frameworks of each public sector cluster and communicating the results to secretaries.

The Chief Commissioner and corruption prevention staff presented to the NSW Ministry; at the Members Induction Program; at the Members Development Session, and to various groups of MPs.

We received 1,346 s 11 reports by principal officers and MPs, a 54 per cent increase from the 875 received in the previous year.

Public sector agencies accepted the vast majority of corruption preventions, made under s 111E of the ICAC Act. In addition, during 2023–24, s 111E was amended to require ministers and Parliament to consider and respond to our recommendations.

We delivered 166 workshops across NSW, a 30 per cent increase on the previous year, reaching 3,041 attendees.

The Commission devised and delivered tailored workshops to the university sector, which involved key presentations from Commissioners.

We commenced a project to improve engagement with culturally and linguistically diverse communities, following several investigations involving persons from diverse backgrounds as well as our engagement with the Counter Foreign Interference Coordination Centre of the Department of Home Affairs.

We released *Guidance for councillors on corruption risks associated with overseas travel*, covering issues such as information security concerns arising from foreign interference.

The corruption prevention education team was expanded from one officer (in 2022–23) to an approved headcount of four.

We expanded the Strategic Intelligence and Research team, including two new roles for an investigator and analyst, to better identify current and emerging corruption risks in the NSW public sector.

We recommended the rural and regional outreach program, with multiple events in the Newcastle/ Hunter and Riverina regions.

We examined 4,000 matters in the Commission's information holdings for our report: *Common forms of corrupt conduct: risks faced by NSW public sector agencies*.

We joined with the University of Sydney and obtained Australian Research Council funding to carry out a project titled "Artificial Intelligence and anticorruption: Unearthing systemic corruption in the public sector".

We issued our report, *Fraud and corruption control: evaluating compliance and its drivers*, which assessed compliance with the government's fraud and corruption control policy.



Impact and awareness

Streamline operations and more effectively communicate lessons learned

- raise awareness of investigations, reports, and of people brought to account

We provided advice on 146 occasions, including submissions to eight parliamentary inquiries that picked up key lessons arising from our investigations.

We made disseminations to six agencies and referred nine matters under s 53 and s 54 of the ICAC Act. This helped to streamline our operations and to involve other organisations in combatting corruption in NSW.

We created a standalone brief preparation team and, in consultation with the DPP, revised and improved the quality of our criminal briefs of evidence. The Director, Sally Dowling SC, wrote to acknowledge our improvements in this area. We provided eight briefs of evidence during the reporting period.

We delivered a number of presentations to key audiences about the outcomes of our investigations including operations Paragon, Keppel, Galley, Tolosa and Hector. Investigative outcomes are also incorporated into our training workshops.

We closed and referred 269 matters to the NSW Ombudsman, the Office of Local Government or the Audit Office of NSW.

We have expanded our use of social media (X, YouTube and LinkedIn) to convey key messages from our work.

We completed 91 per cent of preliminary investigations within the 120-day KPI, the best result in nine years.

100 per cent of the three investigation reports completed in the year were furnished within the KPI of 180 days after the completion of the relevant public inquiry, exceeding the corporate goal of 80 per cent.

We are working to address the recommendations in the Inspector of the ICAC's *Special Report 2023/02: Investigation into the time taken by the ICAC to furnish its Operation Keppel Report to Parliament*.

In accordance with s 111E of the ICAC Act, responses to corruption prevention recommendations made in investigations reports continued to be published on the Commission website.

100 per cent of corruption prevention recommendations in investigation reports under s 111E of the ICAC Act were accepted in action plans, exceeding the KPI of 80 per cent.



Organisational capability

Nurture and support people

- improve Commission management of human resources and welfare of witnesses
- focus on staff talent and development

In response to the Inspector of the ICAC's *Special Report 2023/01: Audit of the welfare of witnesses and other people involved in ICAC investigations*, the Commission established a new witness liaison officer role, which received 17 referrals in the reporting period. We developed a Witness Wellbeing policy and procedure, and began delivering mandatory training for Commission officers in managing mental health.

We created a new position of principal organisational development to lead our learning, culture, engagement and inclusion strategies.

A role was created for an investigative learning and development specialist, to improve staff onboarding; and to help develop a strategic workforce framework detailing the key skills and knowledge required of investigation staff, and staff learning and development needs.

We implemented a new Bullying, Harassment and Discrimination policy, updated our procedures and began delivering all-staff training to promote equitable, inclusive and safe workplace practices.

There were 802 staff attendances at formal learning activities across all disciplines, an average of 40 hours of formal development for each staff member. This is a significant increase on the average 29 hours for each staff member in 2022–23.

We partnered with an e-recruitment specialist organisation to improve candidate-to-employee experiences and streamline recruitment and onboarding processes.

We worked with an external provider, Neural Networks, to design and launch a program aimed at developing capabilities in individual leadership, emotional intelligence, self-awareness and interpersonal agility.



A fair and trusted integrity agency

Develop a transparent and accountable organisation

- improve the use of learning processes
- reform business processes
- introduce ICT improvements

We have issued an explanation, wherever possible, of a decision not to investigate or to discontinue an investigation, or instead delivered an s 14 report.

We publish on our website our MOUs with the Inspector of the ICAC, the NSW Parliament, the Department of Communities and Justice and the Law Enforcement Conduct Commission.

On the occasions that we decide to go to public inquiry, we elect to furnish the s 31 report to the inspector, giving the reasons for the decision. We also explain in investigation reports the basis of our decision.

We continued to proactively communicate with the Inspector of the ICAC, including forwarding the minutes of certain committee meetings, and with the Parliamentary Committee on the ICAC, on matters of interest.

We held a briefing and tour at the Commission offices for incoming members of the Parliamentary Committee.

We commenced work on a number of initiatives aimed at understanding the impact of artificial intelligence (AI) on our work. This included training a number of staff and preparing a submission for the Legislative Council's Portfolio Committee No. 1 inquiry into AI in NSW.

We have expanded our suite of short YouTube videos, adding five new videos this year, to include topics such as: "advice for suppliers and contractors" and "obligations of public office".

We automated telecommunication data processes, resulting in streamlined preparation and approval of requests, and enhanced visibility for internal management and external audit purposes.

We created more efficient procedures for exporting and recording electronic evidence records.

We began importing ASIC data using a custom SQL database, allowing more efficient access to data, cost efficiencies and the ability to data-match with existing Commission holdings.

We developed a project to digitise search warrant procedures, which will email property receipts and enable efficiencies in registering and processing property registration.

We launched Project Nexus, which will increase record management, system and software integration, and automate several processes critical to investigations.

We provided 25 reports or responses to the Inspector of the ICAC.

Operations and performance

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Quantitative performance measures

Table 3: Key quantitative results for corruption exposure activities

	Target*	2023–24	2022–23	2021–22
Matters received	n/a	3,635	3,004	3,570
Average time to deal with matters (days) in Assessments Section	68	45	33	26
Preliminary investigations commenced	n/a	19	10	13
Preliminary SIR investigations commenced	n/a	2	1	6
Full investigations commenced	n/a	5	5	7
Percentage of full investigations completed within 16 months	>70%**	66%	66%	64%
Number of public inquiries	n/a	1	3***	5****
Number of public inquiry days	n/a	11	42	59
Number of compulsory examinations	n/a	36	28	77
Number of persons subject to serious corrupt conduct findings	n/a	16	22	11
Number of investigation reports to Parliament	n/a	3	5	3
Percentage of investigation reports furnished within the ICAC's target	80%	100%	20%	0%
Number of persons against whom prosecutions commenced	n/a	2	4	8
Number of persons against whom disciplinary action commenced arising from investigations	n/a	0	0	0

* For measures that reflect incoming work or activity beyond the control of the Commission, targets are not set and not applicable (n/a) appears in the column.

** In 2020, the Commission commenced a new two-tiered system that reflects the complexity of investigations. This target has been revised to 70 per cent rather than 80 per cent, with this year's result a hybrid of matters reported under both the previous and new systems.

*** Two of these public inquiries (operations Galley and Tolosa) were continued from the previous year.

**** This included a further public inquiry in Operation Keppel and the re-opening of the Operation Witney public inquiry.

Table 4: Key quantitative results for corruption prevention activities

	Target	2023–24	2022–23	2021–22
Requests for corruption prevention advice	125	146	160	160
Rural and regional outreach visits	2	2	0*	0*
Training sessions delivered	80	166	127	106
Corruption prevention recommendations in investigation reports published during the period	n/a	32	78	28**
Percentage of corruption prevention recommendations in investigation reports accepted in action plans as at 30 June 2024	80%	100%	90%	100%
Percentage of public inquiries that resulted in the making of corruption prevention recommendations	100%	100%	100%	100%
Number of prevention reports published	n/a	6	5	4

* The program was on hold due to the COVID-19 pandemic and related public health orders.

** Includes policy recommendations made in Operation Aero.

Table 5: Key quantitative results for accountability activities

	2023–24	2022–23	2021–22
Parliamentary Committee on the ICAC meetings	1	1	1
NSW LECC Inspector/Commonwealth Ombudsman inspections of telecommunications intercepts and accesses, surveillance devices and controlled operation records	4	3	2
Number of reports/responses provided to the Inspector of the ICAC	25	14	9
Number of audits conducted by the Inspector of the ICAC*	0	1	0
Number of assumed identity audits	1	1	1

*The Inspector is currently conducting an audit assessing the effectiveness and appropriateness of the Commission's procedures in relation to the application for and execution of search warrants between 1 July 2021 and 30 June 2023. That audit is ongoing.

Major works in progress

In 2022, the Commission initiated a business process management project that examined the effectiveness of the Commission's case-management system; avenues to increase record management, system and software integration; and the automation of several processes critical to investigations.

In 2023, the Commission received \$6.049 million government funding as part of a re-baselining business case for application renewal and supporting management improvements over four years.

Named "Project NEXUS", the project officially commenced in late November 2023 and has an estimated completion date of 30 June 2028.

Due to delays in resourcing staff and associated vetting requirements of the Commission, \$1.009 million was

approved by NSW Treasury for deferral to the following year. This will not impact the total estimated cost nor project completion date.

In the 2023–24 financial year, \$265,000 in operational costs were incurred. A program manager and project architect were appointed, governance structures established, and process improvements and documentation completed by the project team.

The project resources are now fully onboarded, the requirement-gathering phase is on track, and the project team is liaising with users to design future processes for Project NEXUS. In addition, high-level technical design is underway as scheduled.

Summary review of operations

Assessments summary

All complaints and reports within the Commission’s jurisdiction are reported to the Assessment Panel, which comprises the Commissioners and members of the Commission’s senior executive. The panel’s role is to make decisions about how each matter should proceed. A matter is not reported to the Assessment Panel if it is assessed as being outside the Commission’s jurisdiction, or considered to be only a query, or feedback. Such matters are managed within the Commission’s Assessments Section.

The Commission can also take action on an “own initiative” basis. In these situations, the Assessment Panel considers recommendations from an internally generated report outlining reasons for commencing an investigation. These reports may be based on information from various sources, including information that is in the public domain or that emerges from the analysis of complaints received from the public or via reports from NSW public authorities.

Further details of the assessment process are provided later in this section.

Assessments performance in 2023–24

In 2023–24, the Commission received and managed a total of 3,635 matters, compared with 3,004 in the previous year. The increase in the total number of matters received by the Commission in 2023–24 (the highest received since 1996–97) was due to a significant increase in s 11 reports.

Achieving turnaround targets

The Commission has internal targets for turnaround times of different types of matters during the complaint assessment process. Table 6 shows that, during the reporting period, the Commission met or exceeded internal timeliness targets.

Profile of matters received

In the reporting period, the majority of the 3,635 matters received and assessed by the Commission came from two sources:

Table 6: Some internal targets and achievements for assessing matters in 2023–24

	Target	Achievement
Average days to present a “straightforward” matter to the Assessment Panel	28	23
Average days to present a “moderate” matter to the Assessment Panel	42	34
Average days to present an “extensive” matter to the Assessment Panel	56	56
Average days to review an s 54 report from a public authority and report a matter back to the Assessment Panel	42	15

Table 7: Matters received by category in 2023–24, compared to the previous two years

Category	2023–24		2022–23		2021–22	
Complaint (s 10)	1,204	33%	1,222	41%	1,244	35%
Report (s 11)	1,346	37%	875	29%	798	22%
Query	409	11%	483	16%	436	12%
Outside jurisdiction	468	13%	236	8%	289	8%
Feedback	159	4%	148	5%	740	21%
Referrals (s 16(1))	48	1%	37	1%	56	2%
Own initiative (s 20)	1	< 1%	3	< 1%	7	< 1%
Referral (s 73)	0	0%	0	0%	0	0%
Referral (s 13A)	0	0%	0	0%	0	0%
Total	3,635		3,004		3,570	

1. People making complaints under s 10 of the ICAC Act (s 10 complaints) represented 33 per cent of all matters.
2. Principal officers of NSW public sector authorities and ministers, who each have a duty to report suspected corrupt conduct under s 11 of the ICAC Act (s 11 reports), represented 37 per cent of all matters.

Table 7 shows all matters received in 2023–24 by category, compared with the previous two years.

The most significant change between 2022–23 and 2023–24 was the increase in the number of s 11 reports received, 1,346 and 875 respectively, which is an increase of 54 per cent. This was primarily due to the increase in s 11 reports the Commission received from Corrective Services NSW, which will be discussed later in the section. A likely further contributing factor was the Commission’s increased focus in promoting s 11 reporting obligations in light of the *Investigation into the conduct of the then member of Parliament for Wagga Wagga and then premier and others* (Operation Keppel), the key messages of which were that there is no discretion not to report a matter to the Commission, including suspected corrupt conduct that is neither serious or systemic. The Commission wrote to all NSW Government ministers and secretaries in August 2023 reminding them of their s 11 reporting obligations, and promoted s 11 reporting with all councils in February 2024 through the Office of Local Government’s monthly newsletter.

The Commission also received nearly twice the number of outside jurisdiction matters in 2023–24 (468 received), compared with the previous financial years (236 in 2022–23 and 289 in 2021–22). This was due to a mass online campaign of 210 identical matters that were outside the jurisdiction of the Commission.

Figure 1 on page 24 provides an overview of the number of matters received since the Commission was established.

The Commission strives to be accessible to those who submit complaints and reports. It provides several methods for members of the public and public sector employees to contact the Commission, including in writing, by telephone, email, or online via the Commission’s website at www.icac.nsw.gov.au.

In 2023–24, the methods used most frequently by individuals to contact the Commission were the website (25 per cent), email (34 per cent) and schedule, which are bulk s 11 reports (22 per cent), as shown in Table 8. This is relatively consistent with the previous reporting period.

Table 8: Methods of initial contact for all matters received in 2023–24

Method	No. of matters received	Percentage of matters received
Email	1,242	34%
ICAC website	893	25%
Schedule	815	22%
Telephone	565	16%
Letter	112	3%
Other	7	< 1%
Visit	1	< 1%

Anonymous complaints

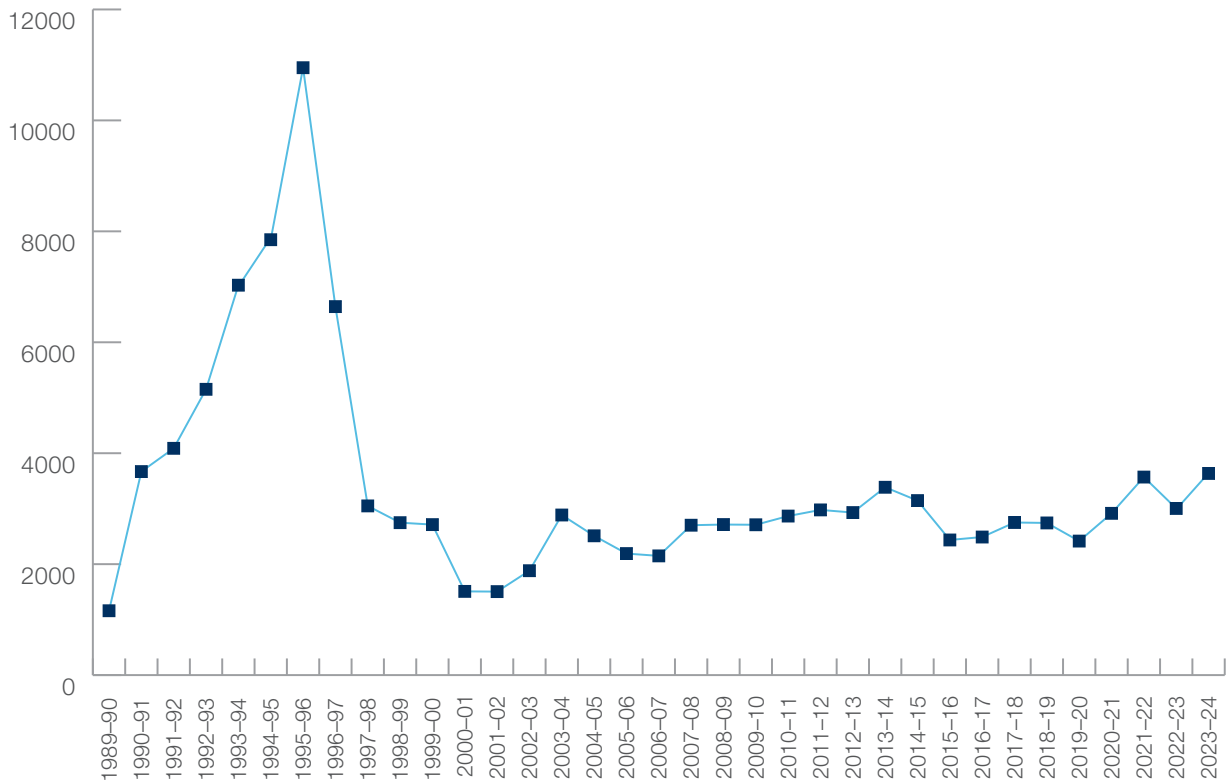
The Commission accepts anonymous complaints. There is a range of reasons why people may choose to make a complaint without providing information that could be used to identify them. People may fear reprisal action, or may wish to preserve their privacy when interacting with government, or may not see the value in providing their details, particularly when drawing the Commission’s attention to an issue that is in the public domain. The Commission treats all matters it receives, including anonymous complaints, seriously.

Where people contacting the Commission by telephone wish to remain anonymous, the Commission provides advice about the various protections afforded under the ICAC Act and/or the *Public Interest Disclosures Act 2022* (“the PID Act”). That information is also available on the Commission’s website.

In 2023–24, 24 per cent of complaints from people (293 matters) were made anonymously. The proportion of anonymous complaints has decreased slightly since 2022–23 (in which 27 per cent of complaints were anonymous). Of those anonymous complaints, 29 per cent (84 matters) were classified as public interest disclosures (PIDs).

There are some challenges in receiving and assessing anonymous complaints. For instance, the Commission is unable to clarify the particulars of the information and notify the complainant of the outcome. Where a matter has been classified as a PID, there is the added risk that any enquiries or action taken by the Commission may inadvertently reveal the identity of the person who made the PID. To mitigate such risks, where a PID is made anonymously, any action (such as the making of assessment enquiries or conducting a preliminary investigation) will occur only with the approval of the Chief Commissioner or a Commissioner. In deciding

Figure 1: Number of new matters received by financial year



Note: In 1997, the NSW Police Integrity Commission was established and assumed responsibility for investigating allegations of police corruption. This was superseded by the Law Enforcement Conduct Commission in 2017.

whether to approve such actions, the Commission weighs the risks of exposing the discloser’s identity against the public interest in having the allegations further explored.

Complaints from the public

Under s 10 of the ICAC Act, any person may make a complaint to the Commission about a matter that concerns, or may concern, corrupt conduct as defined in the ICAC Act. Complaints made by employees and contractors of NSW public authorities that meet the criteria set out in the PID Act are also classified as s 10 complaints.

Many matters reported to the Commission are not made the subject of a formal Commission investigation, either because the matters raised are speculative or because the Commission takes the view that there is no real likelihood that corrupt conduct has occurred. Further, the Commission is required under its legislation to focus its attention on serious and systemic corrupt conduct.

The Commission may refer allegations to a NSW public authority that is the subject of a complaint for its information, often for the authority to address a perception on the part of the complainant of unfairness or wrongdoing. Perceptions of wrongdoing are often borne, in the Commission’s experience, of poor communication or consultation, or a lack of consistency or transparency on the part of public authorities. Such a referral also allows the public authority to conduct its own enquiries and report back to the Commission in the event it finds any evidence indicative of corrupt conduct.

Nevertheless, the Commission carefully considers all complaints it receives. The case study on page 25 provides examples of the enquiries the Commission might typically make to determine whether the Commission would investigate a complaint.

Table 9: Top five government sectors subject to s 10 complaints in 2023–24

Sector	Number of s 10 complaints	% of s 10 complaints
Local government	502	42%
Health	123	10%
Law and justice	93	8%
Custodial services	91	8%
Government and financial services	80	7%

As in previous years, the sector most frequently complained about in 2023–24 was local government, with s 10 complaints relating to this sector accounting for 42 per cent of the total volume received (almost the same proportion as in 2022–23 and 2021–22). The Commission notes, however, the large number of local councils in NSW, and that over-representation of local government in the complaints statistics may be due to the high level of people’s interaction with local government and the personal interest many take in the decisions of their local council.

The five most frequent workplace functions about which the Commission received complaints from the public, as well as the five most frequent types of corrupt conduct alleged, are shown in tables 10 and 11 respectively.

Table 10: The five most frequent types of workplace functions mentioned in s 10 complaints in 2023–24

Workplace function	Number of complaints	Percentage of total complaints
Allocation of funds, materials and services	521	43%
Reporting, investigation, sentencing and enforcement	376	31%
Human resource and staff administration	324	27%
Development applications and land rezoning	246	20%
Procurement, disposal and partnerships	209	17%

Note: While the order of the workplace functions has changed, the top five workplace functions mentioned in s 10 complaints are consistent with those reported in 2022–23, as are the proportion of complaints in each function. In some cases, the proportions are the same as the previous year, namely: Allocation of funds, materials and services, and Procurement, disposal and partnerships.

The blurred line between contractor and permanent employee

In 2023, the Commission received a public interest disclosure from a NSW public official (Z) concerning a government agency. Z alleged that a contractor (X) of the agency had written and prepared the scope of a request for quotation (RFQ) contract for certain services. While X was still employed by the government agency they submitted a proposal under the banner of their company in response to this RFQ. Z alleged that X did not declare any conflict of interest, as required under the RFQ. A review of the documents provided by Z suggested the possible absence of a comparative analysis of the other responses to the RFQ.

X ultimately was awarded the RFQ. A number of variations to the tender were then approved.

The Commission had several concerns. First, X could have an unfair advantage over other competitors and, crucially, that advantage did not appear to have been declared by X or managed by the government agency. In addition, the variations to the contract seemed excessive and the process followed in approving them appeared unclear. There was also a further concern about the manner in which X, a contractor, had initially been engaged by the agency.

The Commission undertook enquiries with the agency to establish whether there was veracity to the allegations, given their potential seriousness.

The information obtained from the agency refuted some of the allegations, in that it appeared that X had no involvement in the drafting of the RFQ and so it followed that no declarations by X were required.

However, the Commission had concerns about the engagement of X and the subsequent variations to X’s contract. Overall, there were issues with the procurement processes through which X’s company was engaged that presented corruption risks for future procurements. These concerns were referred to the agency for its consideration and response. Further, the matter and the issues raised were referred to the Commission’s Corruption Prevention Division and Strategic Intelligence and Research team for further consideration and to assist with ongoing work of the Commission.

The importance of reporting and interagency work

In 2023, the Commission received multiple complaints, two s 11 reports from different public agencies and a public interest disclosure about the head of a local government agency. In total, the allegations comprised: the person's misuse of a range of agency resources; claiming for hours not worked; employing friends and family without a proper process; and distorting financial records to disguise their conduct.

The information provided collectively in all three matters was persuasive and suggested widespread maladministration and potentially corrupt conduct. It is worth noting that, when such conduct is allegedly engaged in by the person at the top, it can often be hidden (due to the seniority of the position they hold and restricted visibility of their decision-making) and this requires courage for those around to speak out.

The Commission decided that, given the widespread and persuasive nature of the allegations and the fact that many of the allegations centred on a range of operations of that agency, it would be more appropriate to refer the matters to an oversight agency that was considered better placed to investigate the matter and take appropriate action.

This led to an investigation into the conduct of the individual and a widespread review of the local government agency's operations.

Table 11: The five most frequent types of corrupt conduct alleged (s 10 complaints) in 2023–24

Type of corrupt conduct	Number of complaints	Percentage of total complaints
Partiality	718	60%
Personal interests	514	43%
Improper use of records or information	471	39%
Improper use or acquisition of funds or resources	461	38%
Corrupt conduct related to investigations or proceedings	271	23%

The proportion of s 10 complaints involving partiality continues to increase: 47 per cent in 2021–22, 55 per cent in 2022–23 and 60 per cent in 2023–24. The Commission also noted an increase, though to a lesser extent, in s 10 complaints alleging “Corrupt conduct related to investigations or proceedings”, which moved this form of alleged corrupt conduct into the top five.

Appendix 1 of this report provides a full breakdown of the workplace functions and types of conduct about which the Commission received s 10 complaints.

Reports from public authorities and ministers

Section 11 of the ICAC Act requires principal officers of NSW public authorities to report matters to the Commission where they hold a reasonable suspicion that corrupt conduct has occurred or may occur. Principal officers include secretaries and chief executives of state government agencies, and general managers of local councils. NSW Government ministers have a duty to report suspected corrupt conduct either to the Commission or to the head of an authority responsible to the minister.

Principal officers and ministers are encouraged to report suspicions of corrupt conduct promptly, as delays can impair the Commission's ability to detect and expose corrupt activity. A prompt report means that witnesses' recollections are fresh and there is less likelihood of evidence being compromised or lost.

When assessing an s 11 report, it assists the Commission for the head of an authority to advise on a proposed course of action, in the event the Commission determines not to take action itself. In many instances, even if the matter is not

sufficiently serious for the Commission to conduct an investigation, the Commission will ask the public authority to advise it of any disciplinary or remedial outcomes. Such information can inform trend analysis and the Commission’s corruption prevention work generally, as well as enable the Commission to track disciplinary outcomes in relation to individual public-sector employees. The case study on page 26 is an example of a matter where the principal officer of a public authority reported a matter under s 11 and the steps the public authority took in response to the issue.

Table 12 shows the number of s 11 reports that include allegations concerning a particular sector. The most notable observation is the significant increase in s 11 reports from the custodial services, education and local government sectors, compared to 2022–23. The number of reports from custodial services has more than doubled (190 in 2022–23 to 440 in 2023–24). This, in turn, was due primarily to the commencement of a Special Commission of Inquiry into offending by former Corrections Officer Wayne Astill at Dillwynia Correctional Centre, which generated a high volume of reports to Corrective Services NSW, many of which were consequently reported to the Commission.¹

Table 12: Section 11 reports received in 2023–24, showing the five most frequently reported government sectors

Sector	Number of s 11 reports	% of s 11 reports
Custodial services	440	33%
Education (except universities)	244	18%
Health	182	14%
Local government	142	11%
Transport, ports and waterways	83	6%

Figure 2, on page 28, shows the most common workplace functions involved in s 11 reports received by the Commission in 2023–24. The most common workplace function was again “Human resource and

staff administration”, comprising 51 per cent of s 11 reports received. This was relatively consistent with previous years, with 45 per cent in 2022–23, 50 per cent in 2021–22, and 46 per cent in 2020–21. The second-most common was “Allocation of funds, materials and services” (48 per cent), followed by “Reporting, investigation, sentencing and enforcement” (24 per cent), “Procurement, disposal and partnerships” (14 per cent) and “Miscellaneous functions” (7 per cent).

Figure 3, on page 28, shows the five most frequent types of corrupt conduct alleged in s 11 reports received by the Commission. “Improper use of records or information” remains the most frequently reported, comprising 51 per cent of s 11 reports in 2023–24. This is relatively consistent with 45 per cent of s 11 reports in 2022–23, 45 per cent in 2021–22 and 47 per cent in 2020–21. The second-most frequent was “Improper use or acquisition of funds or resources” at 46 per cent (45 per cent in 2022–23), and then “Personal interests” at 43 per cent (compared to 39 per cent in 2022–23). “Partiality” and “Intimidating or violent conduct” made up, respectively, 26 per cent (up from 22 per cent in 2022–23) and 19 per cent of s 11 reports received in 2023–24. There is no 2022–23 figure for “Intimidating or violent conduct” as it did not appear in the top five that year.

Appendix 1 of this report provides a full list of the workplace functions and types of conduct about which the Commission received s 11 reports.

The assessment process

The Commission’s Assessments Section is responsible for conducting the initial assessment of a complaint or information to determine what action, if any, the Commission will take.

Staff analyse all matters received, taking into account:

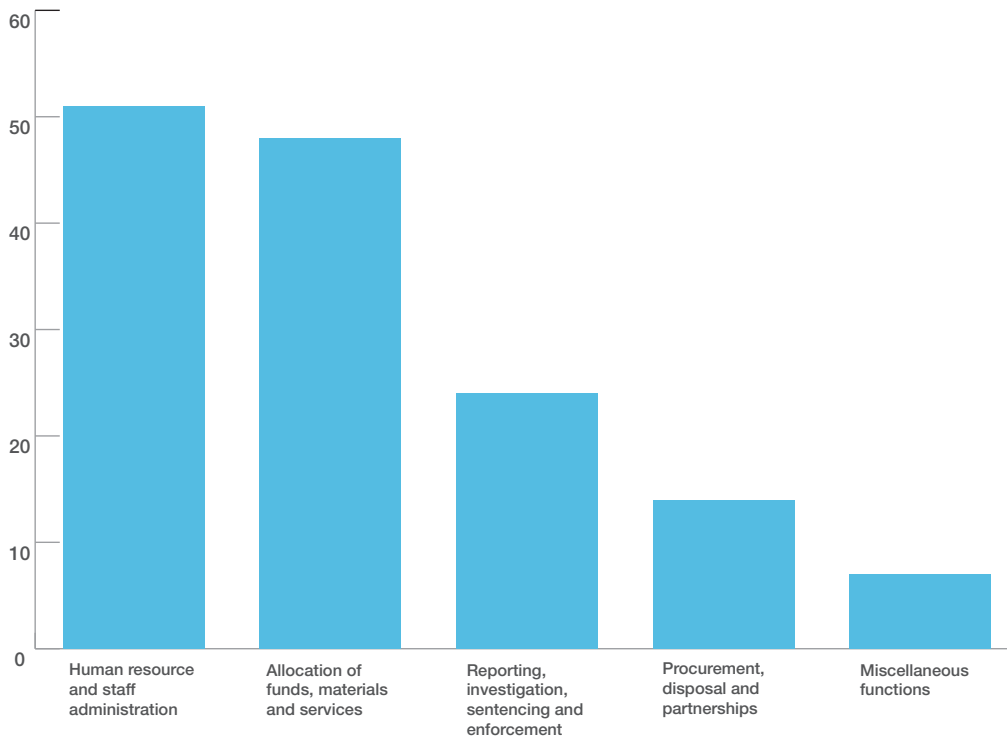
- whether or not corrupt conduct is likely to be involved
- whether the matter is serious and/or systemic, including factors such as the seniority of public officials involved, the nature of the impugned conduct, whether it is isolated or widespread, and the potential monetary value
- whether there is a viable line of enquiry to pursue
- what information has been provided or could be obtained
- whether existing information supports the allegations

¹ On 28 July 2023, the NSW Government announced that it had appointed the Hon Peter McClellan AM KC to lead a special ministerial inquiry into the circumstances surrounding the offences committed by former NSW correctional officer Wayne Astill.

On 13 September 2023, Her Excellency the Honourable Margaret Beazley AC KC, Governor of NSW, authorised the Hon Peter McClellan AM KC, as Commissioner, to conduct the inquiry as a Special Commission of Inquiry.

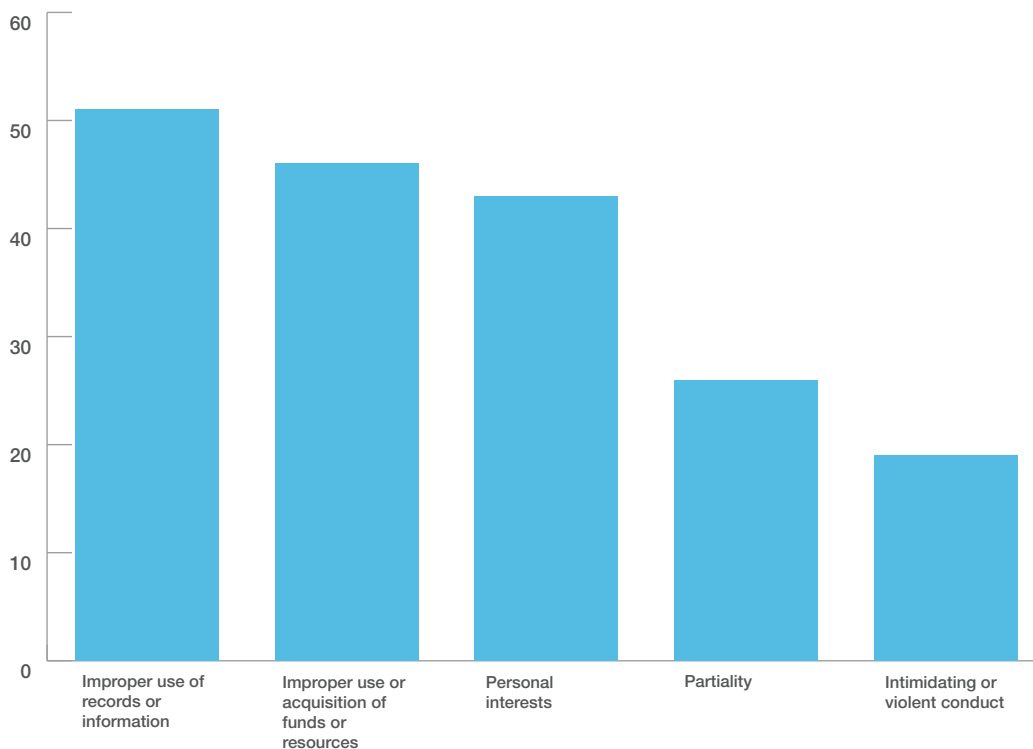
The inquiry concluded with the delivery of the final report to Her Excellency the Honourable Margaret Beazley AC KC and Premier Chris Minns MP on 29 February 2024.

Figure 2: Top five most frequent workplace functions reported in s 11 reports 2023–24 as a percentage



Note: Percentages in the figure above add to more than 100 per cent as reports may relate to multiple workplace functions.

Figure 3: Top five most frequent types of corrupt conduct in s 11 reports in 2023–24 as a percentage



Note: Percentages in the figure above add to more than 10 per cent, as reports may relate to multiple types of corrupt conduct.

- any risks to persons or public money in the Commission acting or not acting
- any prior or current related matters.

Staff also consider whether there are trends across a particular sector or within a particular public authority. Consideration is given to whether there are appropriate systems in place for the public authority involved to minimise opportunities for corruption. Complaints and reports that highlight corruption risk areas and trends are drawn to the attention of the Corruption Prevention Division to enable the Commission to target its work in this area. This is in line with a key goal of our *Strategic Plan 2022–2025* to build public sector integrity through risk-based, targeted approaches.

All matters that concern or may concern corrupt conduct are decided by the Commission’s Assessment Panel. The Assessment Panel comprises the manager of the Assessments Section (who acts as the panel convenor), the Chief Commissioner or one of the Commissioners, the Chief Executive Officer, and the executive directors of the Commission’s Investigation Division, Legal Division and Corruption Prevention Division.

The panel is governed by a charter, which provides that it meets electronically twice a week, and is responsible for determining what action, if any, should be taken on every matter received. If a matter is complex or needs further enquiries before an appropriate course of action can be determined, it may be reported to the Assessment Panel on several occasions.

Reports submitted to the Assessment Panel include the allegations, supporting information, the outcome of any enquiries, an assessment of the matter, and recommendations for further action.

For each matter, the Assessment Panel considers whether it presents opportunities for identifying serious and systemic corrupt conduct, whether it is being (or could be) adequately handled by another public authority and, even if corrupt conduct is not apparent, whether a public authority’s systems and controls put the agency at risk of corruption. After considering a matter, the Assessment Panel makes one of four decisions, as follows.

1. Close the matter without referral

Some of the allegations that the Commission receives may not be suitable for investigation by the Commission, even if true, because they are relatively minor. Under s 12A of the ICAC Act, the Commission is required to focus its attention and resources on serious and systemic corrupt conduct, as far as practicable.

In addition, many complaints the Commission receives are speculative in nature or lack specific information, tending to disclose a likelihood that corrupt conduct has occurred. These matters are usually closed.

Many complainants who report matters to the Commission have expectations that their concerns will be investigated by the Commission, and managing those expectations is a key part of its role. When the Commission decides not to investigate a matter, staff explain to the complainant the reason or reasons for this decision.

In 2023–24, the Assessment Panel made 2,038 decisions (79 per cent of matters) to close matters and take no further action. This is similar to the previous year, where the Commission decided to close 1,711 matters (78 per cent of matters) and take no further action.

2. Close the matter and refer externally

Some matters the Commission receives can be appropriately referred to other oversight bodies, such as the NSW Ombudsman, the Office of Local Government or the Audit Office of NSW. In addition, the Commission may appropriately refer some disciplinary or administrative matters to the public authority concerned. In its *Strategic Plan 2022–2025*, the Commission committed to working more effectively with stakeholder agencies to bring people to account.

In 2023–24, 269 matters (11 per cent) were closed and referred on this basis. This is similar to 2022–23, when 265 matters (10 per cent) were closed and referred. This reflects both the number of matters received that are deemed relevant to other agencies, and also the increased focus of the Commission to share relevant information to other agencies to improve their operations and to further “corruption-proof” their systems and processes.

3. Refer the matter internally but not investigate

In 2023–24, the Assessment Panel made 224 decisions (comprising 11 per cent of matters before the panel) to carry out further work internally to obtain additional information and assist its assessment of a matter. This is an increase from 2022–23, when the Assessment Panel made 196 decisions (comprising 9 per cent of matters) to carry out further work internally. After making such a decision, the Commission may undertake assessment enquiries in a matter, or request that a relevant public authority provide a copy of its report on a matter, or require an authority to conduct an investigation and report

Conflicts of interest in planning

In 2023, the Commission received a report from a member of the public alleging that a local government agency had a conflict of interest in its dealings with a former public official, now working in the planning field. This was, in turn, leading to favourable treatment in a named development application (DA).

The Commission searched open source (publicly available) information and the Commission's information holdings to obtain further information about the local government agency and the former public official. Open sources confirmed some of the information provided. As such, and given sufficient certain details had been provided, the Commission made enquiries with the local government agency, without providing details that could tend to identify the complainant.

The local government agency's response did not provide assurance to the Commission that conflicts of interest had been properly registered and managed. The Commission also had concerns that other DAs may be involved. Further, it appeared that there was potentially a training gap in relation to an understanding of conflicts of interest and how they should be managed.

As the Commission's investigative powers were not required to properly consider this matter, the Commission referred the allegations back to the local government agency for investigation and reporting back to the Commission under s 53 and s 54 of the ICAC Act.

The investigation conducted by the local government agency did not conclude that any official had engaged in corrupt conduct, but identified shortcomings in relation to how the local government agency was dealing with conflicts of interest. This, therefore, presented a corruption risk to that agency if these practices were left to continue unfettered. The local government agency had already embarked on a training and education plan for its staff in this area. However, the investigation report was lacking in what further action the agency intended to take in relation to existing corruption risks.

Overall, though the investigation did not find that anyone engaged in corrupt conduct, it did raise some ongoing concerns about conflicts of interest in this local government agency, and so the matter was referred to the Commission's Corruption Prevention Division for review and to provide further assistance to the local government agency.

its findings to the Commission. Again, this is in line with the Commission's strategic focus on improving coordination with stakeholder agencies. In addition, the Commission's Corruption Prevention Division may review the matter.

If the Commission decides that there is insufficient information to determine an appropriate course of action, it will conduct assessment enquiries – usually with the public authority that is the subject of the allegations – and the matter will be re-reported to the Assessment Panel. Assessment enquiries may involve contacting parties for more information, carrying out research, and obtaining and considering relevant policy and/or procedural documents to determine whether there are procedural deficiencies.

Where enquiries have been conducted and the Commission determines not to pursue the matter further, the material obtained can enable the Commission to provide more detailed reasons to complainants as to why a matter is not being pursued.

In 2023–24, there were 82 decisions made by the Commission to conduct assessment enquiries, compared to 109 in 2022–23.

Where a public authority reported a matter under s 11 of the ICAC Act and has commenced an investigation, or is preparing to embark on one, the Commission may request a copy of the report to inform the Commission's assessment. In the reporting period, the Commission made 81 requests for investigation reports from agencies, compared to 46 such requests reported in the previous year. This reflects the Commission's increased interest and role in examining the investigations of agencies.

Under s 53 and s 54 of the ICAC Act, the Commission has the power to require that a public authority or an appropriate oversight body conducts an investigation and reports its findings to the Commission. This power is usually reserved for relatively serious matters and allows the Commission to oversee the investigation, including reviewing the investigation plan and progress reports. The Commission can determine the scope of the investigation and, in consultation with the authority, will agree on a timeframe for its completion.

The Commission refers matters under s 53 and s 54 only if it considers that the public authority will, following consultation, be able to investigate the matter. The Commission will not make a referral if it considers the public authority might be compromised or lacks the capacity to conduct the investigation and adequately report on it. Under the ICAC Act, the Commission has powers to deal with investigations or reports by a public authority that it considers unsatisfactory.

In 2023–24, nine matters were the subject of referral under s 53 and s 54 of the ICAC Act. This is an increase on five referrals made in 2022–23.

The Assessment Panel reviews the outcomes of matters referred to public authorities under s 53 and s 54 of the ICAC Act.

The case study on page 30 is an example of a referral under s 53 and s 54 to a NSW public authority to conduct an investigation into allegations of corrupt conduct.

If a matter appears to involve mainly systemic issues, rather than specific instances of corrupt conduct, or the corrupt conduct has been dealt with, but wider problems appear to exist, the Commission may evaluate the situation and give advice to the public authority concerned. This may involve advice on enhancing a public authority's capacity to minimise the risk of corruption, and on how to prevent the problem from happening again.

4. Undertake an investigation

If a matter is serious and likely to need the Commission's special powers to investigate – such as requiring the production of documents or information, executing a search warrant or conducting covert operations – the Commission will usually investigate the matter itself. These matters are referred to the Investigation Division for preliminary investigation.

Only a small number of matters with the potential to expose serious and systemic corrupt conduct will meet the criteria for a full investigation. Once a decision to investigate has been made, the matter is overseen by the Investigation Management Group, which also gives direction on each investigation.

In 2023–24, 38 matters (less than 2 per cent) were referred to the Investigation Division for preliminary investigation.

Investigations summary

A principal function of the Commission is to investigate and publicly expose serious and systemic corruption, with a view to educating public authorities, officials and the public, and to reducing corruption in the NSW public sector. The Commission deploys overt and covert investigation techniques to detect corruption and uses coercive powers available to the Commission under the ICAC Act and other Acts.

Challenges and improvements in investigations in 2023–24

The Commission's primary challenges relating to investigations arose from the increased number of referrals for preliminary investigation; the continued increase of digital data received and analysed during investigations; and the need to keep pace with emerging digital technology.

During the reporting period, the Commission's Investigation Division undertook a number of initiatives, in line with key elements of the *Strategic Plan 2022–2025*, to improve the Commission's investigative capability and performance.

Creation of the Strategic Capability Unit

The Strategic Capability Unit (SCU) was created, which has three primary functions:

1. **Strategic intelligence and research.** The Strategic Intelligence and Research (SIR) team, formerly known as the Strategic Intelligence and Research Unit (SIRU), was expanded, and now has these main functions:
 - Undertaking sector-based strategic intelligence projects to identify current and emerging corruption risks in the NSW public sector
 - Undertaking target-development enquiries in relation to persons or entities employed or engaged in the NSW public sector
 - If, in the course of the above, information is obtained to suggest the occurrence of corrupt conduct, generating and conducting strategic preliminary investigations.

A new investigator role was established to lead strategic preliminary investigations (formerly known as "SIRU preliminary investigations"), as well as an additional analyst role. Both positions are hybrid positions in that they are used as a contingency workforce for the investigation teams.

2. **Brief preparation.** The Commission secured funding for two permanent investigators and one part-time temporary investigator to work on the prosecution briefs of evidence that arise from Commission investigations.

3. Learning and development. Funding was granted, and a candidate selected, for an investigative learning and development specialist. This role will:

- guide improved onboarding procedures and training of new divisional staff
- assist in developing a strategic workforce framework that will detail the key skills and knowledge required of investigation staff
- assist in developing a divisional planning tool that identifies learning and development needs of investigation staff now and in the future.

Investigation improvement projects

During the reporting period, the following projects were undertaken to improve the Commission’s investigative capability and streamline investigation processes.

● Automation of telecommunication data processes

The Commission automated manual processes relating to the request and receipt of data under s 178 and s 180 of the *Telecommunications (Interception and Access) Act 1979*. This resulted in streamlined preparation and approval of requests, and enhanced visibility for internal management and external audit purposes.

● Digitisation of search warrant procedures

A project was developed to digitise the manual property procedure undertaken during a search warrant. It will give the Commission the ability to send property receipts via email to occupants and legal representatives at the conclusion of a search warrant. It will also enable efficiencies in registering and processing property registration. The project will be trialled during the next reporting period.

● Electronic evidence procedures

The Commission reviewed the procedures for exporting and recording electronic records and found an inefficiency in exporting and recording records in matters that did not result in the compilation of a brief (or briefs) of evidence for Commission proceedings. A new procedure is being trialled whereby non-value-adding processes in the export of electronic records are limited to instances when briefs of evidence are prepared for Commission proceedings.

● ASIC data

The Commission now imports ASIC data using a custom SQL database, which has enabled:

- more efficient access to ASIC data for non-evidentiary investigative purposes
- cost efficiencies by reducing the need to purchase ASIC reports
- the ability to data-match with existing Commission holdings
- development of the Commission’s custom SQL database that can be used to import additional data subsets.

● Automation of processing financial data

The Commission launched a project to enhance efficiency by automating manual financial investigation processes using a custom SQL database. Key benefits include:

- More efficient processing and formatting of raw data for direct analysis
- Enhanced data reliability through increased scrutiny
- Automated financial data cleansing
- Effective data visualisation with Power BI or Tableau for presenting findings
- Reduced transaction “noise” through automated matching
- Artificial intelligence powered transaction classification.

● Advisory brief preparation

Following the creation of the brief preparation team, and in consultation with the DPP, a review was undertaken of the Commission brief preparation procedures. The resulting changes have resulted in standardisation, and an uplift in the quality, of prosecution briefs of evidence.

Our investigations

The Commission has key performance indicators (KPIs) for the timeliness of its investigations. In 2023–24, our KPIs on timeliness of investigations have again improved, with the best KPI result for preliminary investigations in nine years (see Table 13 and Table 14).

The Commission aims to complete 80 per cent of its preliminary investigations within 120 days of the Commission’s decision to commence the investigation, and strategic preliminary investigations within 300 days of this decision.

The Commission has a two-tiered KPI system for full investigations, based on their complexity. “Standard” investigations have a KPI of 70 per cent completion within 16 months from the date of the Assessment Panel decision. “Complex” investigations have a KPI of 70 per cent completion within 24 months from the date of the Assessment Panel decision.

Table 13: Preliminary investigation statistics for 2023–24

Number current as at 1 July 2023	1
Number referred by Assessment Panel	36
Number current as at 30 June 2024	18
Number completed	19
Days on average taken to complete	78
Number completed within 120 days	17
Percentage completed within 120 days	91%

SIR completed one strategic preliminary investigation, which was completed in 119 days, well within the KPI of 300 days. Table 14 represents further information on SIR’s performance, drawn from the statistics in Table 13.

Table 14: Strategic preliminary investigation statistics for 2023–24

Number current as at 1 July 2023	1
Number referred by Assessment Panel	1
Number current as at 30 June 2024	1
Days on average taken to complete	119
Percentage completed within 300 days	100%

The division concluded three full investigations during the reporting period, one of which progressed to a public inquiry.

Table 15: Full investigation (operation) statistics for 2023–24

Number current as at 1 July 2023	3
Number escalated from preliminary investigation	5
Number discontinued/concluded	3
Number of complaints where investigations were commenced but not finalised	2
Number current as at 30 June 2024	5
Days on average taken to complete	418
Number completed within 16 months	2
Percentage completed within 16 months	66.6%

Public inquiries and compulsory examinations

If the Commission determines it is in the public interest to do so, it may take evidence from witnesses in compulsory examinations. These examinations are held in private. When examinations are held in public, the evidence is generally heard before (and made available to) the public, subject to the discretion of the presiding Commissioner to suppress or restrict publication of the evidence, if they believe it is in the public interest to do so. The public inquiry may also be live-streamed subject to the discretion of the presiding Commissioner.

The Commission can compel witnesses to answer questions and produce documents or other things when they are summonsed to a compulsory examination or public inquiry. The witness must comply with this direction regardless of whether their answers or production of documents or other things may incriminate them. A witness, however, may object to answering the question or to producing the item. If an objection is made, the witness must still comply with the direction but neither the answer nor the item produced is admissible as evidence against the witness in any subsequent criminal or civil proceedings, other than for an offence under the ICAC Act. Also, disciplinary proceedings may be taken against a public official based on a finding of corrupt conduct made by the Commissioner in a report under s 74 of the ICAC Act and evidence supporting that finding, including evidence of the public official that was given under objection.

Table 16: Statutory powers used by the Commission in 2023–24, compared to three previous years

Investigations may include the use of statutory powers, such as search warrants, surveillance devices, controlled operations, and the interception of telecommunications. All applications for the use of statutory powers are reviewed by a Commission lawyer before final approval is given by the Executive Director, Legal, to apply for the use of power. This process is designed to ensure that all applications comply with regulatory and evidentiary requirements before being submitted to the appropriate authorities.

Power	2023–24	2022–23	2021–22	2020–21
Notice to produce a statement (s 21)	6	5	1	3
Notice to produce a document (s 22)	242	228	296	438
Notice authorising entry to a public premise (s 23)	0	0	0	0
Summons (s 35 notices)	37	51	150	148
Arrest warrant (s 36)	0	1	0	0
Order for prisoner (s 39)	0	0	0	2
Search warrant (s 40)*	6	8	1	24
Controlled operations	0	1	0	0
Surveillance device warrants	0	0	0	5
TIA Act** – telephone interception warrants	5	0	0	11
TIA Act – stored communications warrants	0	0	0	0
TIA Act – telecommunications data authorities (s 178 and s 180)	239	161	201	168

* All warrants were issued by an external authority; none was issued by the Commissioner.

** *Telecommunications (Interception and Access) Act 1979*.

Investigation outcomes

The Commission is an investigative body that can make findings of corrupt conduct against public officials or other persons who engage in corrupt conduct that involves or affects, or could involve or affect, the exercise of public official functions by a public official.

The Commission is not a court or disciplinary tribunal and does not conduct prosecutions or disciplinary proceedings as a consequence of any of its investigations. Outcomes that may result from a Commission investigation include:

- findings of serious corrupt conduct
- corruption prevention recommendations and advice
- referral of evidence to the DPP or another appropriate agency to consider such action as:
 - prosecution action
 - disciplinary action
 - proceeds of crime action
 - further investigation.

It is important to acknowledge that not every investigation will produce findings of serious corrupt conduct. An investigation is designed to determine the truth or otherwise of the allegation raised. As such, an investigation may find that there was no corrupt conduct.

The outcomes for the reporting period are outlined in Appendix 3 – Outcomes of matters.

Prosecution briefs of evidence

During the reporting period, the Commission completed four advisory briefs of evidence.

Referrals and other disseminations

During the reporting period, the Commission disseminated intelligence gathered during investigations to the:

- National Anti-Corruption Commission
- Australian Federal Police
- Independent Broad-based Anti-corruption Commission (Victoria)

- Australian Taxation Office
- NSW Crime Commission
- NSW Police Force

Proceeds of crime

Recovering the proceeds of crime removes the financial benefit of serious corrupt conduct. The forfeiture of corrupt assets is a key prevention strategy in reducing the motivation for those engaging in corrupt conduct.

The Commission does not have the function or legislative power to recover criminal proceeds of crime; however, the Commission can refer evidence to the NSW Crime Commission for the consideration of initiating asset confiscation proceedings under the *Criminal Assets Recovery Act 1990* (NSW).

Within the reporting period, the Commission did not refer any evidence to the NSW Crime Commission for recovery purposes.

Strategic intelligence projects

During the reporting period, one of SIR's sector-based intelligence projects was finalised and an s 14 report written and delivered to the relevant minister and secretary. The report identified two broad corruption risk areas and recommended a number of solutions. The department has implemented, or is in the process of implementing, the majority of the recommended changes.

SIR initiated two further sector-based projects; one is a long-term project with no defined end date, while the second was initiated towards the end of the reporting period.

Strategic alliances to optimise investigative outcomes

Assistance provided by external agencies and other liaison

The Law Enforcement Conduct Commission assisted the Commission in electronic collections and technical surveillance deployments. The NSW Crime Commission assisted the Commission with technical research and collaboration. In October, Investigation Division officers met with the Australian Competition and Consumer Commission to discuss anti-competitive conduct.

Assistance provided to external agencies

During the reporting year, the Commission's physical and technical surveillance teams assisted external agencies, including the Australian Taxation Office, the National Anti-Corruption Commission and the NSW Police Force and Australian Federal Police in training.

Telecommunications interception and access alliances

Commission officers continued to build alliances, attending the Interception Consultative Committee, Special Networks Committee, Inter-Agency Technical Group and SEDNode User Group. Commission officers provided input to the Commonwealth Attorney-General's Department on legislative reform, specifically in International Production Orders (IPO) and Industry Assistance. During the year, Investigation Services Section officers undertook IPO training with the Australian Designated Authority in furtherance of agency certification.

Other alliances

Investigation Division officers attended meetings and training with other law enforcement agencies through the Australia and New Zealand Counter Terrorism Committee Surveillance Capability. Commission officers took part in integrity agency cooperative meetings, including the Joint Agency Study of Artificial Intelligence Investigations and the Law, and the Capabilities Communities of Practice.

National Anti-Corruption Investigation Network

In 2022, the Commission established the National Anti-Corruption Investigation Network (NACIN), in conjunction with the National Intelligence Network, to create a forum for Australian integrity agency managers to meet and discuss new and changing threats or opportunities in anti-corruption investigations. The NACIN consists of all Commonwealth, state and territory anti-corruption and integrity agencies and this collaboration is part of the Commission's strategy to adopt best practice investigative techniques, in line with the *Strategic Plan 2022–2025*.

During the reporting period, the Commission participated in two cross-jurisdictional joint integrity agency projects arising from the NACIN:

1. A Corruption Investigator Capability Community of Practice, led by the Crime and Corruption Commission (Queensland), which is exploring

a national approach to the development of learning solutions to uplift corruption investigation capability

2. A joint NACIN agency study, jointly led by the Commission and the NSW Law Enforcement Conduct Commission (LECC), that is:

- a) Exploring advances in AI in investigations, focusing on Australian and international technological advancements and legal precedent
- b) Establishing and fostering partnerships with leading global law enforcement agencies at the forefront of AI application, learning from their experiences to refine our data analysis techniques and enhance investigative capabilities.

- recruitment practices
- outside employment
- timesheet, roster and payroll fraud
- procurement and contract management.

These topics commonly intersect with:

- misuse and theft of public resources
- information management and security
- improper management of conflicts of interest and favouritism
- gifts and hospitality.

The report includes many short case studies to help public agencies define, detect and report similar misconduct. It includes examples of conduct such as leaking interview questions to a preferred job candidate; taking paid leave to work in outside employment; or approving a family member's company as a supplier without disclosing a conflict of interest. It highlights key risks and red flags, and outlines measures that can assist as corruption prevention controls. The report also has a chapter on issues associated with managing misconduct.

National Investigations Symposium

The Commission partners with the NSW Ombudsman and the Institute of Public Administration Australia NSW Division to plan and deliver the biennial National Investigations Symposium (NIS). Building public sector integrity through education and prevention is a primary aim of both the NIS and the Commission's *Strategic Plan 2022–2025*. In the reporting period, the 14th NIS in May 2025 was announced, and the Commission published a call for speakers in its *Corruption Matters* external e-newsletter and on the website.

Corruption prevention summary

Corruption prevention projects

In 2023–24, the Commission released a number of new publications and videos examining corruption risks within the public sector. These provide information and advice on how corruption risks can emerge and how to manage them.

Common forms of corrupt conduct

In June 2024, the Commission published *Common forms of corrupt conduct: risks faced by NSW public sector agencies*. The report is based on an examination of the Commission's information holdings to reveal the most common and systemic corruption issues that NSW public sector agencies are likely to encounter. It offers insights from the analysis of more than 4,000 of the matters reported to the Commission.

The project found that the most common areas of misconduct involved:

Assessing compliance with government fraud and corruption control policies

In November 2023, the Commission released *Fraud and corruption control: evaluating compliance and its drivers*. This research report examined compliance with NSW Treasury Circular *TC18-02 NSW Fraud and Corruption Control Policy* ("the Circular"), which sets out the minimum standards for a state government agency's fraud and corruption control framework.

To assess the level of compliance with the Circular and understand drivers of compliance and non-compliance, the following research activities were undertaken:

- a survey of government agencies
- focus groups consisting of representatives from government agencies
- an analysis of fraud and corruption control documents provided by government agencies.

The report's key findings were that:

- It is relatively easy to comply with the Circular at a superficial level. However, "proper compliance" is very dependent on an agency's corruption control maturity, given the Circular is somewhat high-level.

- Requirements surrounding managing third parties are the most difficult with which to comply. Other elements with which it is relatively difficult to comply include having risk-based preventative and detective controls, and implementing employee education and awareness measures.
- Key barriers to compliance with the Circular include an organisational culture that does not support compliance, a lack of available guidance on fraud and corruption control, and specific operational challenges faced by given agencies.

This report followed from the earlier *Assessing corruption control maturity* publication (mentioned in the Commission's 2022–23 annual report) and concluded the Commission's major project that assessed corruption control frameworks across the public sector.

Annotated codes of conduct

In January 2024, the Commission released an *Annotated Code of Conduct for Members of Parliament*. This publication arose from the Commission's earlier investigations known as operations Aero, Witney and Keppel, each of which involved parliamentarians. The annotated code sets out a number of relevant investigation outcomes and judgments that illustrate the risks and consequences associated with breaches of the code. It was also used in conjunction with a number of training sessions conducted with parliamentarians and their staff.

During 2023–24, the Commission also prepared an annotated version of the Ministerial Code of Conduct. The Commission plans to revise and then publish this code in 2024–25.

Managing conflicts of duties

In January 2024, the Commission released *Managing conflicts of duties in the NSW public sector*. A conflict of duties deals with two or more different public duties an individual or an agency has that may conflict. An example of a potential conflict of duties is where an agency operates both a commercial division and a regulatory division. In this situation, there may be a concern that the regulatory division of the agency may be involved in regulating the commercial services it provides.

The distinction between conflicts of duties and conflicts of interest is important. A conflict of duties deals with two or more different public duties an individual or an agency has that may conflict, while a conflict of interest is a conflict between an individual's personal

or private interest and their official duty. While there is an abundance of published advice regarding the management of conflicts of interest, there is limited guidance regarding conflicts of duties. The Commission's publication aims to address this shortfall by providing advice to public sector managers and senior staff who are called upon to make decisions involving conflicting obligations and priorities. Specifically, the publication provides guidance on identifying conflicts of duties and how to address them through several steps. These include assessing the risks involved in a conflict of duties, and the measures that can be taken to enhance accountability and transparency.

Guidance for councillors travelling overseas

Councillors' overseas travel can create corruption risks, particularly because of the increasingly complex and challenging global environment, or in situations when the travel is not approved by a council and/or is paid for by a third party. These risks include information security concerns arising from foreign influence and interference; the possibility that a council's interests or broader domestic interests will be damaged; and the potential for grooming and bribery to occur.

In June 2024, the Commission released *Guidance for councillors on corruption risks associated with overseas travel* to help councillors protect the reputation and security of themselves and their councils when travelling overseas. The guidelines do not intend to supplement existing requirements concerning the payment of expenses and the approval of official foreign engagements, but rather provide additional advice to councillors while travelling overseas in an official capacity. The guidelines cover:

- potential corrupt conduct such as inappropriate gifts and the leveraging of public office for personal gain
- the risks that arise when councillors participate in overseas activities that involve council projects without the express approval of their council
- the geopolitical implications associated with accepting direct offers of sponsored travel from foreign governments and their associated entities
- security precautions for councillors to take before, during and after overseas travel.

Corruption prevention in local government and procurement

The three investigations completed in 2023–24 hold important lessons for preventing corruption, particularly in the local government sector.

Serious corrupt conduct was identified in *Investigation into the conduct of three former councillors of former Hurstville City Council, now part of Georges River Council, and others* (Operation Galley). This included two councillors accepting large cash payments from a property developer as an inducement or reward for using their positions to favour the developer's interests.

Serious corrupt conduct involving a property developer was also the subject of *Investigation into the conduct of the City of Canada Bay Council mayor and others* (Operation Tolosa). The mayor was found to have sought or accepted benefits worth at least \$18,800 in order to use their position to favour the developer.

The *Investigation into the awarding of Transport for NSW and Inner West Council contracts* (Operation Hector) revealed such corrupt conduct as collusive bidding on building projects and on subcontracts related to rail infrastructure projects. Over a six-year period, more than \$3 million of work was allocated at the council in return for corrupt benefits, and over \$13 million at Transport for NSW.

In terms of thematic corruption prevention issues, there are some clear similarities between operations Galley and Tolosa. In these matters, the Commission identified examples of conduct that can be described as grooming. Individuals with property development interests cultivated relationships with councillors by providing or organising overseas travel, accommodation and various forms of hospitality. Some of this was funded by developer interests but, even when a councillor “pays their own way”, travelling overseas with developers (or any other party with whom there should be an arm's length, professional relationship) is likely to create either a conflict of interest or a sense of capture.

Operation Hector represents a further chapter in the Commission's long-running series of procurement-related investigations. While each investigation produces its own set of corruption prevention issues, some of the recurring themes include:

1. failures to conduct sufficient due diligence on suppliers, and in some cases, subcontractors
2. splitting orders and using contract variations to avoid scrutiny or the need for competitive procurement processes
3. poor controls in relation to creating and using panels of pre-approved suppliers
4. failures to properly supervise officials with financial delegations or spot non-compliance with procurement policies.

Supplier panels

A number of the Commission's procurement-related investigations have exposed situations where corrupt individuals have misused panels of pre-approved suppliers to confer benefits on themselves and their close associates. Among other things, this conduct included manipulating the process used to appoint panel members.

In October 2023, the Commission released *Corruption risks associated with supplier panels*. This short publication canvasses a number of relevant investigations and provides better practice advice for establishing, operating and maintaining panels.

Educational videos

During 2023–24, the Commission finalised five new animated videos for its YouTube channel:

- “Avoiding corrupt conduct: advice for suppliers and contractors to government”
- “Tone at the top”
- “Myths and misconceptions about the NSW ICAC”
- “Myths and misconceptions about corruption”
- “Obligations of public office”.

These videos build on the Commission's existing suite of education products.

Advice

The Commission provides advice on ways to prevent or combat corrupt conduct and enhance integrity. This is a statutory function under the ICAC Act. This advice can range from minor issues that are dealt with in a single telephone discussion to significant issues requiring detailed discussions with a public authority and its officials. The advice service is available to all officers of the NSW public sector and members of the public.

In 2023–24, the Commission provided advice on 146 occasions (which is slightly lower than the 160 advice matters recorded in each of 2022–23 and 2021–2022).

This included making written and oral submissions to parliamentary reviews, including the inquiries into:

- Artificial intelligence in NSW (Legislative Council Portfolio Committee No. 1)
- Procurement practices of government agencies in New South Wales and its impact on the social

development of the people of New South Wales (Legislative Council Standing Committee on Social Issues)

- Administration of the 2023 NSW state election and other matters (Joint Standing Committee on Electoral Matters)
- Access to Australian Parliament House by lobbyists (Senate Standing Committee on Finance and Public Administration).

The Commission also contributed to several inquiries by the Legislative Assembly Privilege and Ethics Committee and the Legislative Council Privileges Committee.

Education and training

The Corruption Prevention Division is responsible for delivering the Commission’s education and training program. This program forms a key part of the Commission’s corruption prevention strategy and, in recent years, has benefited from additional staffing.

In 2023–24, the Commission commenced a project aimed at improving its engagement with culturally and linguistically diverse communities. In part, this was a

response to a number of Commission investigations involving persons from diverse backgrounds as well as engagement with the Counter Foreign Interference Coordination Centre of the Department of Home Affairs. The Commission has commenced working with peak bodies to prepare appropriate anti-corruption messages for relevant communities.

During 2023–24, the Commission delivered 166 workshops across NSW to 3,041 attendees (see Table 17). This is a 30 per cent increase on the 127 workshops that were delivered in 2022–23 and a 57 per cent increase on the 106 workshops in 2021–22. In part, this is attributable to the engagement of an additional training officer in 2022–23 and a second additional officer in 2023–24.

Workshops related to preventing corruption in procurement were the most requested. The Commission’s training staff work with agencies to determine the workshops that will best address their corruption risks. Where practical, the training materials, case studies and activities are tailored to the agency’s risk profile. In addition to the Commission’s regular workshops, we again successfully delivered a four-day executive short course in conjunction with the Australia and New Zealand School of Government.

Table 17: Workshops delivered in 2023–24

Workshop topic	Number delivered	Hours	Participants	Regional	Open	Online
Corruption prevention in procurement	60	222.5	1,228	23	4	21
Corruption prevention for managers	25	97	426	11	4	5
Corruption prevention in a regulatory role	19	62.5	390	4	1	6
Strategic approaches to corruption prevention executive workshops	16	57.5	238	4	2	4
Corruption prevention for planning professionals	12	42	211	7	2	3
Corruption prevention in grant making	10	35	160	1	2	8
Custom workshops	8	25.9	151	3	1	2
Corruption prevention for ICT professionals	7	14.5	131	1	1	1
Corruption prevention for Local Aboriginal Land Councils	5	17.5	44	4	0	1
Good governance in small boards	2	7	27	0	0	0
Factfinder: An introduction into fact-finding investigations	1	7	22	1	1	0
Developing a corruption prevention education program	1	4	13	0	1	1
TOTAL	166	592.45	3,041	59	19	52

The Commission has continued to offer online training options that allow for more flexibility and a broader reach for our training program. This also aligns with our *Strategic Plan 2022–2025*. During 2023–24, 52 workshops (31 per cent) were delivered online compared with 52 per cent in 2022–23. Our 2023–24 training program delivered a total of 59 workshops specifically for public officials in regional NSW. This is significantly more than the 37 delivered in 2022–23 and 25 in 2021–22. Fifty-two of these regional workshops (89 per cent) were delivered in person.

As was the case the previous year, the Commission hosted its “open” workshop program online. These are workshops in which any public official in NSW can apply to participate; however, in practice, the Commission is not able to deliver training to every official who is interested. Due to the number of open workshops offered in the first half of 2023, the large number of in-house workshop requests and some capacity constraints in the second half of 2023, we temporarily suspended the open program and then offered a smaller number of open workshops in the first half of 2024. As a result, we delivered a total of 19 open workshops in 2023–24 compared with 35 in 2022–23 and 24 in 2021–22.

Of all the workshops delivered in the reporting period, 142 were evaluated to ensure quality and to allow us to recalibrate our education function where needed. Over the year, 28 per cent of attendees completed the online evaluation survey and 837 responses were received. There were approximately 5.9 responses per workshop, down from 8.9 in the previous year. Ninety-seven per cent of participants rated these workshops as “useful” or “very useful”, and 97 per cent of participants “agreed” or “strongly agreed” that these workshops met their learning needs. These figures are similar to the previous year’s result, and indicate

the ongoing success of the Commission’s training program.

Outreach

In 2023–24, we recommenced our rural and regional outreach program, which had been put on hold during the COVID-19 pandemic. The outreach program aims to raise understanding of corruption risks, provide practical corruption prevention information, and give advice on how to report corrupt conduct. Visits were held in the Hunter and Central Coast and the Riverina regions, and included a community leaders forum in each location; meetings with public sector executives; training workshops; liaison visits with public sector agencies, and interactive sessions with high-school students. The Commission was joined by the NSW Ombudsman and the Law Enforcement Conduct Commission to deliver the outreach program, and the new National Anti-Corruption Commission participated in the Riverina visit.

Speaking engagements

Audiences for the Commission’s speaking engagements include government departments, local councils, peak bodies and the Corruption Prevention Network (CPN).

The Commission is an active supporter of the CPN, a not-for-profit association committed to providing learning opportunities to individuals involved in corruption prevention and fraud control. In particular, the Commission assists the CPN to plan and deliver monthly seminars. These seminars were held in a hybrid online/in-person format and attracted approximately 460 attendees on average per seminar throughout the year.

Table 18: Number of corruption prevention speaking engagements delivered compared with previous years

Quarter	2023–24		2022–23		2021–22	
	Number of engagements	Number addressed*	Number of engagements	Number addressed*	Number of engagements	Number addressed*
Jul–Sept	21	4,915	31	6,160	12	1,433
Oct–Dec	21	1,322	20	1,420	20	3,878
Jan–Mar	18	577	9	420	11	1,203
Apr–Jun	26	2,069	28	2,373	17	2,697
Total	86	8,883	88	10,373	60	9,211

* These figures are based on estimates of attendance.

In 2023–24, Commission officers delivered 86 speaking engagements. This is similar to the 88 delivered in 2022–23 and up from the 60 delivered in 2021–22.

The widespread take-up of videoconferencing technology has allowed us to deliver speaking engagements to larger audiences.

In July 2023, the Commission hosted an online corruption prevention forum that attracted almost 500 attendees. The forum highlighted the key lessons learnt from Commission investigations, including operations Paragon and Keppel, as well as material from some of the corruption prevention publications mentioned elsewhere in this section.

Corporate services summary

Information technology upgrades

As a result of re-baseline funding, during the reporting period, the Commission undertook several high-impact IT projects, as follows:

- Completed upgrading Exchange email systems
- Continued developing and implementing security controls to meet Cyber Security NSW Policy and Essential 8 compliance requirements
- Completed upgrading audio/video technologies for meeting rooms and hearing rooms
- Completed upgrading network infrastructure, including core and wireless networking
- Completed upgrading digital storage capacity for forensic applications
- Continued digitising physical records
- Launched an upgraded intranet
- Completed a number of smaller projects that included upgrading website platforms and maintaining and improving existing IT infrastructure.

In 2023–24, the Commission commenced projects to upgrade and replace telephony systems, implement new service desk software for IT and other customer-facing departments, and upgrade floor network switches. These projects will continue in 2024–25. In addition, new projects will commence in 2024–25, including further cyber security development and maturity, and network security infrastructure upgrades and replacements.

Information security

The Commission is dedicated to safeguarding information security and has developed a program of work to improve compliance with the NSW Government’s Cyber Security Policy, as well as to develop and implement security controls to meet Cyber Security NSW compliance requirements.

The program includes implementation of the controls and is based on continuous improvement of the Commission’s security position. This work includes, but is not limited to:

- reviewing and updating information security policies to align with the NSW Cyber Security Policy and latest industry standards
- building a strong cyber security culture across the organisation through regular campaigns run across multiple channels, including phishing simulations, cyber training, lock-screen messages and targeted communications
- improving incident response capabilities by conducting incident exercises and continually updating the cyber incident response plan and associated procedures
- actively managing and assessing cyber security risks in accordance with the organisational risk management framework
- regular analysis of compliance with the NSW Cyber Security Policy and Essential 8 controls including the prioritisation of remediation activities.

Finance

The growth in Commission staffing and near completion of the Commission’s lease has led to the scoping of new lease premises of increased size. Due to current market vacancy rates, larger premises have become available in the current location, on alternate floors. This also presents the Commission with the opportunity to run hearings in parallel, and to accommodate witness welfare and counsel assisting privacy rooms, ensuring separation of staff from those under investigation. These aspects have been either deficient or non-existent in its current location.

The Commission also developed a budget proposal surrounding a growing concern within the Commission of managing foreign interference. Many of the Commission’s recent operations have an increased presence of foreign influence, particularly at local government level, including developers. The proposed program will increase the Commission’s presence

in multicultural communities as well as give the Commission increased access to public information.

A component for hearing room improvements, particularly for those with a disability, was also included. The business cases developed were approved by the Expenditure Review Committee as part of the 2024–25 Budget process, although progress on securing an independent funding model, also expected in this budget process, remains ongoing.

Research and development

We joined with the University of Sydney and were successful in obtaining Australian Research Council funding to carry out a project titled “Artificial Intelligence and anticorruption: Unearthing systemic corruption in the public sector”. The project will commence in 2024–25 and will complement the NACIN work by, among other things, examining how anti-corruption agencies can make efficient and ethical use of AI to identify corrupt conduct. The partnership will be facilitated using existing staff resources within the Corruption Prevention Division.

Performance information

Performance information is covered under the heading “Summary review of operations” as well as in the “Strategy” section of this report.

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Management and accountability

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Compliance and accountability

Compliance framework

The ICAC Act provides the Commission with extensive statutory powers. In addition to powers set out in the ICAC Act, Commission officers can:

- apply for telecommunications interception warrants and stored communications warrants, and obtain access to existing and prospective telecommunications data under the *Telecommunications (Interception and Access) Act 1979* (Cth)
- obtain approval under the *Law Enforcement (Controlled Operations) Act 1997* (NSW) for the conduct of operations that would otherwise be unlawful
- obtain authorisation to use assumed identities under the *Law Enforcement and National Security (Assumed Identities) Act 2010* (NSW)
- apply for warrants to use surveillance devices (listening devices, tracking devices, optical surveillance devices and data surveillance devices) under the *Surveillance Devices Act 2007* (NSW).

The Commission's compliance framework ensures it complies with relevant legislative requirements and does not abuse these powers. The compliance framework consists of internal and external accountability systems. Internal accountability systems include:

- strict procedural requirements for the exercise of all statutory powers
- the Investigation Management Group (IMG), which oversees all Commission investigations and the preparation of briefs of evidence for submission to the DPP
- the Prevention Management Group (PMG), which oversees the Commission's corruption prevention activities
- the Executive Management Group (EMG), which oversees corporate governance and budgeting, and provides overall strategic direction
- the Senior Leadership Forum (SLF), which assists the Chief Executive Officer to manage the day-to-day affairs of the Commission and to implement the decisions of the Commissioners

- the Commission Consultative Group (CCG), as the formal mechanism for consultation and communication between staff and management on matters of policy and procedure
- the Audit and Risk Committee (ARC), which provides independent assistance to the Accountable Authority of the Commission, being the Chief Executive Officer, by overseeing and monitoring the Commission's governance, risk and control frameworks and its external accountability requirements.
- the Work Health Safety and Equity Committee, which monitors and reviews the Commission's policies and regulatory requirements relating to health and safety in the workplace and oversees equal employment opportunity issues, plans, policies and procedures.

The two main external accountability bodies for the Commission are the Parliamentary Committee on the ICAC and the Inspector of the ICAC. The Commission is also externally accountable for its work through:

- accounting to the NSW Treasury and the Auditor-General for the proper expenditure of funds
- inspection by the Inspector of the Law Enforcement Conduct Commission of records of telecommunications interceptions, controlled operations and the use of surveillance devices
- inspection by the Commonwealth Ombudsman of records relating to stored communications warrants, preservation notices and access to telecommunications data
- reporting to the NSW Attorney General and the judge who issued the warrant for each surveillance device warrant
- compliance with access to information and privacy laws, with exemption for certain operational matters
- requirements for annual reporting, including those in the *Government Sector Finance Act 2018* (GSF Act) and the ICAC Act.

In some cases, the Commission's actions are reviewable by the NSW Supreme Court to ensure proper exercise of its functions and powers.

Section 20(5) of the ICAC Act requires the Commission to provide reasons to complainants and those who report possible corrupt conduct under s 11 of the ICAC Act for its decisions to discontinue or not commence an investigation and to inform each such person of the reasons for its decisions.

Pursuant to s 31B of the ICAC Act, the Commission has also issued procedural guidelines relating to the conduct of public inquiries to members of its staff and counsel appointed to assist the Commission. These guidelines are published on the Commission's website and made available to witnesses and their legal representatives appearing in public inquiries. The guidelines provide guidance on the following aspects of the conduct of public inquiries:

- the investigation of evidence that might exculpate affected persons
- the disclosure of exculpatory and other relevant evidence to affected persons
- the opportunity to cross-examine witnesses as to their credibility
- providing affected persons and other witnesses with access to relevant documents and a reasonable time to prepare before giving evidence
- any other matter the Commission considers necessary to ensure procedural fairness.

Other ways in which the Commission demonstrates accountability to the community include conducting public inquiries; posting public inquiry transcripts and relevant exhibits on the Commission's website; live-streaming public inquiries from the Commission website where appropriate; and publishing investigation reports and other material prepared by the Commission.

Internal governance

Legal review

All applications for the exercise of statutory powers for investigation purposes are reviewed by the Commission lawyer assigned to the investigation to ensure they meet relevant regulatory and Commission requirements. Applications are then reviewed by the Executive Director, Legal.

If approved by the Executive Director, Legal, applications for the exercise of powers under the ICAC Act and some other statutes are submitted to a Commissioner for final approval. Applications for surveillance device warrants are considered by judges of the NSW Supreme Court. Applications for telecommunications interception warrants and stored communications warrants are usually made to judicial members of the Administrative Appeals Tribunal (Cth). Although, under the ICAC Act, a Commissioner may issue a search warrant, it is Commission practice

that applications for search warrants are made to an "authorised officer", being a magistrate, a registrar of the Local Court, or an employee of the Attorney General's Department authorised by the Attorney General as an authorised officer.

The Executive Director, Legal, audits the Commission's assumed-identity records as required under the *Law Enforcement and National Security (Assumed Identities) Act 2010*. In 2023–24, two new assumed identity authorities were granted and one authority was cancelled. None were varied. Assumed identities are granted and used by Commission officers in surveillance operations on people of interest in Commission investigations and to maintain covert arrangements. The Commission conducted an audit of these records in June 2024. Records of the audited files complied with the relevant legislative requirements.

Executive Management Group

The EMG comprises the three Commissioners, the Chief Executive Officer and all four executive directors. It is responsible for:

- reviewing and recommending:
 - strategic and business plans
 - risk management
 - policies, procedures and delegations
 - codes of conduct
 - the overall management framework
- considering and determining corporate-wide management commitments to:
 - corporate governance
 - management of information systems
 - human resources
 - finance and general administration
 - communication and marketing
- overseeing major corporate projects by:
 - approving and overseeing projects
 - determining the appropriate level of progress reporting required for each project
 - ensuring effective administration and management of organisational resources
 - making decisions on a suitable course of action when a project is delayed or new information is revealed

- endorsing strategic directions and broad operational priorities
- ensuring that Commission staff comply with the policies relating to project planning and management.

Investigation Management Group

The IMG comprises the three Commissioners, the Chief Executive Officer and the Executive Directors, Investigation Division, Legal Division and Corruption Prevention Division. The IMG oversees all Commission investigations, preparation of investigation reports, preparation of briefs of evidence for submission to the DPP, and the progress of criminal prosecutions arising from Commission investigations. The IMG meets monthly (except in January).

The functions of the IMG include:

- considering and reviewing the business case for an investigation, the scope and focus of exposure, and corruption prevention activities
- making or endorsing key decisions made during an investigation, including decisions about investigation priorities and key strategies and results
- monitoring the delivery of investigation products and results, including public inquiries, investigation reports, briefs of evidence, the implementation of agency corruption prevention implementation and action plans, and the progress of criminal prosecutions arising from investigations
- assessing the benefits of a Commission investigation and considering post-operational assessments.

Prevention Management Group

Members of the PMG are the same as for the EMG. The PMG also meets monthly. Its functions include selecting, approving and overseeing corruption prevention projects and ensuring the quality and content of the resulting publications.

Senior Leadership Forum

Members of the SLF are the Chief Executive Officer and the four executive directors.

The SLF sets the annual budget of the Commission, consistent with the strategic direction and priorities of the Commission, ensures alignment of the workforce to these priorities and provides financial management and

governance expertise to support the achievement of strategic and operational objectives. The SLF develops corporate strategies and selects and oversees major corporate projects undertaken in line with priorities, objectives and statutory responsibilities.

Operations Manual and policy frameworks

The Commission's operations manual sets out procedures for the exercise of relevant statutory powers. The procedures must be followed by Commission officers both in applying to exercise a particular power and in exercising that power. The procedures ensure that all relevant legislative requirements are identified and addressed.

The operations manual is updated to reflect changes to legislation. Minor changes are approved by the SLF, but any changes of substance are approved by the EMG.

The Commission has an investigation policy framework document that establishes the framework and the minimum standards for how the Commission performs its investigation function. The Commission also has a corruption prevention policy framework document that establishes the standards for how the Commission performs its corruption prevention function.

External governance

Parliamentary Committee on the ICAC

The Parliamentary Committee on the ICAC ("the Parliamentary Committee") is the means by which the Commission is accountable to the NSW Parliament. It was established by resolution on 6 April 1989 and was re-established on 29 June 2023.

The functions of the committee are set out in s 64 of the ICAC Act. They are to:

- monitor and review the exercise by the Commission and the Inspector of the ICAC ("the Inspector") of the Commission's and Inspector's functions
- report to both Houses of Parliament, with such comments as it thinks fit, on any matter appertaining to the Commission or the Inspector connected with the exercise of its functions to which, in the opinion of the committee, the attention of Parliament should be directed
- examine each annual and other report of the Commission and of the Inspector and report to both Houses of Parliament on any matter appearing in, or arising out of, any such report

- examine trends and changes in corrupt conduct, and practices and methods relating to corrupt conduct, and report to both Houses of Parliament any change that the committee thinks desirable to the functions, structures and procedures of the Commission and the Inspector
- enquire into any question in connection with its functions referred to it by both Houses of Parliament, and report to both Houses of Parliament on that question.

The committee cannot investigate a matter relating to particular instances of conduct, reconsider a decision by the Commission to investigate, not to investigate or discontinue an investigation, or reconsider any findings, recommendations, determinations or other decisions of the Commission in relation to a particular investigation or complaint.

The Parliamentary Committee consists of members of Parliament, selected from both the Legislative Assembly and Legislative Council. As at 30 June 2024, the members of the committee are:

- Jason Li MLA (Chair)
- Mark Hodges MLA (Deputy Chair)
- Sarah Kaine MLC
- Tania Mihailuk MLC
- Jacqui Munro MLC
- Sally Quinnell MLA
- Michael Regan MLA
- David Saliba MLA
- Kobi Shetty MLA
- Wendy Tuckerman MLA
- Tri Vo MLA.

The Commissioners and Executive held a briefing for incoming committee members at the Commission offices on 21 August 2023, to explain the role of the Commission and outline its work in investigating and preventing corrupt conduct.

During this reporting period, the Committee commenced its review of the 2021–22 and 2022–23 annual reports of the Commission and the Inspector. Commission officers gave evidence before the Committee on 11 December 2023 and the Inspector gave evidence on 15 February 2024.

No reports were made by the Committee during this reporting period.

Reports of the Parliamentary Committee, evidence given to the Parliamentary Committee and submissions made for the purposes of particular inquiries can be accessed from the parliamentary website at www.parliament.nsw.gov.au.

Inspector of the ICAC

Gail Furness SC was appointed the Inspector of the ICAC effective from 1 July 2022.

The principal functions of the Inspector, as set out in s 57B of the ICAC Act, are to:

- audit the operations of the Commission for the purpose of monitoring compliance with the law of NSW
- 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
- deal with (by reports and recommendations) conduct amounting to maladministration (including delay in the conduct of investigations and unreasonable invasions of privacy) by the Commission or officers of the Commission
- assess the effectiveness and appropriateness of the procedures of the Commission relating to the legality or propriety of its activities.

The Inspector has extensive powers. These include the power to:

- investigate any aspect of the Commission's operations or any conduct of officers of the Commission
- require Commission officers to supply information or produce documents or other things relating to the Commission's operations or conduct of Commission officers
- require Commission officers to attend before the Inspector of the ICAC to answer questions or produce documents or other things relating to the Commission's operations or the conduct of Commission officers
- investigate and assess complaints about the Commission or Commission officers
- recommend disciplinary action or criminal prosecution against Commission officers.

A memorandum of understanding, entered into on 26 September 2022, sets out arrangements for liaison between the Commission and the Inspector concerning referral of matters, access to information and points of

contact between the Commission and the Inspector's office. The memorandum of understanding is published on the Commission's website.

As part of this, the Commission forwards the minutes of ARC, IMG, PMG and EMG meetings to the Inspector, indicating the organisation's cooperation with the Inspector and in the interests of openness and transparency.

In August 2023, the Inspector published her special report regarding the time taken by the Commission to furnish to Parliament its report, *Investigation into the conduct of the then member of Parliament for Wagga Wagga and then premier and others* (Operation Keppel).

The Inspector noted that the 417 days it took between the end of submissions for the Operation Keppel public inquiry and the furnishing of the report clearly fell well outside the 180 days of the Commission's benchmark for completion of complex reports. The Inspector found, however, that, given the complexity of Operation Keppel, it can be readily seen to be an exception and that drafting the report was legally and factually complex. The Inspector was satisfied that the time taken to report to Parliament did not amount to maladministration because, while the issue is serious, it was not unreasonable, unjust, oppressive or improperly discriminatory.

The Inspector recommended that the Commission review its procedures in relation to the preparation of s 74 reports and, in doing so, consider the following:

1. imposing a limit on the pages of submissions made by counsel assisting and those in reply,
2. the composition of the Review Panel and the priority given by the Review Panel members over its usual duties when considering reports,
3. exploring other means of achieving the efficient proof reading, layout and printing of reports,
4. updating its procedures and manuals to reflect current KPIs, emphasising the need for timely provision of reports and clarifying how resources are allocated, and
5. whether the current KPIs are achievable or should be adjusted.

On 26 October 2023, the EMG approved changes to the relevant Commission operations manual procedures to address recommendations 1, 2 and 4.

Recommendation 1 has been addressed by requiring the Commissioner presiding at a public inquiry to

consider whether to impose a limit on the pages of submissions of counsel assisting and those in reply.

Recommendation 2 has been addressed by limiting membership of the Review Panel to the three Commissioners, the Executive Director Legal and, if the report contains a corruption prevention chapter, the Executive Director Corruption Prevention. The Chief Executive Officer and Executive Director Investigation Division are no longer members. The relevant procedure also now provides that members of the Review Panel should aim to complete their reading and consideration of the draft report and meet no later than two weeks after receiving the draft report.

Recommendation 4 has been addressed by setting out in the relevant operations manual procedure the Commission's current KPIs for finalisation of reports, namely that the Commission aims to furnish at least 80 per cent of its s 74 reports to the presiding officers of Parliament as follows:

- for a public inquiry of five days or less, within 80 days of the receipt of final submissions, and
- for a public inquiry of more than five days, within 180 days of the receipt of final submissions.

The relevant procedure provides that, in order to meet these timeframes, it is necessary that the report be drafted and ready to submit to the review panel:

- where the public inquiry was five days or less, within 40 days of the receipt of final submissions, and
- where the public inquiry was more than five days, within 130 days of the receipt of final submissions.

With respect to recommendation 3, the Commission advised the Inspector that the times taken to complete editing and production of reports will continue to be actively monitored with a view to identifying any efficiencies that may be implemented.

With respect to recommendation 5, in January 2023 the Commission changed its KPIs for completion of s 74 reports to those set out above. These are consistent with those proposed by the Commission in its July 2022 submission to the Parliamentary Committee's review of aspects of the ICAC Act. Given the relatively recent adoption of these times, it was not proposed to revisit them in response to the recommendation, but the Commission advised the Inspector it would actively monitor them and review within the next 12 months whether they require any change.

In responding to the Inspector's recommendations, the Commission noted that, as a result of receiving additional funding from government, the Commission has been able to increase the number of its legal staff. This has allowed the Commission to assign two lawyers to major public inquiries as opposed to only one lawyer for previous public inquiry matters. It has also meant that additional resources are available for drafting s 74 reports. These additional resources should assist the Commission to meet its KPIs.

The Inspector also recommended that the Commission advise the Committee and the Inspector when it is of the view that its resources will adversely impact its capacity to report to Parliament in accordance with its KPIs.

As noted in the *Annual report 2022–23*, in February 2023, the Inspector published her special report regarding an audit of the welfare of witnesses and others involved in Commission investigations. The report contained a number of recommendations to enhance measures directed towards protecting the health and safety of those involved in investigations.

In the *Annual report 2022–23*, the Commission noted it had advised the Inspector it agreed with the recommendations directed to it, although those relating to the establishment of a wellbeing management officer role were dependent on the Commission receiving funding for the position. The Commission received additional funding in 2023–24 that resulted in the Commission engaging a full-time witness liaison officer (WLO).

The role of the WLO includes working collaboratively with Commission staff to help identify, assess and manage risks to the psychological wellbeing of witnesses and other persons subject to the exercise of the Commission's duties, functions and powers. This involves conducting witness needs assessments, developing witness engagement plans and providing social worker services. In the reporting period, the WLO received 17 referrals.

The Commission has also finalised new policy and procedures for witness welfare, and engaged an external provider to provide support services that can assist witnesses with their psychological wellbeing needs and provide witness welfare training for Commission staff.

The Inspector's reports can be accessed from the Inspector's website at www.oicac.nsw.gov.au.

The Auditor-General

Under the *Government Sector Audit Act 1983*, the Auditor-General has power to inspect, examine and audit the Commission's accounts and records.

The Auditor-General is required to audit the Commission's financial report.

Under the *Government Sector Finance Act 2018*, the Commission's Chief Executive Officer (as the Commission's "accountable authority" under that Act) must cause annual financial statements to be prepared for the annual reporting period for the Commission and give those statements after they are prepared to the Auditor-General for auditing.

The annual financial statements must be:

- a) prepared in accordance with the Australian Accounting Standards and any other requirements specified by the *Government Sector Finance Act 2018*, the regulations or the Treasurer's directions, and
- b) present fairly the Commission's financial position, financial performance and cash flows.

A copy of both the annual financial statements and the audit report for them must be included in the Commission's annual reporting information tabled in Parliament. Details of the Commission's financial report and the Auditor-General's audit are contained in this annual report.

Inspector of the Law Enforcement Conduct Commission

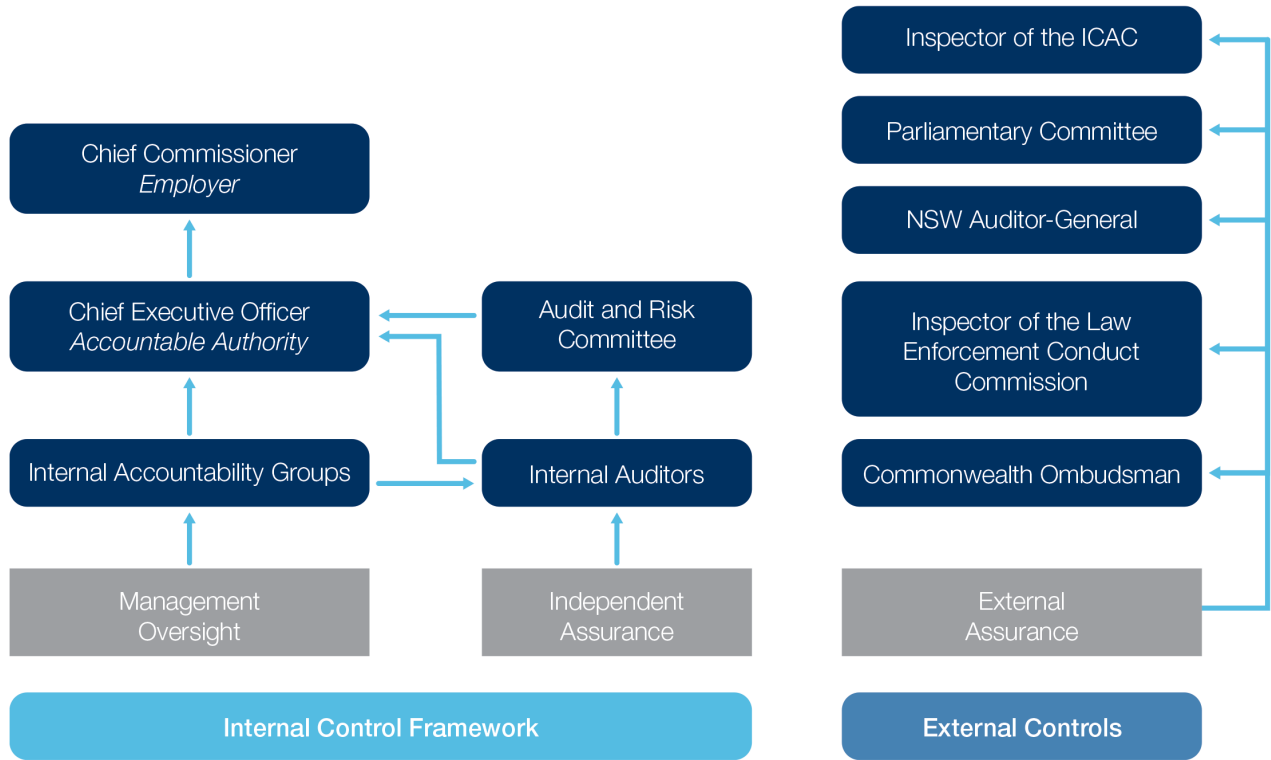
The Inspector of the Law Enforcement Conduct Commission ("the LECC Inspector") inspects the Commission's records of telecommunications interceptions, surveillance device warrants and controlled operations to measure compliance with statutory requirements.

On 20 November 2023 and 22 May 2024, officers from the Office of the LECC Inspector inspected the Commission's telecommunications interception and surveillance device records. No exceptions or issues requiring attention were identified in those inspections.

The Commonwealth Ombudsman

The Commonwealth Ombudsman can inspect the Commission's records relating to stored communications warrants, preservation notices and access to telecommunications data.

Figure 4: Internal and external governance at the ICAC



On 13 and 14 November 2023, the Commonwealth Ombudsman inspected the Commission’s stored communications records and telecommunications data records for the 2023–2024 inspection cycle. No issues requiring attention were identified during the inspection process.

In April 2024, the Commonwealth Ombudsman inspected the Commission’s surveillance devices records. The inspection was performed remotely via correspondence. No issues requiring attention were identified during the inspection process.

Legal change

The *Law Enforcement (Powers and Responsibilities) Amendment (Digital Evidence Access Orders) Act 2023* commenced on 13 July 2023. It amended the *Law Enforcement (Powers and Responsibilities) Act 2002* to enable the Commission to seek a digital evidence access order in relation to a search warrant issued under s 40 of the ICAC Act. Digital evidence access orders are sought in connection with a search warrant to provide additional powers. If an order is issued, a Commission officer can direct a person to

provide information or assistance reasonably necessary to access a digital device or copy or convert data. For example, a person could be required to provide a password or PIN to access a locked device. Digital evidence access orders cannot be issued unless linked to a search warrant. Applications must be determined by an eligible issuing officer, which in the case of Commission search warrants will be a magistrate or a registrar of the Local Court. Under s 76AO of the *Law Enforcement (Powers and Responsibilities) Act 2002*, it is a criminal offence for a person to fail to comply with such a direction or give false or misleading information to an officer executing a digital evidence access order without a reasonable excuse. It is not a reasonable excuse that complying with the direction would incriminate the person or expose them to a penalty. This offence attracts a maximum penalty of five years’ imprisonment, or a fine of \$11,000, or both.

The *Public Interest Disclosures Act 2022* commenced on 1 October 2023. It replaced the *Public Interest Disclosures Act 1994* and provides an enhanced scheme for the making of public interest disclosures and protection of persons making such disclosures. It also amended the ICAC Act, in part by omitting s 50

(protection of witnesses and persons assisting the Commission) and inserting a new Part 8A dealing with these issues.

As a result of the new Act coming into force, the Commission published a new policy for dealing with public interest disclosures by persons who are not Commission officers and a new policy for dealing with public interest disclosures made by Commission officers. These are published on the Commission's website at www.icac.nsw.gov.au. The Commission also delivered mandatory training to all staff.

The ICAC and LECC Legislation Amendment Act 2023 amended the ICAC Act to:

- a) Enable the Inspector to require the Commission to advise whether it intends to implement any recommendation or report made by the Inspector under s 57B of the ICAC Act and, if the Commission does not intend implementing the recommendation or report, to provide reasons. If the Inspector is not satisfied the Commission has duly and properly taken action the Inspector may inform the Commission and give the Commission an opportunity to comment within a specified time. If the Inspector remains dissatisfied, the Inspector may make a report to the Presiding Officer of each House of Parliament.
- b) Require the Commission to publish information about the time within which investigations and reports will be completed.
- c) Amend s 112 of the ICAC Act to provide it is not a contravention of a non-publication direction under s 112 of the ICAC Act to publish information to a medical practitioner or psychologist for the purposes of that health practitioner providing medical or psychiatric care, treatment or counselling to a person who has been given a notice under s 21 or s 22 of the ICAC Act.
- d) Amend s 114 of the ICAC Act so that it is not a contravention of a requirement not to disclose information about a notice of summons if the disclosure is made to a medical practitioner or psychologist for the purposes of that health practitioner providing medical or psychiatric care, treatment or counselling to a person who has been given a notice under s 21 or s 22 of the ICAC Act or a summons under s 35 of the ICAC Act.

The Independent Commission Against Corruption Amendment Act 2024 commenced on 3 April 2024. It amends the ICAC Act to allow certain information

disclosed in accordance with the direction of a Commissioner under s 111(4)(c) of the ICAC Act to be further disclosed by the recipient in particular circumstances.

It also amends the ICAC Act to provide that, as soon as practicable after making a corruption prevention recommendation under s 13(3) of the ICAC Act, the Commission must give a copy of the recommendation to the relevant public authority or official and, for a recommendation in relation to a public authority, to the relevant minister. The amendments also provide that, where such a recommendation is made for one or both Houses of Parliament to take action to reduce the likelihood of corrupt conduct occurring, the Commission must give a copy of the recommendation to the relevant Presiding Officer. The Presiding Officer is required to inform the House of the recommendation and the Presiding Officer's response. The House may refer the recommendation to a relevant parliamentary committee for that committee to report. These amendments addressed the recommendation made in the Operation Keppel report that consideration be given to amending s 111E of the ICAC Act to set requirements for the premier on behalf of the NSW Government and Presiding Officers of each House to respond to the Commission's corruption prevention recommendations.

The Surveillance Devices Amendment (ICAC) Regulation 2023 ("the Regulation") exempts the Commission from certain provisions of the *Surveillance Devices Act 2007* ("the SD Act") in relation to the use of surveillance device recordings unlawfully obtained by a person other than the Commission. It provides that, if the Commission relies on the exemption during an investigation, it must make a statement to that effect in any report relating to the investigation. The amending section is automatically repealed at the end of 31 December 2025. The exemption was made following a request from the Commission for legislative amendment to enable it to possess and use material it had obtained from other parties in the course of exercising its statutory powers in a current investigation, where it suspected such possession and use might otherwise be in contravention of the SD Act.

Following these changes, the Commission developed a protocol for the storage and management of material believed to be obtained in contravention of the SD Act. A copy of the protocol was provided to the Parliamentary Committee and the Inspector. It is also published on the Commission's public website.

Since the Regulation came into effect on 24 November 2023, the Commission has relied on it to access and review recordings of conversations obtained from other

parties for the purpose of progressing its investigation. The Commission has also relied on the exemption on one occasion to review material furnished to the Commission by a complainant in support of a complaint of suspected corrupt conduct made under s 10 of the ICAC Act. That material was relevant to the allegation and informed the Commission's decision to refer the complaint to a relevant authority for investigation and report under s 53 and s 54 of the ICAC Act.

Litigation

The Commission was involved in the following litigation matters during the reporting period:

1. Sajjid Nasir v State of NSW (Information and Privacy Commission)

On 3 May 2024, the Commission was served with an interlocutory application in these Federal Court of Australia proceedings whereby Mr Nasir sought to join the Commission and other parties to the proceedings. In support of the application, Mr Nasir has alleged the Commission has "exhibited discriminatory and retaliatory conduct in response to complaints. This behaviour includes providing misleading, incorrect, fictitious, and potentially damaging information in their responses, as well as noncompliance with the Privacy and Personal Information Protection Act section 15 regarding the alteration of personal information."

On 7 June 2024, the Federal Court granted Mr Nasir leave to withdraw the application to join the Commission and other parties to the proceedings. A notice of discontinuance has been formally filed.

2. Westwood v Steve Mark, Commissioner of OLSC & Ors

On 22 December 2023, Mr Westwood filed an amended statement of claim in the NSW Supreme Court seeking damages from the Commission of \$2,750,000 plus interest of \$5,695,517. The claim affecting the Commission is for alleged breach of contract which appears to arise from the Commission's decision not to investigate a matter Mr Westwood reported to the Commission in 2010 pursuant to s 10 of the ICAC Act. The Commission has filed a notice of motion seeking to have the proceedings summarily dismissed or, in the alternative, the amended statement of claim be struck out so far as it concerns the Commission. The notice of motion is listed for hearing on 23 July 2024.

3. Tsirekas v ICAC

On 14 December 2023, Mr Tsirekas filed a summons in the NSW Supreme Court seeking a declaration that the Commission's November 2023 report *Investigation into the conduct of the City of Canada Bay Council Mayor and others* (Operation Tolosa) was materially affected by errors of law, denial of procedural fairness and was made beyond statutory power. The Commission's response contesting the orders sought was filed on 26 February 2024. On 17 June 2024, the matter came before the Registrar of the NSW Supreme Court for directions. The matter was adjourned to 8 July 2024.

4. Berejikian v ICAC

On 22 September 2023, Ms Berejikian filed a summons in the NSW Supreme Court seeking an order quashing the serious corrupt conduct findings made against her in the Commission's June 2023 report *Investigation into the conduct of the then member of Parliament for Wagga Wagga and then premier and others* (Operation Keppel). The matter was heard by the NSW Court of Appeal on 26 and 27 February 2024. On 26 July 2024, the Court of Appeal delivered judgment dismissing Ms Berejikian's amended summons with costs ([2024] NSWCA 177).

5. Demian v ICAC

On 12 January 2023, Mr Demian filed a summons in the NSW Supreme Court seeking an order to extend the time in which to commence proceedings, a declaration that the s 74A(2) statement in the Commission's March 2021 report *Investigation into the conduct of councillors of the former Canterbury City Council and others* (Operation Dasha) with respect to him was not made in accordance with law and an order quashing or setting aside the statement. The Commission filed a response opposing the application for extension (no adequate or reasonable explanation having been given for the delay) and disputing the s 74A(2) statement was not made in accordance with law. On 26 June 2023, the Commission consented to a stay of the judicial review proceedings for one year or until further order pending the conclusion of the criminal proceedings against Mr Demian for one charge of give false and misleading evidence pursuant to s 87 of the ICAC Act. The criminal proceedings are listed to commence on 3 February 2025. The judicial review proceedings are listed for further directions on 19 February 2025.

6. *Gamage v DPP & Riashi*

- a) By notice of motion dated 18 October 2021, Mr Gamage applied to have the Operation Avoca criminal proceedings against him permanently stayed. The notice of motion was heard by Magistrate Price on 16 June 2022 and the application was refused. By summons filed in the NSW Supreme Court on 8 July 2022, Mr Gamage sought leave to appeal that decision. Although a Commission officer, Mr Riashi, was named in the summons as respondent, by notice of motion filed on 9 August 2022, the DPP sought to have Mr Riashi removed as the defendant and the DPP joined as the defendant. On 1 September 2022, the Registrar of the Supreme Court made orders to join the DPP as a party to the proceedings and to remove Mr Riashi as a respondent to the summons.

On 13 September 2022, Mr Gamage filed a notice of motion seeking to set aside the orders of 1 September 2022. On 11 November 2022, Rothman J determined that the DPP was a proper party but also re-joined Mr Riashi. His Honour's decision is unreported. On 31 January 2023, Yehia J dismissed Mr Gamage's application for leave to appeal by consent (on the basis that Magistrate Price had no power to determine an application for a permanent stay of proceedings in committal proceedings). Her Honour's decision is unreported.

On 3 May 2023, Mr Gamage served the Commission with a subpoena for production requiring the Chief Commissioner to produce the affidavit made in support of the application for a surveillance device warrant (sought during the Operation Avoca investigation). The Commission's application to have the subpoena set aside was set down for hearing on 5 June 2023. Before that date, Mr Gamage served Mr Riashi with a subpoena to give evidence at that hearing. On 5 June 2023, both subpoenas were set aside on the basis that neither served a legitimate forensic purpose. On 19 June 2023, Mr Gamage filed a summons seeking leave to appeal the decision to set aside the subpoenas. The matter was heard by Rothman J on 8 February 2024. Awaiting judgment.

- b) On 13 June 2023, Mr Gamage filed a summons seeking an order of *mandamus* in the NSW Supreme Court to require the Local Court to issue subpoenas for seven witnesses (including Commission officers) to give evidence, among other related orders. On 21 June 2023,

Mr Gamage filed a notice of motion for an injunction to compel the Local Court to vacate the hearing dates in Mr Gamage's criminal proceedings and sought leave to amend the summons. On 23 June 2023, Button J rejected the application for an injunction and declined to intervene on the basis that Mr Gamage's complaints can and should be dealt with by the Local Court. The matter was heard by Rothman J on 8 February 2024. Awaiting judgment.

- c) On 18 July 2023, Mr Gamage filed a further summons seeking leave to appeal to the Supreme Court from the Local Court's decision on 26 June 2023 to refuse his application for dismissal and permanent stay of the proceedings, and from a further Local Court decision on 27 June 2023 to admit into evidence a recording of a telephone call made in reliance on the surveillance devices warrant referred to above. He also seeks an order that certain named persons be required to give evidence at the hearing of the summons. The matter was heard by Rothman J on 8 February 2024. Awaiting judgment.

Australian Human Rights Commission complaint

In April 2024, the Australian Human Rights Commission (AHRC) notified the Commission of a complaint it had received of disability discrimination under the *Disability Discrimination Act 1992* (Cth). The complainant suffered from a disability that prevented the complainant from submitting information to the Commission in writing, including by electronic means. The complainant had telephoned the Commission to make a complaint about corrupt conduct but alleged a Commission officer had refused a request for a scribe to take down details of the alleged corruption.

A review of the Commission's file indicated that the complainant had a telephone conversation with a Commission principal assessment officer (PAO) in March 2023 which appeared to relate to a matter previously reported by the complainant in 2018 and 2020 (which, after assessing the matters in 2018 and 2020, the Commission had decided not to investigate). The PAO took notes of the conversation but, after about 30 minutes, terminated the call because, despite prompting, the complainant had not clearly articulated an allegation of corrupt conduct. The complainant's offer to attend the Commission's premises was refused because the PAO considered the lengthy telephone discussion had been unproductive and did not consider a face-to-face meeting would assist in

overcoming the failure of the complaint to articulate an allegation of corruption.

In these circumstances, the Commission did not consider it had discriminated against the complainant. The Commission, however, proposed resolving the matter by arranging for the complainant to contact the Commission by telephone to speak with an assessment officer or physically attend the Commission's premises for the purpose of speaking with an assessment officer. The Commission reserved the right to terminate any discussion if, after a reasonable time, the complainant did not clearly articulate a complaint of corrupt conduct, or it became clear the complaint was substantially the same as that made in 2018 and 2020 and the complainant had no new information to impart.

On 20 June 2024, the AHRC advised the Commission that the complainant had asked to withdraw the complaint. Leave was granted and the AHRC file has now been closed.

United Nations Human Rights Committee – Charif Kazal

In its December 2011 Operation Vesta report (*Investigation into the undisclosed conflict of interest of a senior executive of the Sydney Harbour Foreshore Authority*) (“the Vesta Report”) the Commission found that Charif Kazal engaged in corrupt conduct by seeking to improperly influence the exercise of the official functions of a senior Sydney Harbour Foreshore Authority (SHFA) officer by holding out the prospect of his employment in the United Arab Emirates (UAE) and paying him \$11,170 for his flight and accommodation expenses arising from a trip to the UAE in May 2007, with the intention that these would tend to influence him to exercise his official SHFA functions in a manner favourable to Kazal family business interests.

Mr Kazal commenced proceedings in the NSW Supreme Court in March 2012 seeking judicial review of the Commission's findings and again in December 2017 for the tort of misfeasance in public office. Both matters were dismissed by the Supreme Court, and Mr Kazal was ordered to pay the Commission's costs in each matter (see *Kazal v ICAC* [2013] NSWSC 53 and *Kazal v ICAC & Ors* [2019] NSWSC 556).

In August 2017, Mr Kazal made a claim to the United Nations Human Rights Committee (“the Committee”) that he was a victim of a violation by Australia of his rights under Articles 14(1), 14(2), 14(5) and 17 of the International Covenant on Civil and Political Rights

(“the Covenant”) arising from findings made by the Commission in the Vesta Report.

In short, Article 14(1) provides that, in the determination of a criminal charge or in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal. Article 14(2) provides that everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty. Article 14(5) provides for a person convicted of a crime to have a right of review of the conviction and sentence. Article 17 provides for a right of a person not to be subject to arbitrary or unlawful attacks on their honour or reputation.

Although the Commission had made a corrupt conduct finding against Mr Kazal, no finding was made that he was guilty of or had committed any criminal offence (such a finding being, in any event, prohibited by s 74B of the ICAC Act).

Although Mr Kazal's complaint concerned the Commission, it is the Commonwealth Government that has responsibility under international law for fulfilling Australia's international human rights obligations and for responding to the complaint. The Australian Government submitted the claims made by Mr Kazal should be dismissed on the merits.

In April 2024, the Committee transmitted its views to Australia. It considered that the claims made under Articles 14(1), 14(2) and 14(5) were not admissible. The Committee, however, considered the claim under Article 17 that the Commission's public inquiry was a violation of Mr Kazal's right to privacy was substantiated.

The Australian Government's response was provided to the Committee on 31 May 2024. It disagreed with the Committee's finding that the public inquiry was an unjustifiable limitation on Mr Kazal's right to privacy. In doing so it noted:

- First, with respect to the Committee's finding that “the decision by the Commission to hold a public hearing and make public findings ... where said findings could not be challenged by the author before any domestic authority”, and that Mr Kazal had not been provided “adequate procedural safeguards”, Mr Kazal could (and did) challenge the Commission's findings before domestic authorities, and was provided adequate procedural safeguards in both the inquiry and publicising of the findings. The Australian Government submitted that Mr Kazal did have avenues of review available to him, including judicial review processes

before the NSW Supreme Court, and had also complained to the ICAC Inspector. The Australian Government also noted that under s 31(2)(d) of the ICAC Act the Commission must, when determining if it is satisfied that it is in the public interest to conduct a public inquiry, “consider ... whether the public interest in exposing the matter is outweighed by the public interest in preserving the privacy of the persons concerned”. The Australian Government submitted that public inquiries under the ICAC Act may only proceed if the Commission is satisfied that it is in the public interest to do so, having regard to the balance between the public interest in exposing corrupt conduct and the public interest in preserving the right to privacy of persons concerned. The Australian Government submitted this is a statutorily enshrined proportionality assessment that protects persons concerned, including Mr Kazal, against arbitrary interferences with their right to privacy.

- Second, with respect to the Committee’s finding that “the decision by the ICAC to hold a public hearing and make public findings ... for which the ICAC provided no reasoning as to its decision to make the proceedings and findings public”, the Australian Government reiterated that the public interest considerations under s 31(2)(d) of the ICAC Act required the Commission to balance the public interest in preserving Mr Kazal’s right to privacy with the public interest of exposing corrupt conduct. The Commission published its reasons for holding a public inquiry in the Vesta Report. The Australian Government submitted that, in the circumstances, the decision to proceed with a public inquiry was a proportionate and necessary measure to achieve the legitimate aim of investigating alleged corruption in the public sector. After taking into account the information that had been gathered during the investigation and each of the matters set out in s 31(2) of the Act, the Commission determined that it was in the public interest to hold a public inquiry. In making this determination, the Commission, as set out in the Vesta Report, had regard to the following considerations:
 - the risk of undue prejudice to the reputation of the senior executive in question, relevant members of the Kazal family, and others
 - the seriousness of the conduct under investigation

- there was cogent evidence that supported the allegations, and
- the public interest in exposing the relevant conduct was not outweighed by any public interest in preserving the privacy of the persons concerned.
- Third, with respect to the Committee’s finding that “the decision to make the proceedings public, without providing [Mr Kazal] with adequate procedural safeguards”, the Australian Government noted:
 - The public inquiry was presided over by then Commissioner the Hon David Ipp AO QC, a former judge of the Western Australia Supreme Court and the NSW Court of Appeal, well versed in ensuring the need for and application of procedural fairness.
 - Throughout the public inquiry, Mr Kazal was legally represented and could have applied to have part of the public inquiry held in private. He could also have applied to have particular evidence or any information that might have identified him to not be published. No such applications were made.
 - At the conclusion of the public inquiry, Counsel Assisting the Commission prepared submissions setting out the evidence, findings and recommendations which it was submitted were open to be made by the Commission on the evidence. Those submissions were provided to Mr Kazal and submissions in response (including from Mr Kazal’s legal representative) were taken into account in preparing the Vesta Report. The submissions made on behalf of Mr Kazal raised no claims of any defect in the conduct of the public inquiry or failure by the Commission to employ adequate procedural safeguards.

Accordingly, while the Australian Government acknowledged that the Commission’s inquiry damaged Mr Kazal’s reputation, its position was that the Commission’s public inquiry and findings were not an unjustifiable limitation on Mr Kazal’s right to privacy under the Covenant.

The Australian Government respectfully disagreed that it had breached Article 17. As such, Australia did not accept the Committee’s view that Australia is obliged to compensate Mr Kazal or take steps to prevent future violations.

The Committee's views and the response are published on the Attorney-General's Department website at www.ag.gov.au.

Complaints against the Commission and Commission officers

Complaints concerning alleged misconduct of the Commission or Commission officers may be made directly to the Inspector or to the Commission. The Commission's memorandum of understanding with the Inspector provides that the Commission will notify the Inspector of complaints against Commission officers that come within the Inspector's functions. The Inspector may decide to investigate complaints directly or ask the Commission to undertake an investigation and report its findings to the Inspector.

The Executive Director, Legal, is responsible for advising the Chief Commissioner with respect to complaints of misconduct dealt with by the Commission.

In 2023–24, in addition to the matters the subject of litigation or complaint in the Australian Human Rights Commission, the Commission received the following complaints concerning the alleged conduct of the Commission or Commission officers. None of the allegations in relation to the matters finalised was sustained.

The first matter arose from publication of the Commission's Operation Keppel report on 29 June 2023. Correspondence was received from a number of people complaining about the Commission's findings in that report. These were reported to the Inspector in August 2023.

The second matter, received in September 2023, concerned the conduct of a relative of a Commission officer which suggested the conduct of that Commission officer might not be impartial. The Commission made enquiries and was satisfied no Commission officer had engaged in any impropriety. As the Commission was aware the Inspector had previously received a similar complaint and was assessing the matter, the complaint was forwarded to the Inspector and the complainant advised accordingly.

The third matter, which was received in October 2023, concerned the same subject matter as the allegation received in September and was also forwarded to the Inspector.

The fourth matter, received in November 2023, was from a person who had made a complaint of suspected

corrupt conduct under s 10 of the ICAC Act. The person alleged that the Commission's assessment officer who wrote to them advising the Commission had decided not to investigate their s 10 complaint had made a "misrepresentation" in that letter which was "unethical and retaliatory". The Commission conducted a review of the handling of the matter and concluded there was nothing suggesting the assessment of the matter by the assessment officer was defective in any way.

The fifth matter, also received in November 2023, concerned the Commission's decision not to investigate an s 10 complaint made in 1999 and again in 2012, and foreshadowed the commencement of proceedings in the High Court of Australia. The Commission's decision not to investigate the matters raised in the s 10 complaint had previously been the subject of proceedings in the NSW Supreme Court, resulting in the plaintiff's statement of claim being dismissed with costs, and in the NSW Court of Appeal, which dismissed the appeal with costs. Apart from writing to the complainant, the Commission took no action with respect to the latest complaint.

The sixth matter, also received in November 2023, involved an allegation that the Commission officer who had dealt with an s 10 complainant's matter had overlooked important details and made errors. The Commission conducted a review of the matter and concluded there was nothing to suggest that the assessment of the s 10 complaint was lacking in any respect.

The seventh matter, also received in November 2023, involved an allegation that a Commission officer had ignored an s 10 complainant's emails and sent the complainant threatening emails and letters. The Commission officer had written to the complainant advising that dealing with the numerous emails sent by the complainant about the same matter was placing inappropriate demands on Commission staff and advised that unless future matters raised by the complainant differed substantially from those already considered, the Commission would consider and file those matters without acknowledgement. That advice was in accordance with Commission policy. A review of the file did not identify any misconduct. It was therefore decided not to take any further action.

The eighth matter, which was received in December 2023, concerned the conduct of Commission officers during the execution of a search warrant at the complainant's premises. The Commission reviewed the execution of the search warrant, including the recording of the execution, and found no evidence of misconduct or other impropriety.

The ninth matter, which was also received in December 2023, was a referral from the Inspector of a public interest disclosure alleging that some Commission officers were making false allowance claims. The Commission appointed an external investigator to conduct an investigation. The investigation is ongoing as at the time of reporting.

The 10th matter, received in January 2024, was a public interest disclosure alleging there was a failure to declare a conflict of interest by a Commission officer participating in a selection process for a temporary Commission position in which another Commission officer was an applicant, falsification of timesheets by another Commission officer and that some Commission officers had regularly returned to Commission premises after lunch with alcohol on their breath. The Commission appointed an external investigator to conduct an investigation. Investigation of the allegations of timesheet fraud and alcohol consumption was subsequently discontinued as the external investigator found the former allegation was based on the observation of a person who did not have oversight of the timesheets or the comings and goings of the Commission officer and, with respect to the latter, there was no suggestion that anyone was adversely impacted by alcohol consumption. With respect to the alleged failure to declare a conflict of interest, the investigation found there was no actual conflict of interest and no breach of policy or wrongdoing. The investigation noted that, if the Commission officer had noted the potential perceived personal conflict of interest, that would not have necessarily required any different actions in the conduct of the Commission officer. The investigation identified some gaps in the Commission's Conflict of Interest policy in relation to understanding when a work relationship is considered to have risen to one where there is a conflict of interest and noted there was scope to clarify the Commission's expectations with respect to the process requirements for recruitment of temporary roles. The Commission's CEO reviewed the Conflicts of Interest policy and Recruitment, Selection and Induction policies and changes were made to address these matters.

The 11th matter, received in March 2024, concerned the conduct of Commission officers when obtaining work-issued electronic devices and a personal mobile phone from the complainant and the Commission's retention of the mobile phone. The devices and phone were produced in compliance with notices issued pursuant to s 22 of the ICAC Act and were required for the purpose of an investigation. After reviewing the matter, the Commission was satisfied the Commission officers involved acted appropriately and in accordance

with their duty and that it was necessary to retain the phone for the purpose of extracting information. The Commission was not able to return the mobile phone until late May due to technical difficulties in extracting information. The complainant had, however, been provided with a replacement phone and their SIM card, and the Commission took other steps to reduce the inconvenience the complainant experienced in not having their mobile phone.

The 12th matter was received in June 2024 and concerned the Commission's assessment of the complainant's s 10 complaint. The complainant alleged the Commission's decision not to investigate the s 10 complaint was corrupt and that the Commission's decision was part of a cover-up. The Commission reviewed the handling of the matter and concluded it was dealt with appropriately.

The Inspector of the ICAC was informed about each matter and, where applicable, the outcomes.

During the reporting period there were three instances of inadvertent disclosure of information by Commission officers. As these were inadvertent, they were not treated as complaints against Commission officers. The Inspector was notified of all matters.

The first involved a Commission officer inadvertently including in a group email a person external to the Commission, but with a name similar to that of a Commission officer. An IMG report seeking approval to discontinue an investigation was attached to the email. When the Commission officer realised the mistake, the external person was contacted. That person advised they had not read the email and had deleted it.

The second occurred in October 2023 and involved a Commission officer sending an email to a public sector agency to which the officer inadvertently attached documents relating to the referral of a matter to another public sector agency. Within minutes of sending the email, the Commission officer sent an email to the first public sector agency advising the incorrect attachments had been sent and requesting the email and attachments be deleted. The agency advised that instructions had been given to have the information deleted from its records. The Commission decided to place the officer on a formal performance improvement plan.

The third inadvertent disclosure occurred in December 2023. It involved a Commission officer emailing an unsuccessful candidate for a position with the Commission a document containing letters to other unsuccessful candidates, which included their names and addresses (including email addresses).

The email recipient alerted the Commission to the disclosure and agreed to ensure the information was not distributed to anyone else. They were also requested to delete the information. The Commission wrote to the individuals whose information had been disclosed to alert them to the disclosure and explain the circumstances. The Commission's assessment was that the disclosure was caused by human error. As it did not entail the likelihood that anyone would be at risk of serious harm, the Commission did not consider it was an "eligible data breach" under the Mandatory Notification of Data Breach Scheme (which came into effect on 28 November 2023) but, out of abundance of caution, reported it to the Acting Privacy Commissioner together with the remedial actions taken by the Commission. The Acting Privacy Commissioner acknowledged the Commission's conclusion the disclosure did not amount to an eligible data breach. The Commission officer involved was counselled.

While the Commission takes any inadvertent disclosure seriously, it is also relevant to take into account that, on average, Commission officers send about 600 emails a day to external recipients. The small number of inadvertent email disclosures given the large number of external emails sent by Commission officers indicates the care generally taken by Commission officers to ensure external emails are sent to the correct addresses and do not contain information that should not be disclosed to the recipient.

The Commission has established a range of systems and processes for preventing and managing data breaches, including the following:

- Scheduling annual review and updating of its Data Breach Policy, or more frequent review and updating if needed
- Implementing a cyber security awareness program
- Implementing a requirement for all staff to classify information consistent with the NSW Government information classification and labelling guidelines
- Implementing a suite of cyber security policies, standards, procedures and guidelines
- Regularly exercising the Cyber Incident Response Plan, including participation of the Commission's executive and relevant staff
- Implementing a requirement for all Commission staff to complete training in the areas of cyber security and the NSW data breach notification requirements.

The Commission's Data Breach Policy provides guidance to Commission staff on reporting and responding to data breaches.

During the course of the reporting period, the Inspector also received complaints about the conduct of the Commission and Commission officers. Where requested to do so, the Commission provided information to the Inspector to assist her in dealing with those complaints.

Compliance with the *Privacy and Personal Information Protection Act 1998*

The *Privacy and Personal Information Protection Act 1998* ("the PPIP Act") provides for the protection of "personal information" and for the protection of the privacy of individuals generally.

The PPIP Act sets out information protection principles. These apply to the Commission only in connection with the exercise by the Commission of its administrative and educative functions.

As required by the PPIP Act, the Commission has a privacy management plan. The plan sets out how the Commission complies with the principles and requirements of the PPIP Act and, in so far as the Commission holds any health information, the *Health Records and Information Privacy Act 2002*. The plan can be accessed from the Commission's website at www.icac.nsw.gov.au or by contacting the Commission directly.

The Commission operated in accordance with its privacy management plan in the reporting period.

No reviews were required or conducted under Part 5 of the PPIP Act during the reporting period.

Report publicly about the work of the Commission

Section 76 of the ICAC Act requires the Commission to report on its operations for each year ending on 30 June and to furnish that report to the Presiding Officer of each House of Parliament. The section provides that the report shall include the following:

- a description of the matters that were referred to the Commission
- a description of the matters investigated by the Commission

- the time interval between the lodging of each complaint and the Commission deciding to investigate the complaint
- the number of complaints commenced to be investigated but not finally dealt with during the year
- the average time taken to deal with complaints and the actual time taken to investigate any matter in respect of which a report is made
- the total number of compulsory examinations and public inquiries conducted during the year
- the number of days spent during the year in conducting public inquiries
- the time interval between the completion of each public inquiry conducted during the year and the furnishing of a report on the matter
- any recommendations for changes in the laws of the state, or for administrative action, that the Commission considers should be made as a result of the exercise of its functions
- the general nature and extent of any information furnished under the ICAC Act by the Commission during the year to a law enforcement agency
- the extent to which its investigations have resulted in prosecutions or disciplinary action in that year
- the number of search warrants issued by an authorised officer and a Commissioner respectively
- a description of its activities during that year in relation to its educating and advising functions.

This information is included in this annual report.

In addition to its annual report, the Commission also publishes its investigation reports and a number of corruption prevention and research publications. These are available from the Commission's website at www.icac.nsw.gov.au.

Public inquiries

One public inquiry was conducted during the reporting period. This was for Operation Mantis, which commenced on 3 June 2024. Operation Mantis concerns the following matters:

1. Whether, between May 2020 and December 2022, then Canterbury-Bankstown Council contractor Pietro Cossu and/or then council

employee Benjamin Webb partially or dishonestly exercised their official functions by using and/or attempting to use PMLV Invest & Const Pty Ltd ("PMLV") to undertake recruitment subcontractor services through council recruitment contractors in circumstances where Pietro Cossu and/or Benjamin Webb failed to disclose their pecuniary interest in PMLV and/or pecuniary benefits that they anticipated receiving in connection with the use of PMLV.

2. Whether, between July 2020 and December 2022, then council contractor Pietro Cossu and/or then council employee Benjamin Webb partially or dishonestly exercised their official functions to favour General Works & Construction Pty Ltd ("GWAC") by attempting to influence the award of council contract/s to GWAC, and/or using or attempting to use PMLV to undertake subcontractor services in respect of GWAC contracts with council to benefit themselves and/or others.

During the reporting period, the Commission continued to review and update its protocols outlining mitigation strategies for known COVID-19 risks in public inquiries and compulsory examinations.

At the commencement of the reporting period, people, including members of the public and the media, were able to attend a public inquiry provided they had proof of double vaccination, did not have COVID-19 (or had not had recent contact with someone who had), were not awaiting a test result for COVID-19 and did not have flu-like symptoms.

The protocol was amended in September 2023 to remove the requirement for vaccination. People with COVID-19 or who had a household member diagnosed with COVID-19 in the last five days were not permitted to attend the Commission. A person who, in the previous five days, had been in close physical contact with a person with COVID-19 or a person who had flu-like symptoms could be admitted to the hearing room at the discretion of the presiding Commissioner.

Those not physically able to attend the public inquiry were able to observe the public inquiry through live-streaming and were able to access transcripts and exhibits through the Commission's website.

In May 2024, the need for such protocols was reviewed and the decision taken to remove any restrictions relating to COVID-19. This was consistent with the advice of the NSW Department of Health and the practice adopted by courts and other relevant agencies.

The Commission will, however, continue to encourage people who have tested positive for COVID-19 to stay away from Commission premises until they no longer test positive.

The Commission’s cooperation policy

The Commission’s cooperation policy sets out what the Commission can do to encourage those involved in corruption to cooperate with the Commission to establish that corrupt conduct has occurred and the full extent of that conduct. The policy sets out how the Commission can protect those who assist it, and what potential benefits are available for those who cooperate. Those potential benefits include the Commission:

- acknowledging their assistance in an investigation report
- exercising its discretion to not make corrupt conduct findings against them
- exercising its discretion not to recommend consideration of prosecution action against them
- recommending to the NSW Attorney General that they be granted indemnity from prosecution for a specified offence
- providing a letter to a relevant court setting out details of their cooperation to be taken into account when the court imposes a sentence.

It is to be noted that merely fulfilling certain legal obligations under the ICAC Act, such as producing documents in response to a notice or summons issued by the Commission or attending to give evidence in response to a summons (unless the evidence is comprehensive and entirely truthful), does not constitute cooperation for the purposes of the policy.

The application of the Commission’s cooperation policy was considered in the Operation Galley and Operation Hector reports. For the reasons given in those reports, the policy was not applied with respect to any person referred to in those reports.

The policy is accessible from the Commission’s public website and is also set out in the *Information for Witnesses* brochure provided to witnesses who are required to give evidence at a compulsory examination or public inquiry.

Investigation reports

Under the ICAC Act, the Commission is required to prepare reports on matters referred by both Houses of the NSW Parliament and on matters involving public inquiries. The Commission can also produce public reports without conducting a public inquiry. These reports are furnished to the Presiding Officer of each House of Parliament who arrange for the reports to be tabled in Parliament. Each Presiding Officer has the discretion to make Commission reports public immediately on presentation.

Table 19: Time interval between completion of each public inquiry and furnishing of the reports 76(2)(ba)(vi) of the ICAC Act

Public inquiry	Date public inquiry complete*	Date investigation report furnished to Presiding Officers	Days from end of public inquiry to furnishing of report**
Investigation into the conduct of three former councillors of former Hurstville City Council, now part of Georges River Council and others (Operation Galley) (25 hearing days).	28/4/23	30/8/23	124
Investigation into the conduct of the City of Canada Bay Council mayor and others (Operation Tolosa) (30 hearing days).	19/6/23	9/11/23	143
Investigation into the awarding of Transport for NSW and Inner West Council contracts (Operation Hector) (25 hearing days).	26/11/23	30/4/24	156

* The Commission considers a public inquiry to be complete as at the date of receipt of final substantive submissions from parties who are granted leave to appear at the public inquiry.

** The corporate goal is for 80 per cent of reports to be completed within 80 days where the duration of the public inquiry was five days or less and 180 days otherwise.

In 2023–24, the Commission furnished three investigation reports to the Presiding Officers (operations Galley, Tolosa and Hector). Each report was immediately made public by the Presiding Officers.

The time intervals between the completion of the relevant public inquiry and the furnishing of the report are set out in Table 19. The interval time for each of the three reports fell well within the timeframe of 180 days. This means that 100 per cent of the reports in the financial year met the target timeframe for furnishing, exceeding the corporate goal of 80 per cent.

Corrupt conduct findings and recommendations for prosecution/disciplinary action

In the three reports furnished in 2023–24, the Commission made corrupt conduct findings against 16 people.

The Commission refers briefs of evidence to the DPP for consideration of prosecution action. The DPP then advises the Commission whether prosecution proceedings are warranted.

In the three reports furnished in 2023–24, the Commission recommended the advice of the DPP be obtained in relation to the prosecution of 17 people for various criminal offences.

Appendix 5 provides further details on the progress of prosecutions resulting from Commission investigations.

Numbers and remuneration of senior executives

Table 20: Average total remuneration package of senior executives in each band at the end of the reporting year, compared with the average at the end of the previous reporting year

Band level	Average remuneration	
	2023–24	2022–23
Chief Commissioner*	\$796,128	\$796,128
Commissioner**	\$398,064	\$398,064
Band 2***	\$349,462	\$331,672
Band 1	\$240,605	\$240,605

* The Chief Commissioner's salary is calculated at 160 per cent of the remuneration of a NSW Supreme Court puisne judge.

** The remuneration paid to the Commissioners, based on hours worked, is the Attorney General's rates for Senior Counsel to a maximum 50 per cent of the Chief Commissioner's remuneration.

*** The 2023–24 figure differs from the previous financial year due to the period of time where the CEO position was vacant.

The percentage of total employee-related expenditure that relates to senior executives was 13.66 per cent for 2023–24, compared to 15.95 per cent for 2022–23.

The decrease between reporting periods was due to a combination of the remuneration increase freeze for executives while non-executive wages increased and a 12.4 per cent increase in headcount from the last to the current reporting period.

Table 21: Number of senior executives employed at the end of the reporting year broken down by band and then gender within each band, compared with the numbers at the end of the previous reporting year

Band	2022–23		2023–24	
	Male	Female	Male	Female
Chief Commissioner	1	0	1	0
Commissioner	1	1	1	1
Band 4	0	0	0	0
Band 3	0	0	0	0
Band 2	0	0	1	0
Band 1	3	3	3	3
Total	5	4	6	4

Management and strategy reviews

In 2023, the Commission’s leadership group, comprising executives and managers, commenced an Organisational Culture Program, an initiative developed largely in response to the People Matter Employee Survey (PMES) 2022 results. The program commenced with focus groups and emotional quotient assessments to deepen understanding of the PMES 2022 results, to further explore the current cultural and leadership strengths and challenges, and to inform the focus of the Organisational Culture Program.

The Commission conducted workshops to increase cross-functional collaboration when working on operations. Executives and managers formed working groups to create improvements to these processes, then worked together to implement the improvements across the organisation.

Human resources

Our people

The Commission is a destination employer, with our people enjoying meaningful and rewarding work in identifying, investigating and preventing corruption across the NSW public sector. We have a culture of high ethical standards, integrity and accountability, which is complemented by a diverse workforce.

Our people are employed under s 104 of the ICAC Act, and the industrial instrument covering the conditions of employment and entitlements of employees and managers is the Independent Commission Against Corruption Award.

In support of the *Strategic Plan 2022–2025* aims to build a collaborative culture and focus on staff development, the Commission has invested heavily in cultural development. We worked in partnership with Neural Networks, a provider recommended by the Public Service Commission, to design and launch a program aimed at developing capabilities in individual leadership, emotional intelligence, self-awareness and interpersonal agility. The program includes analyses of individuals’ emotional intelligence, and one-to-one professional coaching sessions resulting in individual development plans. Once all employees complete this program, the cultural results will be rolled up to identify Commission-wide strengths and development focus areas, that will be used to further enhance our organisational culture.

We created and filled a new position of principal organisational development, to lead the Commission’s organisational and individual learning, culture, engagement and inclusion strategies. This is in addition to the new role of learning and development specialist for the Investigation Division, mentioned in the “Operations and performance” section of this report.

The Commission is committed to enhancing work culture and wellbeing through learning opportunities, reflecting our commitment to maintaining a supportive, safe and inclusive environment where everyone can contribute effectively. This was significantly aided by re-baseline funding to address staff development comprehensively, including personal, organisational, technical and professional skills.

There was a total of 802 staff attendances at formal learning activities across all disciplines. Each staff member participated in an average of 40 hours of formal development (including conferences, seminars, structured and online learning). The range of skill and knowledge areas included:

- Information technology
- Cyber security
- Crypto assets
- Artificial intelligence
- Leadership
- Emotional intelligence
- Complaint handling
- Corruption prevention
- Diversity and inclusion
- Risk management
- Mental health, wellbeing and resilience
- Bullying, harassment and discrimination
- Work health and safety
- First aid
- Advocacy
- Project management
- Investigations, surveillance and intelligence skills

As part of our focus on continuous improvement, the Commission strategically reviewed its recruitment operating model in the reporting period. We began planning an e-recruitment project, with implementation due in 2024–25. The Commission has partnered with an e-recruitment specialist organisation for talent acquisition and onboarding software services that

will improve candidate-to-employee experiences and streamline recruitment and onboarding processes.

The Commission also updated its Bullying, Harassment and Discrimination policy and procedures, ahead of holding training about the new policy and its significance in maintaining a safe, inclusive and equitable environment.

Number of officers and employees by category and compared to the prior year

In 2023–24, the Commission employed an average of 150 people, compared to 120 in 2022–23. The 25 per cent increase in our workforce was due to Treasury’s approval to re-baseline 21 positions to match the increased volume of the Commission’s operations.

Our people include one full-time Chief Commissioner, two part-time Commissioners, our executive team and Commission officers across eight functional divisions.

Table 22: Average full-time equivalent (FTE) employees by division

Division/Section	2023–24	2022–23
Executive	2.8	2.7
Communications and Media	3.0	3.6
Executive Support	3.3	4.1
Corporate Services	24.0	19.0
Corruption Prevention	17.7	15.6
Legal	12.8	12.5
Investigation	59.2	52.3
Assessments	12.7	10.7
Total	135.5	120.5

Staff performance development

The Commission’s performance development system is used to translate strategic and business plans into individual employee performance agreements. Employee performance is reviewed annually against core performance accountabilities in the areas of quality, operational effectiveness, people and communication, and growth.

The performance development system fosters continuous learning, development and growth by facilitating ongoing feedback, communication and performance discussions between managers and team members.

Consultants

During 2023–24, the Commission engaged 12 consultants, where each engagement was for less than \$50,000, with a combined total of \$131,915. We did not engage any consultants with a value greater than \$50,000.

Promotion

The Director Strategic Capability made an overseas visit to Solomon Islands from 17 November 2023 to 5 December 2023. The purpose of travel was an engagement by the Pacific Office of the United Nations Development Programme as an advisor to the Solomon Islands Transparency and Accountability Project. United Nations Solomon Islands incurred \$5,587.48 in expenses, while there were no expenses incurred by the Commission.

Risk management and insurance activities

Risk management

During 2023–24, the Commission continued to review and update its risk management processes, policies and risk register to continually improve its risk management practices. The Commission focused on the importance of site security as an integral part of its risk management strategy, reinforcing the protection of Commission personnel, its information and its assets. Physical security, which is overseen by special constables from the NSW Police Force, was enhanced by the installation of a new security system that conforms to Australian industry and security standards: Gallagher system ISO27001 Certified. It also satisfies site-specific requirements including remote monitoring capabilities for Commission security staff.

Security vetting

The Commission’s vetting process involves a regime of personal, professional and criminal background checks and analysis of these checks to make employment selection decisions regarding staff and contractors.

In the 2023–24 reporting period, 76 security vetting checks were conducted. This included vetting of permanent and temporary staff as part of the Commission’s employment screening regime as well as security checks conducted prior to the engagement of contractors.

The Commission has obtained Commonwealth-level national security clearances from the Australian Government Security Vetting Agency (AGSVA) for three Commission officers, and accepted sponsorship of three additional officers upon their commencement at the Commission. The Commission is working closely with AGSVA to conduct further staff clearances to assist employment selection decisions.

In addition to this, the Commission processed 47 requests for background information from external law enforcement agencies.

Audit and Risk Committee

The Audit and Risk Committee (ARC) provides independent assurance to the Chief Executive Officer, by overseeing and monitoring the Commission's governance, risk and control frameworks and its external accountability requirements. The committee also monitors progress on agreed management action arising out of recommendations made by the Commission's independent internal auditor. The ARC met five times throughout the reporting period.

The Commission engaged BDO Services Pty Ltd as its internal audit services provider. During 2023–24, final reports were issued for working-from-home arrangements and review of legal expenses. The internal audit workplan for 2024–25 will include reviews of Commission officers' associations and interests, information management workflows, and payroll end-to-end life cycle.

Insurance activities

The NSW Treasury Managed Fund provides insurance cover for all the Commission's activities. This includes workers compensation, motor vehicle, public liability, property and miscellaneous claims, and is fully funded by NSW Treasury.

PID Act

Section 78 of the *Public Interest Disclosures Act 2022* provides that agencies must provide an annual return to the NSW Ombudsman in relation to each period of 12 months ending on 30 June. There is no longer a requirement that agencies report on public interest disclosures in their own annual reports.

Other information

External costs of producing the 2023–24 annual report totalled \$3,799.40.

This report may be found online at www.icac.nsw.gov.au.

Internal audit and risk management policy attestation (TPP20-08)

Internal Audit and Risk Management Attestation Statement for the 2023–2024 Financial Year for Independent Commission Against Corruption

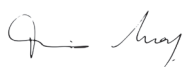
I, Darrin Moy, Accountable Authority of the Independent Commission Against Corruption (ICAC), am of the opinion that the Independent Commission Against Corruption has internal audit and risk management processes in operation that are, excluding the exemptions or transitional arrangements described below, compliant with the seven (7) Core Requirements set out in the *Internal Audit and Risk Management Policy for the General Government Sector*, specifically:

Core requirements		Compliant, non-compliant
Risk Management Framework		
1.1	The Accountable Authority shall accept ultimate responsibility and accountability for risk management in the agency	Compliant
1.2	The Accountable Authority shall establish and maintain a risk management framework that is appropriate for the agency. The Accountable Authority shall ensure the framework is consistent with AS ISO 31000:2018	Compliant
Internal Audit Function		
2.1	The Accountable Authority shall establish and maintain an internal audit function that is appropriate for the agency and fit for purpose	Compliant
2.2	The Accountable Authority shall ensure the internal audit function operates consistent with the International Standards for Professional Practice for Internal Auditing	Compliant
2.3	The Accountable Authority shall ensure the agency has an Internal Audit Charter that is consistent with the content of the 'model charter'	Compliant
Audit and Risk Committee		
3.1	The Accountable Authority shall establish and maintain efficient and effective arrangements for independent Audit and Risk Committee oversight to provide advice and guidance to the Accountable Authority on the agency's governance processes, risk management and control frameworks, and its external accountability obligations	Compliant
3.2	The Accountable Authority shall ensure the Audit and Risk Committee has a Charter that is consistent with the content of the 'model charter'	Compliant

Membership

The independent chair and members of the Audit and Risk Committee are:

- Independent Chair, Mr Arthur Diakos, from 1 September 2024 to 31 August 2025, Member from 1 September 2020 to 31 August 2021.
- Independent Member, Ms Diana D'Ambra, from 1 July 2018 to 30 June 2022 and extended to 30 June 2026.
- Independent Member, Dr Robert Smith, from 1 September 2021 to 30 June 2024, Chair from 1 September 2016 to 31 August 2020 and extended to 31 August 2021.



Darrin Moy
Accountable Authority
Independent Commission Against Corruption
26 July 2024



Lewis Rangott
Chief Audit Executive
Independent Commission Against Corruption
26 July 2024

Sustainability

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The Commission completed the Government Resources Efficiency Policy Report for 2022–23, with the 2023–24 report due in November 2024.

In the area of environmental sustainability, Commission officers preserve electricity by turning off personal computers and lights as standard protocol. Movement sensors are in place in most office spaces, so lights switch off when rooms are not in use. Computers also time out to sleep mode when not in use. The Commission has invested in 50 per cent GreenPower in the 2022–2032 Shell contract.

The Commission has eliminated individual desk waste bins and replaced these with limited collection areas consisting of three separate colour coded waste bins to encourage recycling. Shredded paper and e-waste are both recycled securely offsite by a third party.

Modern Slavery Act 2018 reporting

The NSW *Modern Slavery Act 2018* sets out obligations for NSW Government agencies and provides for an Anti-slavery Commissioner to oversee compliance. The Act requires NSW Government agencies to take reasonable steps to ensure the goods and services they procure are not the product of modern slavery.

The Commission is committed to the elimination of all forms of modern slavery.

No modern slavery issues were raised by the Anti-Slavery Commissioner during the financial year in relation to the operations of our office.

In the reporting period, the Commission commenced a series of activities that include:

- Updates to the Procurement Policy to include a modern slavery statement
- Adding a modern slavery, disability and human rights clause in our purchase order terms and conditions that imposes obligations on suppliers to take reasonable steps to ensure their goods and services are not the product of modern slavery
- Mandating that all tenderers provide a response on how they assess and address modern slavery risks in their operations
- Delivery of training to targeted staff members to identify and mitigate any supplier-related risks. Organisation-wide training will be rolled out in 2024–25.

Work health and safety

The Commission is committed to protecting the health and safety of its staff and other people on its premises by eliminating or minimising risks arising from work or workplaces.

Work health and safety (WHS) principles are incorporated into all facets of business planning and operational activities.

In line with the Commission's flexible working arrangements, Commission officers are required to complete a newly designed work-from-home safety and security form. The purpose of this form is to minimise risks to staff safety and to security of Commission information.

The Commission's COVID-19 Safety Plan was retired in May 2024, in line with the risk assessment conducted and the latest advice from NSW Health.

During 2023–24, the Commission implemented the following health, safety and wellbeing initiatives:

- special leave to attend COVID-19 vaccination appointments
- a flu vaccine program for all interested staff
- ergonomic workstation assessments by an accredited specialist and the provision of equipment, including electronic desks, as recommended
- accredited first aid and CPR training for staff
- an increase in first aid officers from three to 10 employees
- training for fire wardens
- safety testing and tagging of electrical equipment, and checking of fire extinguishers
- an emergency evacuation exercise
- mental health first aid training
- Employee Assistance Program providers, to support the mental health of employees, witnesses and other persons associated with Commission investigations and hearings
- the launch of the Commission's Fitness Passport program.

Details of injuries and prosecutions under the *Work Health and Safety Act 2011*

Table 23: WHS incidents, injuries and claims in 2023–24

Body stress	nil
Fall, slip, trip	nil
Heat/electricity	nil
Journey	nil
Mental health	nil
Other/unspecified	1
Total	1
Number of new workers compensation claims	1
Number of continuing workers compensation claims at year end	5

- merit-based talent assessment and selection processes and training for employees likely to participate on recruitment panels, including on how to address unconscious bias in order to make merit-based decisions
- an accessible and inclusive environment for employees and visitors to Commission premises
- promotion of workforce diversity as part of everyday Commission business
- beginning mandatory bullying, harassment and discrimination training for all employees to promote equitable, inclusive and safe workplace practices
- equitable practices for accessing learning and development opportunities
- the encouragement of employee attendance at the NSW Public Sector Women in Leadership Summit
- managing mental health training for all employees to raise awareness, recognise risk around people's mental health and safety and know how to respond.
- flexible work practices for all employees

Workforce diversity

The Commission values its diverse workforce, understanding that a variety of perspectives and experience allows for innovation and creativity, and also reflects the diverse communities of NSW that we serve. Some of the ways the Commission welcomes and celebrates diversity include:

Table 24: Workforce Diversity Actual Staff Numbers (Non-casual Headcount at Census Date) – 2024

Remuneration level of substantive position	Total staff (men, women & unspecified)	Voluntary responses to EEO questions	Men	Women	Unspecified gender	Aboriginal and/or Torres Strait Islander people	People from racial, ethnic, ethno-religious minority groups	People whose language first spoken as a child was not English	People with a disability	People with a disability requiring work-related adjustment
\$0 – \$53,826	0	0	0	0	0	0	0	0	0	0
\$53,827 – \$70,694	0	0	0	0	0	0	0	0	0	0
\$70,695 – \$79,032	0	0	0	0	0	0	0	0	0	0
\$79,033 – \$100,011	15	15	4	11	0	0	5	5	1	0
\$100,012 – \$129,331	49	48	18	31	0	0	11	10	2	1
\$129,332 – \$161,663	60	57	33	27	0	0	18	15	6	1
\$161,664 – \$182,628	17	17	9	8	0	0	2	1	0	0
\$182,629 and above (Executive)	10	8	6	4	0	0	2	2	1	0
Total	151	145	70	81	0	0	38	33	10	2

- networking and fundraising events, including an International Women's Day event and R U OK? day event, to promote collaboration and engagement among employees.
- internal communications marking key cultural and diversity dates
- championing diversity of thinking through cross-collaboration events with other state and federal integrity agencies.

In line with our 2024–25 strategic goal of developing organisational capability to support and nurture people in a safe, collaborative and innovative culture, the Commission plans to deliver mandatory annual training in bullying, harassment and discrimination, as well as increase the number of cultural and social events, such as for NAIDOC week. We also will review and update the grievance policy and provide training for grievance officers, who can be approached by employees experiencing difficulties at work.

Financials

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INDEPENDENT COMMISSION
AGAINST CORRUPTION
NEW SOUTH WALES

Statement by the Accountable Authority

Pursuant to section 7.6(4) of the *Government Sector Finance Act 2018* ("the GSF Act"), I state that these financial statements:

- (1) have been prepared in accordance with the Australian Accounting Standards and the applicable requirements of the GSF Act, the Government Sector Finance Regulation 2024 and the Treasurer's directions, and
- (2) present fairly the Independent Commission Against Corruption's financial position, financial performance and cash flows.

A handwritten signature in blue ink, appearing to read 'Darrin Moy'.

Darrin Moy
Chief Executive Officer

6 September 2024



INDEPENDENT AUDITOR'S REPORT

Independent Commission Against Corruption

To Members of the New South Wales Parliament

Opinion

I have audited the accompanying financial statements of the Independent Commission Against Corruption (the Commission), which comprise the Statement by the Accountable Authority, the Statement of Comprehensive Income for the year ended 30 June 2024, the Statement of Financial Position as at 30 June 2024, the Statement of Changes in Equity and the Statement of Cash Flows, for the year then ended, and notes to the financial statements, including a Statement of Material Accounting Policy Information, and other explanatory information.

In my opinion, the financial statements:

- have been prepared in accordance with Australian Accounting Standards and the applicable financial reporting requirements of the *Government Sector Finance Act 2018* (GSF Act), the *Government Sector Finance Regulation 2024* (GSF Regulation) and the Treasurer's Directions
- presents fairly the Commission's financial position, financial performance and cash flows.

My opinion should be read in conjunction with the rest of this report.

Basis for Opinion

I conducted my audit in accordance with Australian Auditing Standards. My responsibilities under the standards are described in the 'Auditor's Responsibilities for the Audit of the Financial Statements' section of my report.

I am independent of the Commission in accordance with the requirements of the:

- Australian Auditing Standards
- Accounting Professional and Ethical Standards Board's APES 110 'Code of Ethics for Professional Accountants (including Independence Standards)' (APES 110).

Parliament promotes independence by ensuring the Auditor-General and the Audit Office of New South Wales are not compromised in their roles by:

- providing that only Parliament, and not the executive government, can remove an Auditor-General
- mandating the Auditor-General as auditor of public sector agencies
- precluding the Auditor-General from providing non-audit services.

I have fulfilled my other ethical responsibilities in accordance with APES 110.

I believe the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion.

Chief Executive Officer's Responsibilities for the Financial Statements

The Chief Executive Officer is responsible for the preparation and fair presentation of the financial statements in accordance with Australian Accounting Standards, the GSF Act, GSF Regulation and Treasurer's Directions. The Chief Executive Officer's responsibility also includes such internal control as the Chief Executive Officer determines is necessary to enable the preparation and fair presentation of the financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, the Chief Executive Officer is responsible for assessing the Commission's ability to continue as a going concern, disclosing as applicable, matters related to going concern and using the going concern basis of accounting.

Auditor's Responsibilities for the Audit of the Financial Statements

My objectives are to:

- obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error
- issue an Independent Auditor's Report including my opinion.

Reasonable assurance is a high level of assurance, but does not guarantee an audit conducted in accordance with Australian Auditing Standards will always detect material misstatements. Misstatements can arise from fraud or error. Misstatements are considered material if, individually or in aggregate, they could reasonably be expected to influence the economic decisions users take based on the financial statements.

A description of my responsibilities for the audit of the financial statements is located at the Auditing and Assurance Standards Board website at: www.auasb.gov.au/auditors_responsibilities/ar4.pdf. The description forms part of my auditor's report.

The scope of my audit does not include, nor provide assurance:

- that the Commission carried out its activities effectively, efficiently and economically
- about the assumptions used in formulating the budget figures disclosed in the financial statements
- about the security and controls over the electronic publication of the audited financial statements on any website where they may be presented
- about any other information which may have been hyperlinked to/from the financial statements.



Cassie Malone
Director, Financial Audit

Delegate of the Auditor-General for New South Wales

10 September 2024
SYDNEY

Statement of comprehensive income for the year ended 30 June 2024

	Notes	Budget 2024 \$'000	Actual 2024 \$'000	Actual 2023 \$'000
Continuing operations				
Expenses excluding losses				
Employee-related expenses	2(a)	28,108	24,619	21,630
Operating expenses	2(b)	9,403	7,786	6,676
Depreciation and amortisation	2(c)	3,508	2,662	3,449
Finance costs		311	253	433
Total expenses excluding losses		41,330	35,320	32,188
Revenue				
Appropriations	3(a)	42,422	40,222	30,084
Grants and contributions		421	–	–
Acceptance by the Crown of employee benefits and other liabilities	3(b)	529	633	658
Other income		29	108	158
Total revenue		43,401	40,963	30,900
Gain/(loss) on disposal		–	(40)	1
Net result	15	2,071	5,603	(1,287)
Other comprehensive income		–	–	–
Total other comprehensive income		–	–	–
Total comprehensive income		2,071	5,603	(1,287)

The accompanying notes form part of these financial statements.

Statement of financial position as at 30 June 2024

	Notes	Budget 2024 \$'000	Actual 2024 \$'000	Actual 2023 \$'000
Assets				
Current Assets				
Cash and cash equivalents	4	1,643	6,204	712
Receivables	5	1,088	1,603	1,047
Total current assets		2,731	7,807	1,759
Non-current assets				
Receivables	5	–	37	31
Property, plant and equipment	6			
– Land and buildings		–	437	421
– Plant and equipment		2,483	1,994	2,036
Total property, plant and equipment		2,483	2,431	2,457
Right-of-use assets	7	5,401	3,395	7,572
Intangible assets	8	1,595	570	483
Total non-current assets		9,479	6,433	10,543
Total assets		12,210	14,240	12,302
Liabilities				
Current liabilities				
Payables	9	787	1,094	785
Lease liabilities	7, 10	2,405	2,010	2,355
Provisions	11	2,910	3,225	2,910
Total current liabilities		6,102	6,329	6,050
Non-current liabilities				
Lease liabilities	7, 10	4,509	2,758	6,724
Provisions	11	1,738	1,760	1,738
Total non-current liabilities		6,247	4,518	8,462
Total liabilities		12,349	10,847	14,512
Net assets		(139)	3,393	(2,210)
Equity				
Accumulated funds		(139)	3,393	(2,210)
Total equity		(139)	3,393	(2,210)

The accompanying notes form part of these financial statements.

Statement of changes in equity for the year ended 30 June 2024

	Accumulated funds \$'000	Asset revaluation surplus \$'000	Total \$'000
Balance at 1 July 2023	(2,210)	-	(2,210)
Net result for the year	5,603	-	5,603
Other comprehensive income	-	-	-
Total other comprehensive income	-	-	-
Total comprehensive income for the year	5,603	-	5,603
Balance at 30 June 2024	3,393	-	3,393
Balance at 1 July 2022	(923)	-	(923)
Net result for the year	(1,287)	-	(1,287)
Other comprehensive income	-	-	-
Total other comprehensive income	-	-	-
Total comprehensive income for the year	(1,287)	-	(1,287)
Balance at 30 June 2023	(2,210)	-	(2,210)

The accompanying notes form part of these financial statements.

Statement of cash flows for the year ended 30 June 2024

	Notes	Budget 2024 \$'000	Actual 2024 \$'000	Actual 2023 \$'000
Cash flows from operating activities				
Payments				
Employee related		27,580	23,502	20,961
Suppliers for goods and services		9,403	9,290	7,582
Finance costs		311	253	433
Total payments		37,294	33,045	28,976
Receipts				
Appropriation	3(a)	42,422	40,222	30,083
Grants and other contributions		421	–	–
Other		30	1,212	1,198
Total receipts		42,873	41,434	31,281
Net cash flows from operating activities	15	5,579	8,389	2,305
Cash flows from investing activities				
Proceeds from sale of property, plant and equipment			–	1
Purchase of property, plant and equipment and intangible assets		(414)	(1,098)	(1,944)
Other		(2,070)	–	–
Net cash flows from investing activities		(2,484)	(1,098)	(1,943)
Cash flows from financing activities				
Payment of principal portion of lease liabilities		(2,165)	(1,799)	(1,041)
Net cash flows from financing activities		(2,165)	(1,799)	(1,041)
Net increase/(decrease) in cash and cash equivalents		930	5,492	(679)
Opening cash and cash equivalents		713	712	1,391
Closing cash and cash equivalents	4	1,643	6,204	712

The accompanying notes form part of these financial statements.

Notes to and forming part of the financial statements for the year ended 30 June 2024

1. Statement of material accounting policy information

(a) Reporting entity

The Independent Commission Against Corruption (“the Commission”) is constituted by the *Independent Commission Against Corruption Act 1988* (“the ICAC Act”). The main objective of the Commission is to minimise corrupt activities and enhance the integrity of NSW public sector administration.

The Commission is considered a separate Government Sector Finance (GSF) agency under Division 2.2 of the *Government Sector Finance Act 2018* (“the GSF Act”). The Commission is a not-for-profit entity (as profit is not its principal objective) and it has no cash-generating units. The reporting entity is consolidated as part of the NSW Total State Sector Accounts.

These financial statements report on all the operating activities under the control of the Commission.

These financial statements for the year ended 30 June 2024 have been authorised for issue by the Chief Executive Officer on 6 September 2024.

(b) Basis of preparation

The Commission’s financial statements are general purpose financial statements which have been prepared on an accruals basis and in accordance with:

- applicable Australian Accounting Standards (which include Australian Accounting Interpretations)
- the requirements of the GSF Act
- Treasurer’s Directions issued under the GSF Act.

Property, plant and equipment are initially measured at cost and subsequently measured at fair value less accumulated depreciation and impairment. Considering the short useful lives of the Commission’s assets, the measurement of these assets at depreciated historical cost is an acceptable surrogate for fair value. Other financial statement items are prepared in accordance with the historical cost convention, except where specified otherwise.

Judgments, key assumptions and estimations that management has made are disclosed in the relevant notes to the financial statements.

All amounts are rounded to the nearest one thousand dollars and are expressed in Australian currency, which is the Commission’s presentation and functional currency.

(c) Going concern

The Commission is a going concern public sector entity. The Commission will receive a parliamentary appropriation, as outlined in the NSW Budget Papers for 2024–25. Further to this, the NSW Government also provided a separate integrity-agency contingency of \$20 million. The Commission can draw down an amount from this contingency, subject to approval by the NSW Treasurer, to meet unforeseen operational funding requirements.

(d) Trust funds

Section 47, “Seizure pursuant to warrant – special provisions”, of the ICAC Act, ensures that property seized as a result, is retained by the Commission for the duration of the investigation. Note 16(a) shows the financial position of the special account created for this purpose.

(e) Budgeted amounts

The budgeted amounts are drawn from the original budgeted financial statements presented to Parliament in respect of the reporting period. Subsequent amendments to the original budget (for example, adjustment for transfer of functions between entities as a result of Administrative Arrangements Orders) are not reflected in the budget amounts. Major variances between the original budgeted amounts and the actual amounts disclosed in the primary financial statements are explained in Note 14.

(f) Changes in accounting policies, including new or revised Australian Accounting Standards

(i) Effective for the first time in 2023–24

The accounting policies applied for the year ended 30 June 2024 are consistent with those of the previous financial year except as a result of new or revised Australian Accounting Standards. The following amendments and interpretations materially apply for the first time to the Commission:

- AASB 2021-2 Amendments to Australian Accounting Standards – Disclosure of Accounting Policies and Definition of Accounting Estimates. This AAS amends AASB 101 Presentation of Financial Statements to require entities to disclose their material accounting policy information rather than their significant accounting policies.

The amendment has led to a reduction of accounting policy information being disclosed by the Commission.

Notes to and forming part of the financial statements for the year ended 30 June 2024

(ii) Issued but not yet effective

NSW public sector entities are not permitted to early adopt new Australian Accounting Standards unless NSW Treasury determines otherwise.

It is not anticipated that the adoption of Australian Accounting Standards issued but not effective will affect the financial statements of the Commission.

(g) Superannuation on Annual Leave Loading

The Commission has determined that no liability arises to pay superannuation on annual leave loading. This position has been formed after considering the facts from a recent ruling in the Federal Court of Australia, which dealt with whether annual leave loading forms part of ordinary time earnings and therefore requires superannuation contributions to be made under superannuation guarantee legislation. It is noted that the ruling supersedes an administrative ruling issued by the ATO, which is not legally binding. This position will be re-assessed in future reporting periods as new information comes to light on this matter.

Notes to and forming part of the financial statements for the year ended 30 June 2024

2. Expenses excluding losses

(a) Employee-related expenses	2024 \$'000	2023 \$'000
Salaries and wages (including annual leave and paid parental leave)	20,591	18,109
Superannuation – defined benefit plans	76	111
Superannuation – defined contribution plans	1,850	1,460
Long service leave	640	580
Workers compensation insurance	196	202
Payroll tax and fringe benefits tax	1,266	1,168
Employee-related expenses	24,619	21,630
(b) Operating expenses	2024 \$'000	2023 \$'000
Advertising and publicity	24	105
Auditors' remuneration		
– audit of the financial statements	48	69
Cleaning	258	83
Consultants	132	679
Contract security services	301	267
Disaster recovery	85	84
Electricity	89	74
External legal fees	703	742
Fees for services	152	364
Information technology	265	–
Insurance	1,506	1,245
Maintenance	1,407	1,401
Membership and subscriptions	529	322
Minor computer equipment/licences	101	41
Variable lease payments, not included in lease liabilities	479	165
Postal	9	21
Printing	27	63
Stores and specialised supplies	137	78
Telephone & telecommunications	202	172
Training	740	169
Transcript fees	60	69
Travelling, air fares, subsistence, taxi and vehicle rental	107	58
Other	425	405
Operating expenses	7,786	6,676

Notes to and forming part of the financial statements for the year ended 30 June 2024

Recognition and measurement

Maintenance

Day-to-day servicing costs or maintenance are charged as expenses as incurred, except where they relate to the replacement or enhancement of a part or component of an asset, in which case the costs are capitalised and depreciated.

Insurance

The Commission's insurance activities are conducted through the NSW Treasury Managed Fund Scheme of self-insurance for government entities. The expense (premium) is determined by the fund manager, based on past claim experience.

(c) Depreciation and amortisation expenses	2024 \$'000	2023 \$'000
Depreciation		
Building leasehold improvements	61	19
Right-of-use assets	1,664	2,552
Plant and equipment	755	624
	2,480	3,195
Amortisation		
Software	182	254
Depreciation and amortisation	2,662	3,449

3. Revenue

(a) Summary of compliance at minister level	2024 \$'000	2023 \$'000
Amount appropriated per the <i>Appropriations Act</i>	42,422	35,197
Total spending authority from parliamentary appropriations, other than deemed appropriations	42,422	35,197
Add:		
The spending authority from deemed appropriations during the current year	1,212	1,199
The unutilised spending authority from deemed appropriations in prior years	3,901	2,702
Total	47,535	39,098
Less: total expenditure out of the Consolidated Fund	(34,143)	(30,920)
Variance	13,392	8,178
Less:		
The spending authority from appropriations lapsed at 30 June	(8,279)	(4,277)
Deemed appropriations balance carried forward to following years	5,113	3,901

Notes to and forming part of the financial statements for the year ended 30 June 2024

The *Appropriations Act 2023* (the Appropriations Act) (and the subsequent variations, if applicable) appropriates the sum of \$42,422,429 to the Premier of NSW out of the Consolidated Fund for the services of the Commission for the year 2023–24.

The lead Minister(s) for the Commission, being the Premier of NSW and NSW Special Minister of State, are taken to have been given an appropriation out of the Consolidated Fund under the authority of s 4.7 of the GSF Act, at the time the Commission receives or recovers any deemed appropriation money, for an amount equivalent to the money that is received or recovered by the Commission. These deemed appropriations are taken to have been given for the services of the Commission.

In addition, government money that the Commission receives or recovers, from another GSF agency, of a kind prescribed by the GSF regulations that forms part of the Consolidated Fund, is now capable of giving rise to deemed appropriations.

The spending authority of the Premier of NSW from the Appropriations Act and that of the NSW Special Minister of State from the deemed appropriation money, has been delegated/sub-delegated to officers of the Commission.

The summary of compliance has been prepared by aggregating the spending authorities for the services of the Commission. It reflects the status at the point in time this disclosure statement is being made.

Parliamentary appropriations

Income from appropriations, other than deemed appropriations (of which the accounting treatment is based on the underlying transaction), does not contain enforceable and sufficiently specific performance obligations as defined by AASB 15. Except as specified below, appropriations are recognised as income when the Commission obtains control over the assets comprising the appropriations. Control over appropriations is normally obtained upon the receipt of cash.

Recognition and measurement

Revenue from sale of goods is recognised as when the Commission satisfies a performance obligation by transferring the promised goods/services.

Income from grants to acquire/construct a recognisable non-financial asset, to be controlled by the Commission, is recognised when the Commission satisfies its obligations under the transfer. Revenue from grants with sufficiently specific performance obligations is recognised as when the Commission satisfies a performance obligation by transferring the promised goods/services. Income from grants without sufficiently specific performance obligations is recognised when the Commission obtains control over the granted assets (e.g. cash).

Due to the nature of the Commission, it cannot forecast at the onset and during the budget setting process all of the inquiries that it is required to conduct. As mentioned in Note 1(c), a separate integrity agencies contingency fund has been provided to meet unforeseen operational funding requirements. Should the Commission require this supplementation, no enforceable specific performance obligations are expected, as defined by AASB 15 *Contracts with Customers* for this particular funding.

(b) Acceptance by the Crown of employee benefits and other liabilities	2024 \$'000	2023 \$'000
The following liabilities and/or expenses have been assumed by the Crown		
Superannuation – defined benefit	76	111
Long service leave	553	541
Payroll tax	4	6
Acceptance by the Crown of employee benefits and other liabilities	633	658

Notes to and forming part of the financial statements for the year ended 30 June 2024

4. Current assets – cash and cash equivalents

	2024 \$'000	2023 \$'000
Cash at bank and on hand	6,204	712
Cash and cash equivalents	6,204	712

5. Current/non-current assets – receivables

	2024 \$'000	2023 \$'000
Trade receivables	2	1
GST	356	296
Prepayments	1,245	750
	1,603	1,047
Prepayments – non-current	37	31
Current/non-current assets – receivables	1,640	1,078

Recognition and measurement

Receivables are initially recognised at fair value plus any directly attributable transaction costs.

Subsequent measurement

The Commission holds receivables with the objective to collect the contractual cash flows and therefore measures them at amortised cost using the effective interest method, less any impairment. Changes are recognised in the net result for the year when impaired, derecognised or through the amortisation process.

Impairment

The Commission's receivables are subject to an annual review for impairment. Receivables are considered to be impaired when there is objective evidence that, as a result of one or more events that occurred after the initial recognition of the financial asset, the estimated future cash flows have been affected.

The Commission's receivable assets (predominantly prepayments) are mainly short term (i.e. 12 months or less). Consequently, the Commission has not recognised any impairment of its financial assets.

Notes to and forming part of the financial statements for the year ended 30 June 2024

6. Property, plant and equipment

	Building leasehold improvements \$'000	Property, plant and equipment \$'000	Total \$'000
At 1 July 2022 – fair value			
Gross carrying amount	102	4,651	4,753
Accumulated depreciation and impairment	(73)	(3,290)	(3,363)
Net carrying amount	29	1,361	1,390
Year ended 30 June 2023			
Net carrying amount at start of year	29	1,361	1,390
Purchase of assets	411	1,299	1,710
Disposals	–	–	–
Depreciation expense	(19)	(624)	(643)
Net carrying amount at end of year	421	2,036	2,457

	Building leasehold improvements \$'000	Property, plant and equipment \$'000	Total \$'000
At 1 July 2023 – fair value			
Gross carrying amount	513	5,906	6,419
Accumulated depreciation and impairment	(92)	(3,870)	(3,962)
Net carrying amount	421	2,036	2,457
Year ended 30 June 2024			
Net carrying amount at start of year	421	2,036	2,457
Purchase of assets	77	753	830
Disposals	–	(40)	(40)
Depreciation expense	(61)	(755)	(816)
Net carrying amount at end of year	437	1,994	2,431
At 30 June 2024 – fair value			
Gross carrying amount	590	6,404	6,994
Accumulated depreciation and impairment	(153)	(4,410)	(4,563)
Net carrying amount	437	1,994	2,431

Recognition and measurement

Acquisitions of property, plant and equipment

Assets acquired are initially recognised at cost.

Assets acquired at no cost, or for nominal consideration, are initially recognised at their fair value at the date of acquisition. Where payment for an asset is deferred beyond normal credit terms, its cost is the cash price equivalent (that is deferred payment amount) effectively discounted over the period of credit.

Notes to and forming part of the financial statements for the year ended 30 June 2024

Capitalisation thresholds

The Commission's capitalisation threshold for property, plant and equipment and intangible assets is \$10,000. This means that all property, plant and equipment and intangible assets costing \$10,000 and above individually (or forming part of a network costing more than \$10,000) are capitalised.

Restoration costs

The present value of the expected cost for the restoration or cost of dismantling of an asset after its use is included in the cost of the respective asset if the recognition criteria for a provision are met. Consequently, the Commission has recognised a make good provision for the premises it leases at 255 Elizabeth Street, Sydney.

Right-of-use assets acquired by lessees

The right-of-use asset and corresponding liability are initially measured at the present value of the future lease payments.

Right-of-use assets are generally depreciated over the shorter of the asset's useful life and the lease term. Where the Commission obtains ownership of the underlying leased asset, or if the cost of the right-of-use asset reflects that the Commission will exercise a purchase option, the Commission depreciates the right-of-use asset over its useful life.

Revaluation of property, plant and equipment

Physical non-current assets are valued in accordance with the "Valuation of Physical Non-Current Assets at Fair Value" Policy and Guidelines Paper (TPP21-09). The asset population of the Commission comprises the right-of-use asset building, plant and equipment such as computers and motor vehicles. Assets with short useful lives are measured at depreciated historical cost, which for these assets approximates fair value. The Commission has assessed that any difference between fair value and depreciated historical cost is unlikely to be material.

Depreciation of property, plant and equipment

Depreciation is provided for on a straight-line basis for all depreciable assets, so as to write-off the depreciable amount of each asset as it is consumed over its useful life to the Commission. All material identifiable components of assets are depreciated separately over their shorter useful lives. The useful life of the various categories of non-current assets is in the table below.

	Gross value measurement bases	Depreciation method	Useful life in years
Asset category			2023–24
Computer hardware	Purchase price	Straight line	4
Plant and equipment	Purchase price	Straight line	5
Leasehold improvement assets are depreciated on a straight-line basis at the lesser of six years or the lease term.			

Impairment of property, plant and equipment

Since plant and equipment is carried at fair value or an amount that approximates fair value, impairment can only arise in rare circumstances, such as where the costs of disposal are material. As a not-for-profit entity, an impairment loss is recognised in the net result to the extent the impairment loss exceeds the amount in the revaluation surplus for the class of asset.

Notes to and forming part of the financial statements for the year ended 30 June 2024

7. Leases

The Commission leases its premises at 255 Elizabeth Street, Sydney, with Property and Development NSW and 13 motor vehicles from SG Fleet Australia Pty Ltd. The lease for 255 Elizabeth Street, Sydney, commenced in 2014. In January 2024, the Commission exercised its second three-year option, commencing 16 October 2023 to 15 October 2026. The Commission's motor vehicles are all leased from SG Fleet usually for a term of three years with no renewal options.

The Commission has elected to recognise payments for short-term leases and low-value leases as expenses on a straight-line basis, instead of recognising a right-of-use asset and lease liability. Short-term leases are leases with a lease term of 12 months or less. Low-value assets are assets with a fair value of \$10,000 or less when new. The Commission does not currently lease any low-value assets; these are usually purchased outright.

Right-of-use assets under leases

The following table presents right-of-use assets that are excluded in the carrying amounts of property, plant and equipment at Note 6.

	Land and buildings \$'000	Motor vehicles \$'000	Total \$'000
Balance at 1 July 2022	9,605	82	9,687
Additions	140	–	140
Depreciation expense	(2,494)	(58)	(2,552)
Other movements	297	–	297
Balance at 30 June 2023	7,548	24	7,572

	Land and buildings \$'000	Motor vehicles \$'000	Total \$'000
Balance at 1 July 2023	7,548	24	7,572
Additions	–	102	102
Depreciation expense	(1,631)	(33)	(1,664)
Other movements	(2,615)	–	(2,615)
Balance at 30 June 2024	3,302	93	3,395

Notes to and forming part of the financial statements for the year ended 30 June 2024

Lease liabilities

The following table presents liabilities under leases.

	Land and buildings \$'000	Motor vehicles \$'000	Total \$'000
Balance at 1 July 2022	9,744	78	9,822
Additions	297	–	297
Interest expense	432	1	433
Payments	(1,413)	(60)	(1,473)
Balance at 30 June 2023	9,060	19	9,079

	Land and buildings \$'000	Motor vehicles \$'000	Total \$'000
Balance at 1 July 2023	9,060	19	9,079
Additions	–	102	102
Interest expense	251	2	253
Payments	(2,017)	(34)	(2,051)
Other movements	(2,615)	–	(2,615)
Balance at 30 June 2024	4,679	89	4,768

The following amounts were recognised in the statement of comprehensive income during the period in respect of leases where the Commission is the lessee:

	2024 \$'000	2023 \$'000
Depreciation expense of right-of-use assets	1,664	2,552
Interest expense on lease liabilities	253	433
Total amount recognised in the Statement of Comprehensive Income	1,917	2,985

The Commission had total cash outflows for leases of approximately \$2.1 million in 2023–24 (2022–23: \$1.5 million).

Recognition and measurement

The Commission assesses at contract inception whether a contract is, or contains, a lease. The Commission recognises lease liabilities to make lease payments and right-of-use assets representing the right to use the underlying assets.

i. Right-of-use assets

The Commission recognises right-of-use assets at the commencement date of the lease (i.e. the date the underlying asset is available for use). Right-of-use assets are initially measured at the amount of initial measurement of the lease liability, adjusted by any lease payments made at or before the commencement date and lease incentives, any initial direct costs incurred, and estimated costs of dismantling and removing the asset or restoring the site.

Right-of-use assets are depreciated on a straight-line basis over the shorter of the lease term and the estimated useful lives of the assets. The right-of-use assets are also subject to revaluation and impairment.

Notes to and forming part of the financial statements for the year ended 30 June 2024

ii. Lease liabilities

At the commencement date of the lease, the Commission recognises lease liabilities measured at the present value of lease payments to be made over the lease term. The lease payments are discounted using the incremental borrowing rate, as provided by NSW Treasury, of 4.10% (3.78% as at 30 June 2023). The carrying amount of lease liabilities is remeasured if there is a modification, a change in the lease term, a change in the lease payments (for example, changes to future payments resulting from a change in an index or rate used to determine such lease payments) or a change in the assessment of an option to purchase the underlying asset.

iii. Short-term leases and leases of low-value assets

The Commission applies the short-term lease recognition exemption to its short-term leases of machinery and equipment.

8. Intangible assets

	Software \$'000	Work in progress \$'000	Total \$'000
At 1 July 2022 – fair value			
Cost (gross carrying amount)	2,033	88	2,121
Accumulated amortisation and impairment	(1,617)	–	(1,617)
Net carrying amount	416	88	504

Year ended 30 June 2023			
Net carrying amount at start of year	416	88	504
Additions	–	233	233
Disposals	–	–	–
Transfers from/to other asset classes	137	(137)	–
Amortisation	(254)	–	(254)
Net carrying amount at end of year	299	184	483

	Software \$'000	Work in progress \$'000	Total \$'000
At 1 July 2023 – fair value			
Cost (gross carrying amount)	2,170	184	2,354
Accumulated amortisation and impairment	(1,871)	–	(1,871)
Net carrying amount	299	184	483

Year ended 30 June 2024			
Net carrying amount at start of year	299	184	483
Additions	–	269	269
Disposals	–	–	–
Transfers from/to other asset classes	428	(428)	–
Amortisation	(182)	–	(182)
Net carrying amount at end of year	545	25	570

At 30 June 2024 – fair value			
Gross carrying amount	2,598	25	2,623
Accumulated amortisation and impairment	(2,053)	–	(2,053)
Net carrying amount	545	25	570

Notes to and forming part of the financial statements for the year ended 30 June 2024

Recognition and measurement

The Commission recognises intangible assets only if it is probable that future economic benefits will flow to the Commission and the cost of the asset can be measured reliably. Intangible assets are measured initially at cost.

The useful lives of intangible assets are assessed to be finite. The amortisation period and the amortisation method are reviewed at least at the end of each reporting period.

As there is no active market for the Commission's intangible assets, the assets are carried at cost less any accumulated amortisation.

The Commission's intangible assets are amortised using the straight-line method over four years. Intangible assets are tested for impairment where an indicator of impairment exists. If the recoverable amount is less than its carrying amount, the carrying amount is reduced to its recoverable amount and the reduction is recognised as an impairment loss.

	Gross value measurement bases	Amortisation method	Useful life in years
Asset category			2023–24
Software	Purchase price	Straight line	4

9. Current liabilities – payables

	2024 \$'000	2023 \$'000
Accrued salaries, wages and on-costs	514	367
Accrued expenses – other operating expenses	482	266
Creditors	98	152
Current liabilities – payables	1,094	785

Recognition and measurement

These amounts represent liabilities for goods and services provided to the Commission and other amounts. Payables are recognised initially at fair value, usually based on the transaction cost or face value. Subsequent measurement is at amortised cost using the effective interest method.

10. Current/non-current liabilities – lease liabilities

	2024 \$'000	2023 \$'000
Current liabilities		
Lease liabilities	2,010	2,355
Current liabilities – lease liabilities	2,010	2,355
Non-current liabilities		
Lease liabilities	2,758	6,724
Non-current liabilities – lease liabilities	2,758	6,724

Notes to and forming part of the financial statements for the year ended 30 June 2024

11. Current/non-current liabilities – provisions

Current	2024 \$'000	2023 \$'000
Employee benefits and related on-costs		
Annual leave (includes annual leave loading)	1,892	1,769
Annual leave on-cost	229	193
Payroll tax on annual leave, long service leave (and fringe benefits tax payable)	429	393
Long service leave on-cost	628	555
Paid parental leave	47	–
Current employee benefits and related on-costs	3,225	2,910

Non-current	2024 \$'000	2023 \$'000
Employee benefits and related on-costs		
Long service leave on-costs	70	55
Provision for payroll tax on long service leave	36	29
Asset remediation and restoration	1,654	1,654
Non-current employee benefits and related on-costs	1,760	1,738

Aggregate employee benefits and related on-costs	2024 \$'000	2023 \$'000
Provision – current	3,225	2,910
Provision – non-current	106	84
Accrued salaries, wages and on-costs (Note 9)	514	367
Aggregate employee benefits and related on-costs	3,845	3,361

Movements in provisions (other than employee benefits)

Movements in each class of provision during the financial year, other than employee benefits, are set out below:

	“Make good” provision 2024 \$'000	“Make good” provision 2023 \$'000
Carrying amount at the beginning of the financial year	1,654	1,515
Additional provisions recognised	–	139
Amounts used	–	–
Carrying amount at the end of the financial year	1,654	1,654

Recognition and measurement

Salaries and wages (including non-monetary benefits) that are expected to be settled wholly within 12 months after the end of the period in which the employees render the service are recognised and measured at the undiscounted amounts of the benefits.

The Commission has assessed the actuarial advice based on its circumstances and has determined that the effect of discounting is immaterial to annual leave. All annual leave is classified as a current liability, even where the Commission does not expect to settle the liability within 12 months, as the Commission does not have an unconditional right to defer settlement.

Notes to and forming part of the financial statements for the year ended 30 June 2024

Long service leave and superannuation

The Commission's liabilities for long service leave and defined benefit superannuation are assumed by the Crown. The Commission accounts for the liability as having been extinguished, resulting in the amount assumed being shown as part of the non-monetary revenue item described as "Acceptance by the Crown of employee benefits and other liabilities".

Long service leave is measured at the present value of expected future payments to be made in respect of services provided up to the reporting date. Consideration is given to certain factors based on actuarial review, including: expected future wage and salary levels; experience of employee departures; and periods of service. Expected future payments are discounted using the Commonwealth Government bond rate at the reporting date.

The superannuation expense for the financial year is determined by using the formulae specified in the NSW Treasurer's Directions. The expense for certain superannuation schemes (i.e. Basic Benefit and First State Super) is calculated as a percentage of the employees' salary. For other superannuation schemes (i.e. State Superannuation Scheme and State Authorities Superannuation Scheme), the expense is calculated as a multiple of the employees' superannuation contributions.

Consequential on-costs

Consequential costs to employment are recognised as liabilities and expenses where the employee benefits to which they relate have been recognised. This includes outstanding amounts of payroll tax, workers compensation insurance premiums and fringe benefits tax.

Other provisions – "make good" provision

The Commission has a present legal obligation to make good its current accommodation premises at 255 Elizabeth Street, Sydney. Management expects that this provision will be realised in 2026.

During 2023–24, the Commission reviewed its make-good provision and an estimate was provided by Schiavello Construction (NSW) Pty Ltd.

12. Commitments

Capital commitments

Aggregate capital expenditure for the acquisition of plant and equipment contracted for at balance date and not provided for:

	2024 \$'000	2023 \$'000
Within one year	87	178
Later than one year and not later than five years	–	–
Later than five years	–	–
Total (including GST)	87	178

13. Contingent liabilities and contingent assets

Contingent liabilities

The Commission has contingent liabilities estimated at \$369,546 representing potential legal expenses as at 30 June 2024 (2022–23: \$65,000).

Contingent assets

The Commission has no contingent assets as at 30 June 2024 (2022–23: Nil).

Notes to and forming part of the financial statements for the year ended 30 June 2024

14. Budget review

Net result

The net result is favourable mainly due to the additional time taken to fully recruit the re-baseline positions given in the 2023–24 Budget, particularly in the recent tight labour market. These delays were in addition to regular turnover and associated recruitment and are not expected to continue into 2024–25, as they have now been filled. This recruitment delayed the commencement of Project Nexus and other cybersecurity projects, resulting in the carry-forward of the capital costs to the following financial year and associated reductions in depreciation (as well as right-of-use asset incentive recognition). There has also been lower activity on legal fees, consultants and travel that are timing variations.

Assets and liabilities

An increase in the Commission's cash is due to underspend on operational and employee-related expenditures. The decrease in non-current assets and non-current liabilities is primarily due to the revaluation of office lease liability to reflect the extension of the lease incentive for a further three years.

Cash flows

The cash balance as at 30 June 2024 is \$4.561 million higher than that of the budgeted amount of \$1.643 million. This is largely due to the drawdown of appropriation revenue in line with the approved budget, offset by lower operational and employee-related expenditure.

15. Reconciliation of cash flows from operating activities to net result

	2024 \$'000	2023 \$'000
Net cash used on operating activities	8,389	2,305
Depreciation and amortisation	(2,662)	(3,449)
Written-down value of asset disposed	(40)	1
Increase/(decrease) in prepayments and receivables	562	(126)
Decrease/(increase) in provisions and other liabilities	(337)	58
Decrease/(increase) in payables	(309)	(76)
Net result	5,603	(1,287)

16. Trust funds

	2024 \$'000	2023 \$'000
(a) s 47 Division 4A of the ICAC Act		
Opening balance as at 1 July	212	212
Deposits	–	–
Less		
Payments	–	–
Total trust funds as at 30 June	212	212

The above fund does not form part of the Commission's financial statement position.

Notes to and forming part of the financial statements for the year ended 30 June 2024

17. Financial instruments

The Commission's principal financial instruments arise directly from the Commission's operations or are required to finance the Commission's operations.

The Chief Executive Officer has overall responsibility for the establishment and oversight of risk management and reviews and agrees on policies for managing each of these risks. Risk management policies are established to identify and analyse the risks faced by the Commission, to set risk limits and controls, and to monitor risks. Compliance with policies is reviewed by the Audit and Risk Committee/internal audit on a continual basis.

(a) Financial instrument categories

Financial assets	Note	Category	Carrying amount	Carrying amount
Class:			2024	2023
			\$'000	\$'000
Cash and cash equivalents	4	N/A	6,204	712
Receivables ¹	5	Receivables at amortised cost	2	1
Financial liabilities	Note	Category	Carrying amount	Carrying amount
Class:			2024	2023
			\$'000	\$'000
Payables ²	9	Financial liabilities measured at amortised cost	1,094	785

¹ Excludes statutory receivables and prepayments (not within scope of AASB 7).

² Excludes statutory payables and unearned revenue (not within scope of AASB 7).

The Commission determines the classification of its financial assets and liabilities after initial recognition and, when allowed and appropriate, re-evaluates this at each financial year end.

(b) Financial risk

i. Credit risk

Credit risk arises from the financial assets of the Commission, including cash and receivables. No collateral is held by the Commission. The Commission has not granted any financial guarantees.

Cash

Cash comprises cash on hand and bank balances within the NSW Treasury Banking System.

Receivables – trade debtors

All trade debtors are recognised as amounts receivable at balance date. Collectability of trade debtors is reviewed on an ongoing basis. Procedures established in the NSW Treasurer's Directions are followed to recover outstanding amounts, including letters of demand.

The Commission applies the AASB 9 simplified approach to measuring expected credit losses, which uses a lifetime expected loss allowance for all trade receivables. To measure the expected credit losses, trade receivables have been grouped based on shared credit risk characteristics and the days past due.

The expected loss rates are based on historical observed loss rates. The historical loss rates are adjusted to reflect current and forward-looking information on macroeconomic factors affecting the ability of the customers to settle the receivables.

No expected credit losses (ECL) were recognised at 30 June 2024 due to the historical credit loss experience of the Commission.

Notes to and forming part of the financial statements for the year ended 30 June 2024

ii. Liquidity risk

The Commission's exposure to liquidity risk is deemed insignificant based on prior periods' data and current assessment of risk.

The liabilities are recognised for amounts due to be paid in the future for goods or services received, whether or not invoiced. Amounts owing to suppliers (which are unsecured) are settled in accordance with the policy set out in NSWTC 11/12. For small business suppliers, where terms are not specified, payment is made no later than 30 days from date of receipt of a correctly rendered invoice. For other suppliers, if trade terms are not specified, payment is made no later than the end of the month following the month in which an invoice or a statement is received.

iii. Market risk

The Commission has no exposure to market risk, as it does not have borrowings or investments. The Commission has no exposure to foreign currency risk and does not enter into commodity contracts.

iv. Interest rate risk

The Commission does not account for any fixed-rate financial instruments at fair value through profit or loss or as at fair value through other comprehensive income. The Commission has no exposure to interest risk as at 30 June 2024.

(c) Fair value measurement

Financial instruments are generally recognised at cost. The amortised cost of financial instruments recognised in the statement of financial position approximates the fair value, because of the short-term nature of many of the financial instruments.

18. Related party disclosures

Compensation for the Commission's key management personnel is as follows:

	2024 \$'000	2023 \$'000
Short-term employee benefits		
Salaries	1,746	1,851
Post-employment benefits	–	168
	1,746	2,019

During the financial year, the Commission did not enter into transactions with key management personnel, their close family members or the members of its controlled entities.

Transactions with other entities that are controlled/jointly controlled/significantly influenced by the NSW Government during 2023–24 were:

	2024 \$'000	2023 \$'000
Property and Development NSW (accommodation at 255 Elizabeth Street, Sydney)	2,805	1,597
NSW Police (office security)	270	243
	3,075	1,840

19. Events after the reporting period

There are no events subsequent to the reporting date which affect the financial statements.

(END OF AUDITED FINANCIAL STATEMENTS)

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Appendix 1 – Complaints profile

Table 25: Government sectors that were subject to matters received in 2023–24

Government sector	Section 10 complaints (s 10s)		Section 11 reports (s 11s)		Other types of matters (OMs)		Total for all matters	
	Number of s 10s	% of s 10s	Number of s 11s	% of s 11s	Number of OMs	% of OMs	Number of matters	% of matters
Aboriginal Affairs and Services	27	2%	18	1%	0	0%	45	2%
Arts and Heritage	2	< 1%	5	< 1%	0	0%	7	< 1%
Community and Human Services	45	4%	41	3%	3	6%	89	3%
Consumer and Trade	16	1%	10	< 1%	0	0%	26	1%
Custodial Services	91	8%	440	33%	2	4%	533	21%
Education (Except Universities)	53	4%	244	18%	1	2%	298	11%
Emergency Services	22	2%	35	3%	2	4%	59	2%
Employment and Industrial Relations	3	< 1%	4	< 1%	0	0%	7	< 1%
Energy	7	< 1%	5	< 1%	0	0%	12	< 1%
Government and Financial Services	80	7%	50	4%	9	18%	139	5%
Health	123	10%	182	14%	3	6%	308	12%
Land, Property and Planning	50	4%	12	< 1%	2	4%	64	2%
Law and Justice	93	8%	3	< 1%	6	12%	102	4%
Local Government	502	42%	142	11%	10	20%	654	25%
Natural Resources and Environment	50	4%	30	2%	0	0%	80	3%
Other – Unspecified	0	0%	0	0%	6	12%	6	< 1%
Parliament	6	< 1%	0	0%	0	0%	6	< 1%
Policing	36	3%	1	< 1%	0	0%	37	1%
Tourism, Sport, Recreation and Gaming	21	2%	9	< 1%	0	0%	30	1%
Transport, Ports and Waterways	64	5%	83	6%	6	12%	153	6%
Universities	24	2%	37	3%	0	0%	61	2%

Note: Percentages may not add to 100% because a matter may relate to more than one sector.

Table 26: Workplace functions applicable to matters received in 2023–24

Function	Section 10 complaints (s 10s)		Section 11 reports (s 11s)		Other types of matters (OMs)		Total for all matters	
	Number of s 10s	% of s 10s	Number of s 11s	% of s 11s	Number of OMs	% of OMs	Number of matters	% of matters
Allocation of funds, materials and services	515	43%	641	48%	6	12%	1162	45%
Development applications and land rezoning	266	22%	35	3%	2	4%	303	12%
Electoral and political activities	50	4%	13	< 1%	1	2%	64	2%
Human resource and staff administration	380	32%	680	51%	2	4%	1062	41%
Issue of licences or qualifications	20	2%	33	2%	0	0%	53	2%
Miscellaneous functions	43	4%	88	7%	38	78%	169	7%
Policy development and information processing	24	2%	19	1%	1	2%	44	2%
Processing of electronic and cash payments	12	< 1%	35	3%	0	0%	47	2%
Procurement, disposal and partnerships	206	17%	183	14%	2	4%	391	15%
Reporting, investigation, sentencing and enforcement	370	31%	325	24%	3	6%	698	27%

Note: Percentages may not add to 100 per cent because allegations may involve more than one type of corrupt conduct or allegations of corrupt conduct may not be made.

Table 27: Types of corrupt conduct alleged in matters received in 2023–24

Conduct	Section 10 complaints (s 10s)		Section 11 reports (s 11s)		Other types of matters (OMs)		Total for all matters	
	Number of s 10s	% of s 10s	Number of s 11s	% of s 11s	Number of OMs	% of OMs	Number of matters	% of matters
Bribery, secret commissions and gifts	89	7%	89	7%	2	4%	180	7%
Corrupt conduct related to investigations or proceedings	271	23%	96	7%	2	4%	369	14%
Failure to perform required actions not already listed	58	5%	46	3%	0	0%	104	4%
Improper use of records or information	471	39%	693	51%	4	8%	1168	45%
Improper use or acquisition of funds or resources	461	38%	613	46%	45	92%	1119	43%
Intimidating or violent conduct	218	18%	254	19%	2	4%	474	18%
No corrupt conduct alleged in matter	11	< 1%	21	2%	0	0%	32	1%
Other corrupt conduct	22	2%	13	< 1%	0	0%	35	1%
Partiality	718	60%	352	26%	2	4%	1072	41%
Personal interests	514	43%	583	43%	4	8%	1101	42%

Note: Percentages may not add to 100 per cent because allegations may involve more than one type of corrupt conduct or allegations of corrupt conduct may not be made.

Appendix 2 – Statutory reporting

Table 28: Reports under s 76(2) of the ICAC Act in 2023–24

Relevant section of the ICAC Act	Measurement	Outcome
76(2)(a)	A description of the matters that were referred to the Commission	See Tables 25, 26, 27 and “Assessments summary” in the “Operations and performance” section of this report
76(2)(b)	A description of the matters investigated by the Commission	See “Our investigations” in the “Operations and performance” section of this report
76(2)(ba)(i)	The time interval between the lodging of each complaint and the Commission deciding to investigate the complaint	See Table 29
76(2)(ba)(ii)	Number of complaints commenced to be investigated but not finally dealt with in 2023–24	2
76(2)(ba)(iii)	Average time to deal with complaints	61 days
76(2)(ba)(iii)	Actual time to investigate any matters in respect of which a report is made	See Table 30
76(2)(ba)(iv)	Total number of compulsory examinations	36
76(2)(ba)(iv)	Total number of public inquiries	1
76(2)(ba)(v)	Number of days spent in conducting public inquiries	11
76(2)(ba)(vi)	Time interval between the completion of each public inquiry conducted and the furnishing of a report on the matter	See Table 19 in the “Management and accountability” section of this report
76(2)(bb)	For each report prepared under s 74 – the information referred to in s 74E(3)(a) and (b)	See Table 19, including footnotes, in the “Management and accountability” section of this report
76(2)(c)	Any recommendations for changes in the laws of the state, or for administrative action, that the Commission considers should be made as a result of the exercise of its functions	See page 102
76(2)(d)	The general nature and extent of any information furnished under the ICAC Act by the Commission during the year to a law enforcement agency	See “Referrals and other disseminations” in the “Operations and performance” section of this report
76(2)(e)	The extent to which its investigations have resulted in prosecutions or disciplinary action in that year	See Table 35
76(2)(f)	The number of search warrants issued by authorised officers and a Commissioner respectively under this Act in that year	See Table 16
76(2)(g)	A description of the Commission’s activities during that year in relation to its educating and advising functions	See “Corruption Prevention summary” in the “Operations and performance” section of this report

Table 29: Time interval between lodging of each complaint and the Commission deciding to investigate the complaint in 2023–24: s 76(2)(ba)(i) of the ICAC Act

Date matter received	Date decided to investigate	Time interval (days)
16/05/2022	22/04/2024	707
20/05/2022	28/11/2023	557
23/12/2022	16/08/2023	236
10/02/2023	17/04/2024	432
17/02/2023	9/11/2023	265
5/06/2023	7/07/2023	32
3/07/2023	28/07/2023	25
14/07/2023	26/07/2023	12
27/07/2023	16/08/2023	20
30/07/2023	6/06/2024	312
2/08/2023	28/08/2023	26
8/08/2023	18/08/2023	10
17/08/2023	21/02/2024	188
1/09/2023	22/04/2024	234
25/09/2023	26/02/2024	154
4/10/2023	26/02/2024	145
5/10/2023	30/01/2024	117
10/10/2023	6/12/2023	57
13/10/2023	22/04/2024	192
25/10/2023	22/04/2024	180
27/10/2023	6/11/2023	10
30/10/2023	22/04/2024	175
31/10/2023	22/04/2024	174
2/11/2023	22/04/2024	172
7/11/2023	22/04/2024	167
14/11/2023	26/02/2024	104
17/11/2023	22/04/2024	157
21/11/2023	26/02/2024	97
29/11/2023	22/04/2024	145
29/11/2023	26/02/2024	89
12/12/2023	26/02/2024	76
12/02/2024	15/02/2024	3
13/02/2024	21/06/2024	129
27/02/2024	17/04/2024	50
11/03/2024	6/06/2024	87
2/04/2024	3/06/2024	62
29/04/2024	3/06/2024	35
29/04/2024	3/06/2024	35

Several of the intervals between receipt and investigation are higher than usual due to the Commission awaiting information from the subject agency to inform its assessment of the matter.

Table 30: Actual time to investigate any matters in respect of which a report is made

Date matter received	Date investigation completed	Time interval (days)
15/10/2019	10/05/2023	1303
28/03/2019	14/06/2022	1174
11/08/2017	04/07/2022	1788

Recommendations for changes in the laws of the State, or for administrative action, that the Commission considers should be made as a result of the exercise of its functions (s 76(2)(c) of the ICAC Act)

In the reporting period, the Commission made numerous recommendations around legal change and administrative action. These recommendations can be found in the following publications:

- *Investigation into the awarding of Transport for NSW and Inner West Council contracts* (Operation Hector)
- *Investigation into the conduct of the City of Canada Bay Council Mayor and others* (Operation Tolosa)
- *Georges River Council/Hurstville City Council – allegations concerning former councillors and others* (Operation Galley)
- Submission to the Legislative Council Portfolio Committee No. 1 inquiry into Artificial Intelligence in New South Wales
- Submission to the Legislative Council's Standing Committee on Social Issues inquiry into Procurement practices of government agencies
- Submission to the Joint Standing Committee on Electoral Matters inquiry into Administration of the 2023 NSW state election
- Submission to the Senate Standing Committee on Finance and Public Administration inquiry into Access to Australian Parliament House by lobbyists
- Submission to the Legislative Council inquiry into Recommendations of the ICAC arising out of Operation Keppel
- Submission to the Legislative Assembly Review of the Independent Complaints Officer System (2023)
- Submission to the Legislative Council Review of Independent Complaints Officer system (2023)
- Submission to the Legislative Council inquiry into Draft Constitution (Disclosures by Members) Regulation 2024

Appendix 3 – Outcomes of matters

Table 31: Other outcomes for matters closed during 2023–24

Agency outcomes	Section 10 matters	Section 11 matters	Total
Disciplinary action proposed by the public authority	0	11	11
Disciplinary action taken by the public authority – Dismissal	5	49	54
Disciplinary action taken by the public authority – Counselling	1	22	23
Disciplinary action taken by the public authority – Resignation	0	58	58
Disciplinary action taken by the public authority – Other	1	102	103
Systemic issues addressed by the public authority	0	5	5
Systemic issues identified by the public authority	3	7	10
No action or further action warranted by the public authority	18	118	136

Appendix 4 – Adoption of corruption prevention recommendations

In framing corruption prevention recommendations, the Commission’s focus is to work with the agency to ensure that the recommendations made in the Commission’s report address both the corruption risk and the business priorities of the subject agency. In accordance with s 111E(2) of the ICAC Act, the Commission considers plans of action proposed by agencies and monitors the level of acceptance of corruption prevention recommendations in the agency’s plan of action. It also ensures that agencies report on the implementation of their plans of action.

Table 32 shows the adoption of corruption prevention recommendations in agency plans of action submitted during 2023–24. Table 33 shows the receipt of reports on implementation of agency action plans.

Table 32: Adoption of corruption prevention recommendations in agency plans of action received in 2023–24

Public inquiry	Agency	Number of recommendations	Date action plan received	Adopted as described in the report	Adopted in an alternative way	Partially adopted	Not adopted	Percentage partially adopted	Percentage fully adopted
Galley	Department of Planning and Environment	11	8 December 2023	10	1	0	0	0%	100%
Tolosa	City of Canada Bay Council	4	8 February 2024	4	0	0	0	0%	100%

The Commission seeks reports on the implementation of agency plans of action. If plans are not fully implemented at 12 months, a further 24-month report is sought. Proactive agencies can submit a final report at any stage, including when the plan of action is submitted.

Table 33: Agency reports on the implementation of action plans received in 2023–24

Public inquiry/matter	Agency	Number of recommendations	Date report due	Date report received	Type of report received (interim or final)
Witney	Department of Planning and Environment	4	18 October 2023	26 September 2023	Interim
Ember	Transport for NSW	7	31 October 2023	30 October 2023	Interim
Paragon	Transport for NSW	9	14 June 2024	14 June 2024	Interim
Mistral	Service NSW	4	29 July 2023	9 August 2023	Final
Dasha	Department of Premier and Cabinet	2	13 September 2023	15 September 2023	Final
Witney	City of Canada Bay Council	3	8 September 2023	27 September 2023	Final
Dasha	Department of Planning Industry and Environment	18	20 October 2023	5 October 2023	Final
Lancer	TAFE NSW	14	15 February 2024	12 February 2024	Final
Skyline	NSW Aboriginal Land Council	3	10 February 2024	16 February 2024	Final
Skyline	Office of the Registrar, Aboriginal Land Rights Act	2	10 February 2024	22 March 2024	Final
Skyline	Awabakal Local Aboriginal Land Council	10	14 March 2024	6 May 2024	Final

Commission investigation reports sometimes make corruption prevention recommendations to entities that are not included within the scope of s 111E(2) of the ICAC Act. While these entities are not legally obliged to provide action plans and progress reports, the Commission nevertheless attempts to monitor the implementation of the recommendations made to them. Table 34 provides relevant updates from 2023–24 concerning the implementation of such recommendations.

Table 34: Other updates on the implementation of corruption prevention recommendations

Public inquiry/matter	Entity	Number of recommendations	Date	Update
Aero	Parliament of NSW	7	15 February 2024	The Commission made a submission to the NSW Parliament's Joint Standing Committee on Electoral Matters inquiry into the "Administration of the 2023 NSW state election and other matters", which drew on findings and recommendations relating to political donations made in Operation Aero and other Commission investigations.
			17 May 2024	The Chief Commissioner gave evidence to the NSW Parliament's Joint Standing Committee on Electoral Matters, some of which related to recommendations made in Operation Aero.
			11 Jun 2024	The NSW Parliament's Joint Standing Committee on Electoral Matters launched an inquiry into "Proposals to increase voter engagement, participation and confidence", whose scope includes issues raised in Operation Aero such as electoral funding and party governance.
Keppel	Parliament of NSW	15	7 July 2023	The NSW Legislative Council Privileges Committee established an inquiry to consider relevant recommendations.
			14 September 2023	The NSW Legislative Assembly Standing Committee on Parliamentary Privilege and Ethics established an inquiry to consider relevant recommendations from both Operation Keppel and Operation Witney.
	NSW Government	5	7 February 2024	The NSW Premier and the Special Minister of State issued a joint media release, which outlines integrity reforms introduced by the NSW Government to address relevant recommendations from both Operation Keppel and Operation Witney.
Witney	Parliament of NSW	5	14 September 2023	The NSW Legislative Assembly Standing Committee on Parliamentary Privilege established an inquiry to consider relevant recommendations from both Operation Keppel and Operation Witney.
			8 February 2024	The NSW Legislative Council Privileges Committee and the NSW Legislative Assembly Standing Committee on Parliamentary Privilege and Ethics established inquiries into the Draft Constitution (Disclosures by Members) Regulation 2024.
	NSW Government	3	6 November 2023	The Cabinet Office (TCO) advised that recommendation 8 has been implemented in November 2022.
			6 February 2024	The Premier wrote to the Commission to advise that the Draft Constitution (Disclosures by Members) Regulation 2024 contained relevant reforms. These reforms were publicly announced by the NSW Premier and the Special Minister of State on 7 February 2024.

Appendix 5 – Prosecution and disciplinary action in 2023–24 arising from ICAC investigations

Table 35: Progress of prosecution matters in 2023–24

Note: the date the investigation report was published is in brackets.

The “Crimes Act” refers to the *Crimes Act 1900* (NSW), the “ICAC Act” refers to the *Independent Commission Against Corruption Act 1988* (NSW) and the “EFED Act” refers to the *Election Funding, Expenditure and Disclosures Act 1981* (NSW). The DPP refers to the Director of Public Prosecutions (NSW).

Investigation into attempted corrupt payment and submission of false resumes to public authorities (Operation Avoca) (August 2010)

Name	Don Gamage
Offences recommended for DPP consideration	Section 249B Crimes Act (corrupt commissions or rewards), s 87 ICAC Act (false or misleading evidence), s 178BA Crimes Act (obtaining a benefit by deception), s 192G Crimes Act (false or misleading statements) and s 80(c) ICAC Act (misleading a Commission officer).
DPP advice	On 20 January 2011, the DPP advised that there was sufficient evidence to charge Mr Gamage with one offence pursuant to s 249B Crimes Act, seven offences pursuant to s 178BB Crimes Act, one offence pursuant to s 192G Crimes Act, two offences pursuant to s 87 ICAC Act, one offence pursuant to s 80(a) ICAC Act and one offence pursuant to s 80(c) ICAC Act.
Status	The hearing commenced on 27 June 2023 and is currently adjourned pending judgment in related NSW Supreme Court matters. The matters relating to offences pursuant to the ICAC Act have been set down for hearing on 17 March 2025.

Investigation into the conduct of Moses Obeid, Eric Roozendaal and others (Operation Indus) (July 2013)

Name	Moses Obeid
Offences recommended for DPP consideration	Section 87 ICAC Act (false or misleading evidence).
DPP advice	On 8 September 2016, the DPP advised that there was sufficient evidence to charge Moses Obeid with 16 offences pursuant to s 87(1) ICAC Act.
Status	On 24 April 2023, Moses Obeid pleaded guilty to two offences pursuant to s 87 of the ICAC Act. He was sentenced on 31 May 2024 to two years’ imprisonment with a backdated non-parole period of one year.

Name	Rocco Triulcio
Offences recommended for DPP consideration	Section 87 ICAC Act (false or misleading evidence).
DPP advice	On 8 September 2016, the DPP advised that there was sufficient evidence to charge Mr Triulcio with 18 offences pursuant to s 87(1) ICAC Act.
Status	On 24 April 2023, Mr Triulcio pleaded guilty to two offences pursuant to s 87 ICAC Act. On 18 January 2024, he was sentenced to a 21-month intensive correction order.

Investigation into the conduct of Ian Macdonald, Edward Obeid Senior, Moses Obeid and others (Operation Jasper) (July 2013)

Name	Ian Macdonald
Offences recommended for DPP consideration	Common law offence of conspiracy to defraud or misconduct in public office.
DPP advice	On 17 July 2015, the DPP advised that it filed a court attendance notice for the common law offence of conspiracy to commit misconduct in public office.
Status	The trial commenced on 10 February 2020 but adjourned to 31 August 2020 due to the COVID-19 pandemic. The trial concluded in February 2021. Mr Macdonald was found guilty on 19 July 2021. He was sentenced on 21 October 2021 to nine years and six months' imprisonment with a non-parole period of five years and three months. Between 17 and 20 April 2023, the NSW Court of Criminal Appeal heard Mr Macdonald's conviction appeal. On 6 June 2023, the NSW Court of Criminal Appeal heard Mr Macdonald's appeal against the severity of sentence. The judgments were reserved in both matters. On 6 October 2023, both appeals were dismissed.

Name	Edward Obeid Senior
Offences recommended for DPP consideration	Criminal offences of conspiracy to defraud, or aiding and abetting or conspiracy to commit the offence of misconduct in public office.
DPP advice	On 17 July 2015, the DPP advised that it filed a court attendance notice for the common law offence of conspiracy to commit misconduct in public office.
Status	The trial commenced on 10 February 2020 but adjourned to 31 August 2020 due to the COVID-19 pandemic. The trial concluded in February 2021. Edward Obeid Senior was found guilty on 19 July 2021 and sentenced on 21 October 2021 to seven years' imprisonment with a non-parole period of three years and 10 months. Between 17 and 20 April 2023, the NSW Court of Criminal Appeal heard Edward Obeid Senior's conviction appeal. The judgment was reserved. On 6 October 2023, the appeal was dismissed.

Name	Moses Obeid
Offences recommended for DPP consideration	Criminal offences of conspiracy to defraud, or aiding and abetting or conspiracy to commit the offence of misconduct in public office.
DPP advice	On 17 July 2015, the DPP advised that it filed a court attendance notice for the common law offence of conspiracy to commit misconduct in public office.
Status	The trial commenced on 10 February 2020 but adjourned to 31 August 2020 due to the COVID-19 pandemic. The trial concluded in February 2021. Moses Obeid was found guilty on 19 July 2021 and sentenced on 21 October 2021 to five years' imprisonment with a non-parole period of three years. Between 17 and 20 April 2023, the NSW Court of Criminal Appeal heard Moses Obeid's conviction appeal. The judgment was reserved. On 6 October 2023, the appeal was dismissed.

**Investigation into the conduct of Ian Macdonald, John Maitland and others (Operation Acacia)
(August 2013)**

Name	Ian Macdonald
Offences recommended for DPP consideration	Common law offence of misconduct in public office.
DPP advice	On 5 November 2014, the DPP advised that there was sufficient evidence to prosecute Mr Macdonald for two offences of misconduct in public office.
Status	<p>On 30 March 2017, following a trial in the NSW Supreme Court, Mr Macdonald was found guilty of both offences. On 2 June 2017, Mr Macdonald was sentenced to 10 years' imprisonment, commencing on 26 May 2017 and expiring on 25 May 2027, with a non-parole period of seven years, commencing 26 May 2017 and expiring 25 May 2024. The sentence imposed for each offence was eight and seven years respectively.</p> <p>On 28 June 2017, Mr Macdonald filed a notice of intention to appeal his conviction and sentence. On 25 February 2019, NSW Court of Criminal Appeal allowed the appeal. The new trial commenced on 6 September 2022. On 20 December 2022, Mr Macdonald was found guilty. On 24 March 2023, he was sentenced to eight years' imprisonment with a non-parole period of five years and six months for one offence, and six years and six months for the other offence.</p> <p>On 11 April 2023, Mr Macdonald filed a notice of intention to appeal the conviction and sentence. On 5 April 2024, Mr Macdonald filed his appeal which has been listed for a call over on 19 September 2024 and set down for hearing on 16 October 2024.</p>

**Investigation into the conduct of a Mine Subsidence Board district manager (Operation Tunic)
(March 2016)**

Name	Darren Bullock
Offences recommended for DPP consideration	Section 249B(1) Crimes Act (corrupt commissions), common law offence of misconduct in public office, s 253 Crimes Act (forgery), s 254 Crimes Act (using false document), s 351A Crimes Act (recruiting person to engage in criminal activity), s 87 ICAC Act (false or misleading evidence), s 88(2)(a) ICAC Act (destroy document) and s 89(a) ICAC Act (procure false evidence).
DPP advice	On 16 December 2021, the DPP advised that there was sufficient evidence to proceed with 99 offences pursuant to s 249B Crimes Act, one offence pursuant to s 351A Crimes Act, 17 offences of misconduct in public office, five offences pursuant to s 87 ICAC Act and one offence pursuant to s 89(a) ICAC Act.
Status	On 15 June 2023, Mr Bullock pleaded guilty to two counts of corruptly receiving a benefit of more than \$15,000 pursuant to s 249B Crimes Act, two counts of giving false or misleading evidence pursuant to s 87 ICAC Act and two counts of misconduct in public office. The other matters were withdrawn. On 21 November 2023, Mr Bullock was sentenced to an aggregate of three years' imprisonment to be served by way of an intensive correction order, with additional conditions including that Mr Bullock complete 300 hours of community service.

Investigation into NSW Liberal Party electoral funding for the 2011 state election campaign and other matters (Operation Spicer) (August 2016)

Name	Joseph Tripodi
Offences recommended for DPP consideration	Common law offence of misconduct in public office.
DPP advice	On 17 December 2021, the DPP advised that, subject to a number of requisitions (which the Commission subsequently completed), there was sufficient evidence to proceed with a common law offence of misconduct in public office.
Status	On 19 October 2023, the DPP filed a court attendance notice and the matter was first mentioned on 28 November 2023 at Downing Centre Local Court. On 15 February 2024, the charge was certified. On 16 May 2024 and 13 June 2024, the matter was adjourned for Case Conferences. The matter is listed for mention on 1 August 2024 at Downing Centre Local Court.

Investigation into dealings between Australian Water Holdings Pty Ltd and Sydney Water Corporation and related matters (Operation Credo) (August 2017)

Name	Gilbert Brown
Offences recommended for DPP consideration	Common law offence of misconduct in public office.
DPP advice	On 28 September 2021, the DPP advised that there was sufficient evidence to prosecute Mr Brown for an offence of misconduct in public office.
Status	The matter was listed for committal on 14 September 2023. On 14 December 2023, the charge was withdrawn. Mr Brown has applied for costs with a hearing set down for 16 September 2024.

Name	Anthony Kelly
Offences recommended for DPP consideration	Common law offence of misconduct in public office.
DPP advice	On 28 September 2021, the DPP advised that there was sufficient evidence to prosecute Mr Kelly for an offence of misconduct in public office.
Status	The matter was listed for committal on 14 September 2023. On 22 March 2024, Mr Kelly pleaded not guilty. The matter has been set down for trial on 12 May 2025.

Name	Edward Obeid Senior
Offences recommended for DPP consideration	Common law offence of misconduct in public office.
DPP advice	On 28 September 2021, the DPP advised that there was sufficient evidence to prosecute Edward Obeid Senior for an offence of misconduct in public office.
Status	The matter was listed for committal on 14 September 2023. On 22 March 2024, Edward Obeid Senior pleaded not guilty. The matter has been set down for trial on 12 May 2025.

Name	Joseph Tripodi
Offences recommended for DPP consideration	Common law offence of misconduct in public office.
DPP advice	On 28 September 2021, the DPP advised that there was sufficient evidence to prosecute Mr Tripodi for an offence of misconduct in public office.
Status	The matter was listed for committal on 14 September 2023. On 22 March 2024, Mr Tripodi pleaded not guilty. The matter has been set down for trial on 12 May 2025.

Investigation into the conduct of a principal officer of two non-government organisations and others (Operation Tarlo) (September 2018)

Name	Eman Sharobeem
Offences recommended for DPP consideration	Common law offence of misconduct in public office, s 192E Crimes Act 9 (fraud), s 178BA Crimes Act (obtaining a benefit by deception), s 192H Crimes Act (publishing a false statement), s 254 Crimes Act (using a false document) and s 87 ICAC Act (false or misleading evidence).
DPP advice	The Commission provided a brief to the DPP on 12 November 2019 but subsequently withdrew it on 11 April 2022. New advisory briefs are now with the DPP for advice as to sufficiency of evidence to prosecute.
Status	The Commission sent additional briefs of evidence to the DPP on 12 September 2023, 20 September 2023, 11 October 2023, 22 November 2023 and 8 December 2023. The Commission is awaiting advice in response.

Investigation into the conduct of a Department of Finance, Services and Innovation ICT project manager (Operation Yarrow) (January 2019)

Name	Steven Prestage
Offences recommended for DPP consideration	Section 192G Crimes Act (publishing false statements with an intention to obtain a financial advantage), s 92 ICAC Act (wilfully preventing or wilfully endeavouring to prevent a witness from attending the ICAC), s 89 ICAC Act (procuring the giving of false testimony at a compulsory examination) and s 87 ICAC Act (false or misleading evidence).
DPP advice	On 25 June 2020, the DPP advised there was sufficient evidence to prosecute Mr Prestage for 18 offences pursuant to s 192E Crimes Act, 12 offences pursuant to s 87 ICAC Act and one offence pursuant to s 89 ICAC Act.
Status	The Crimes Act offences were set down for trial to commence on 28 August 2023. On 18 August 2023, a new trial date was set down for 1 July 2024 to allow Mr Prestage to further consider legal representation. Mr Prestage has applied to vacate the trial date and the Commission currently awaits an update from the DPP. The ICAC Act offences were set down for trial to commence on 20 November 2023. On 10 November 2023, the 20 November 2023 trial date was vacated with a new trial date set down for 30 September 2024. A readiness hearing is listed for 2 August 2024 and a call over is listed for 26 September 2024.

Investigation into the conduct of NSW Corrective Services officers at Lithgow Correctional Centre (Operation Estry) (June 2019)

Name	John O'Shea
Offences recommended for DPP consideration	Section 315 Crimes Act (principal in the second degree to the offence of inciting an assault, hindering an investigation), s 319 Crimes Act (perverting the course of justice or attempting or conspiring to do so) the common law offence of misconduct in public office and s 80 ICAC Act (wilfully obstructing the Commission).
DPP advice	On 21 April 2022, the DPP advised that there was sufficient evidence to prosecute one offence pursuant to s 319 Crimes Act and one misconduct in public office offence.
Status	On 19 May 2023, the matters were set down for a joint trial in the Sydney District Court on 26 February 2024. On 22 February 2024, an application was granted to adjourn Mr O'Shea's trial to 5 March 2024. The trial was further adjourned multiple times. On 17 April 2024, the jury in Mr O'Shea's trial was unable to reach a verdict and the jury was discharged. A new trial has been set down for 26 May 2025.

Name	Terrence Walker
Offences recommended for DPP consideration	Section 59(1) Crimes Act (assault occasioning actual bodily harm), s 315 Crimes Act (hindering an investigation), s 319 Crimes Act (perverting the course of justice or attempting or conspiring to do so) and the common law offence of misconduct in public office.
DPP advice	On 21 April 2022, the DPP advised that there was sufficient evidence to prosecute one offence pursuant to s 59(2) Crimes Act, one offence pursuant to s 319 Crimes Act and one misconduct in public office offence.
Status	On 21 April 2023, Mr Walker pleaded guilty to assault occasioning actual bodily harm and misconduct in public office. The charge of intent to pervert the course of justice was withdrawn. Mr Walker was committed to the Sydney District Court for sentence, with the first mention listed for 12 May 2023. The Crown made a detention application pursuant to section 22B of the <i>Bail Act 2013</i> (NSW) and bail was revoked. On 3 November 2023, Mr Walker was sentenced to an aggregate sentence of two years and four months' imprisonment. On 13 November 2023, Mr Walker filed a notice of intention to appeal.

Name	Brian McMurtrie
Offences recommended for DPP consideration	Section 315 Crimes Act (hindering an investigation), s 319 Crimes Act (perverting the course of justice or attempting or conspiring to do so), the common law offence of misconduct in public office and s 87 ICAC Act (false or misleading evidence).
DPP advice	On 21 April 2022, the DPP advised that there was sufficient evidence to prosecute for one offence pursuant to s 319 Crimes Act and one misconduct in public office offence. On 13 July 2022, the DPP advised that there was sufficient evidence to prosecute for two offences pursuant to s 87 ICAC Act.
Status	On 2 March 2023, Mr McMurtrie pleaded guilty to two s 87 ICAC Act offences and was committed for sentence to the Sydney District Court on 17 March 2023. On 17 March 2023, these matters were adjourned to 9 October 2023 for sentence in the Sydney District Court. On 1 June 2023, Mr McMurtrie pleaded guilty to misconduct in public office. On 8 March 2024, Mr McMurtrie was sentenced to 18 months' imprisonment for misconduct in public office and nine months' imprisonment for each s 87 offence, amounting to an aggregate imprisonment sentence of two years and three months, to be served by way of intensive correction order.

Name	Stephen Taylor
Offences recommended for DPP consideration	Section 315 Crimes Act (hindering an investigation), s 319 Crimes Act (perverting the course of justice or attempting or conspiring to do so), s 316(1) Crimes Act (concealing a serious indictable offence) and the common law offence of misconduct in public office.
DPP advice	On 21 April 2022, the DPP advised that there was sufficient evidence to prosecute for an offence of misconduct in public office.
Status	On 12 May 2023, Mr Taylor pleaded not guilty to the offence of misconduct in public office and his matter was further adjourned until 19 May 2023. On 19 May 2023, the matter was set down for a joint trial in the Sydney District Court on 26 February 2024. On 20 February 2024, Mr Taylor was arraigned in the District Court and entered a plea of guilty to the charge of misconduct in public office. On 15 May 2024, Mr Taylor was sentenced to a term of 22 months' imprisonment to be served by way of intensive correction order.

Name	Simon Graf
Offences recommended for DPP consideration	Section 315 Crimes Act (hindering an investigation), s 319 Crimes Act (perverting the course of justice or attempting or conspiring to do so), the common law offence of misconduct in public office, s 87 ICAC Act (false or misleading evidence) and s 80 ICAC Act (wilfully obstructing the ICAC).
DPP advice	On 13 July 2022, the DPP advised that there was sufficient evidence to prosecute for two offences of giving false evidence pursuant to s 87(1) ICAC Act and counts of wilfully making a false statement to an officer of the Commission pursuant to s 80(c) ICAC Act. Those offences had since become statute barred and were no longer available, the statute of limitations having expired on 11 January 2021 and 2 August 2020 respectively.
Status	On 16 February 2023, Mr Graf pleaded guilty to two offences pursuant to s 87 ICAC Act. On 25 January 2024, Mr Graf was sentenced pursuant to s 10A <i>Crimes (Sentencing Procedure) Act 1999</i> (conviction with no other penalty) for both s 87 ICAC Act offences. On 5 March 2024, the DPP filed a notice of appeal against inadequacy of sentence. On 4 April 2024, the DPP advised that a decision had been made to withdraw the Crown appeal against the sentence of Mr Graf and a notice of abandonment was filed.

Name	Elliott Duncan
Offences recommended for DPP consideration	Section 315 Crimes Act (hindering an investigation), s 319 Crimes Act (perverting the course of justice or attempting or conspiring to do so), the common law offence of misconduct in public office and s 87 ICAC Act (false or misleading evidence).
DPP advice	On 21 April 2022, the DPP advised that there was sufficient evidence to prosecute for one offence pursuant to s 59(2) Crimes Act (assault occasioning actual bodily harm), one offence pursuant to s 319 Crimes Act and one misconduct in public office offence.
Status	On 29 June 2023, Mr Duncan pleaded guilty to misconduct in public office and not guilty to the offences of pervert the course of justice and assault occasioning actual bodily harm. The matters were committed to Sydney District Court and listed for arraignment on 11 August 2023. On 11 August 2023, Mr Duncan filed a notice of motion for the count of assault occasioning actual bodily harm to be severed and a stay application for the count of act with intent to pervert the course of justice, to be heard on 16 November 2023. On 16 November 2023, Mr Duncan entered a plea of guilty to the charge of misconduct in public office. The remaining two counts proceeded to trial on 1 July 2024. The matter is set down for sentence on 18 July 2024.

Investigation into the over-payment of public funds by the University of Sydney for security services (Operation Gerda) (May 2020)

Name	Emir Balicevac
Offences recommended for DPP consideration	Section 249B Crimes Act (corrupt commissions or rewards), s 192E Crimes Act (fraud) and s 192G Crimes Act (making a misleading statement), regulation 42 of the Security Industry Regulation 2016, regulation 44 of the Security Industry Regulation 2007 and s 87 ICAC Act (false or misleading evidence).
Status	The Commission is preparing a brief of evidence for the DPP.

Name	Daryl McCreadie
Offences recommended for DPP consideration	Section 249B Crimes Act (corrupt commissions or rewards), s 192E Crimes Act (fraud) and s 192G Crimes Act (making a misleading statement), regulation 42 of the Security Industry Regulation 2016 and regulation 44 of the Security Industry Regulation 2007.
Status	The Commission is preparing a brief of evidence for the DPP.

Name	Frank Lu
Offences recommended for DPP consideration	Section 192E Crimes Act (fraud), s 192G Crimes Act (making a misleading statement), regulation 42 of the Security Industry Regulation 2016 and regulation 44 of the Security Industry Regulation 2007.
Status	The Commission is preparing a brief of evidence for the DPP.

Name	George Boutros
Offences recommended for DPP consideration	Section 192E Crimes Act (fraud), s 192G Crimes Act, regulation 42 of the Security Industry Regulation 2016 and regulation 44 of the Security Industry Regulation 2007.
Status	The Commission is preparing a brief of evidence for the DPP.

Name	Taher Sirour
Offences recommended for DPP consideration	Section 249B Crimes Act (corrupt commissions or rewards), s 192E Crimes Act (fraud), s 192G Crimes Act (making a misleading statement) and aiding and abetting offences contrary to s 135.1 of the <i>Criminal Code Act 1995</i> (Cth) (dishonestly obtaining a gain from the Commonwealth).
Status	The Commission is preparing a brief of evidence for the DPP.

Name	Dennis Smith
Offences recommended for DPP consideration	Section 249B(1)(a) or s 249B(1)(b) Crimes Act (corrupt commissions or rewards) and s 87(1) ICAC Act (false or misleading evidence).
Status	The Commission is preparing a brief of evidence for the DPP.

Investigation into the alleged corrupt practices of a headlease coordinator at the NSW Department of Family and Community Services (Operation Cygnet) (August 2020)

Name	Chase Baynham
Offences recommended for DPP consideration	Section 192E Crimes Act (fraud) and common law offences of misconduct in public office.
Status	The Commission provided a brief of evidence to the DPP on 22 November 2022 and is awaiting their advice.

Investigation into the conduct of councillors of the former Canterbury City Council and others (Operation Dasha) (March 2021)

Name	Michael Hawatt
Offences recommended for DPP consideration	Section 249B Crimes Act (corrupt commissions or rewards), s 249K Crimes Act (blackmail), the common law offence of misconduct in public office and s 87 ICAC Act (false or misleading evidence).
DPP advice	On 19 April 2023, the DPP advised that there was sufficient evidence to charge Mr Hawatt with three offences of giving false or misleading evidence pursuant to s 87 ICAC Act.
Status	The matter is set down for trial on 3 March 2025, with a readiness hearing set down for 10 December 2024.

Name	Charbel Demian
Offences recommended for DPP consideration	Section 87 ICAC Act (false or misleading evidence).
DPP advice	On 19 April 2023, the DPP advised that there was sufficient evidence to charge Mr Demian with one offence of giving false or misleading evidence pursuant to s 87 ICAC Act.
Status	The matter is set down for trial on 3 February 2025, with a readiness hearing set down for 25 November 2024.

Name	Daryl Maguire
Offences recommended for DPP consideration	Section 87 ICAC Act (false or misleading evidence).
DPP advice	On 19 April 2023, the DPP advised that there was sufficient evidence to charge Mr Maguire with one offence of giving false or misleading evidence pursuant to s 87 ICAC Act.
Status	The matter is set down for trial on 17 January 2025, with a readiness hearing set down for 10 December 2024.

Investigation into the conduct of a Services NSW officer (Operation Mistral) (May 2021)

Name	Diana Benyamin
Offences recommended for DPP consideration	Section 249B Crimes Act (corrupt commissions or rewards), s 307A Crimes Act (false or misleading application), s 62(1) <i>Privacy and Personal Information Protection Act 1998</i> (NSW) (corrupt disclosure and use of personal information) and s 87 ICAC Act (false or misleading evidence).
DPP advice	On 28 September 2023, the DPP advised there was sufficient evidence to charge Ms Benyamin with two counts of soliciting corrupt commissions or rewards pursuant to s 249B(1)(a)(i) Crimes Act and three counts of giving false and misleading evidence pursuant to s 87 ICAC Act. Other charges considered were outside of statutory time limits, had insufficient evidence and/or were not in the public interest.
Status	On 9 May 2024, Ms Benyamin's matters were adjourned to 11 July 2024 for charge certification.

Name	Fahad Al-Dakak
Offences recommended for DPP consideration	Section 249B Crimes Act (corrupt commissions or rewards), s 307A Crimes Act (false or misleading application), s 308H Crimes Act (accessing restricted data), and s 62(1) and s 62(2) of the <i>Privacy and Personal Information Protection Act 1998</i> (corrupt disclosure and use of personal information).
DPP advice	On 28 September 2023, the DPP advised there was sufficient evidence to charge Mr Al-Dakak with two counts of offering to give to agent corrupt commissions or rewards pursuant to s 249B(2)(a)(i) Crimes Act. Other charges considered were outside of statutory time limits, had insufficient evidence and/or were not in the public interest.
Status	On 9 May 2024, Mr Al-Dakak's matters were adjourned to 11 July 2024 for charge certification.

Investigation into the sourcing of software systems for the Western Sydney Institute of TAFE (Operation Lancer) (October 2021)

Name	Hasan Mamun
Offences recommended for DPP consideration	Section 249B Crimes Act (corrupt commissions or rewards), s 253 and s 254 Crimes Act (making and using false document) and s 192G Crimes Act (making and concurring in the making or publication of false or misleading statements with the intention of obtaining a financial advantage).
Status	The Commission provided a brief of evidence to the DPP on 22 May 2024 and is awaiting their advice.

Name	Samiul Kabir
Offences recommended for DPP consideration	Section 249B Crimes Act (corrupt commissions or rewards) and s 192G Crimes Act (making and concurring in the making or publication of false or misleading statements with the intention of obtaining a financial advantage).
Status	The Commission provided a brief of evidence to the DPP on 22 May 2024 and is awaiting their advice.

Name	Oscillosoft Pty Ltd
Offences recommended for DPP consideration	Section 249B Crimes Act (corrupt commissions or rewards).
Status	The Commission provided a brief of evidence to the DPP on 22 May 2024 and is awaiting their advice.

Name	Kazi Hassan
Offences recommended for DPP consideration	Section 249B(2) Crimes Act (offering to give, and aiding and abetting the giving by Oscillosoft of, corrupt commissions or rewards).
Status	The Commission provided a brief of evidence to the DPP on 22 May 2024 and is awaiting their advice.

Name	Ashique Ibrahim
Offences recommended for DPP consideration	Section 249B(2) Crimes Act (offering to give, and aiding and abetting the giving by Oscillosoft of, corrupt commissions or rewards).
Status	The Commission provided a brief of evidence to the DPP on 22 May 2024 and is awaiting their advice.

Name	Mohammad Suza-Ud-Dawllah
Offences recommended for DPP consideration	Section 249B Crimes Act (corrupt commissions or rewards).
Status	The Commission provided a brief of evidence to the DPP on 22 May 2024 and is awaiting their advice.

Name	Monzurul Hoque
Offences recommended for DPP consideration	Section 192G Crimes Act (publishing false or misleading statements with the intention of obtaining a financial advantage).
Status	The Commission provided a brief of evidence to the DPP on 22 May 2024 and is awaiting their advice.

Investigation into political donations facilitated by Chinese Friends of Labor in 2015 (Operation Aero) (February 2022)

Name	Ernest Wong
Offences recommended for DPP consideration	Section 96HB EFED Act (entering into a scheme), s 110A(7) EFED Act (providing a false or misleading document), s 315 Crimes Act (hindering an investigation), s 319 Crimes Act (attempting to pervert the course of justice), s 87 ICAC Act (false or misleading evidence), s 89 ICAC Act (procuring false testimony) and s 112 ICAC Act (breach of non-publication direction).
Status	On 20 June 2024, the Commission provided a brief of evidence to the DPP in relation to the substantive offences and is awaiting their advice. The Commission is preparing a brief of evidence for the DPP in relation to the ICAC Act offences.

Name	Huang Xiangmo
Offences recommended for DPP consideration	Section 96HB EFED Act (entering into a scheme).
Status	The Commission has prepared a brief of evidence, but is yet to provide it to the DPP (as Mr Huang remains outside of Australia).

Name	Jonathan Yee
Offences recommended for DPP consideration	Section 96HB EFED Act (entering into a scheme), s 96H(2) EFED Act (making a false statement), s 110A(7) EFED Act (providing false or misleading document), s 315 Crimes Act (hindering an investigation), s 87 ICAC Act (false or misleading evidence) and s 89 ICAC Act (procuring false testimony).
Status	On 20 June 2024, the Commission provided a brief of evidence to the DPP in relation to the substantive offences and is awaiting their advice. The Commission is preparing a brief of evidence for the DPP in relation to the ICAC Act offences.

Name	Kenrick Cheah
Offences recommended for DPP consideration	Section 96HB EFED Act (entering into a scheme), s 87 ICAC Act (giving false or misleading evidence) and s 112 ICAC Act (breach of non-publication direction).
Status	On 20 June 2024, the Commission provided a brief of evidence to the DPP in relation to the substantive offences and is awaiting their advice. The Commission is preparing a brief of evidence for the DPP in relation to the ICAC Act offences.

Name	Valentine Yee
Offences recommended for DPP consideration	Section 96H(2) EFED Act (making a false statement), s 110A(7) EFED Act (providing a false or misleading document), s 87 ICAC Act (false or misleading evidence) and s 89 ICAC Act (procuring false testimony).
Status	On 20 June 2024, the Commission provided a brief of evidence to the DPP in relation to the substantive offences and is awaiting their advice. The Commission is preparing a brief of evidence for the DPP in relation to the ICAC Act offences.

Name	May Ho Yee
Offences recommended for DPP consideration	Section 87 ICAC Act (false or misleading evidence) and s 112 ICAC Act (breach of non-publication direction).
Status	The Commission is preparing a brief of evidence for the DPP in relation to the ICAC Act offences.

Name	Emperor's Garden Pty Ltd
Offences recommended for DPP consideration	Section 96H(2) EFED Act (making a false statement) and s 110A(7) EFED Act (providing a false or misleading document).
Status	On 20 June 2024, the Commission provided a brief of evidence to the DPP in relation to the substantive offences and is awaiting their advice.

Name	Lei Mo
Offences recommended for DPP consideration	Section 96H(2) EFED Act (making a false statement), s 110A(7) EFED Act (providing a false or misleading document) and s 87 ICAC Act (false or misleading evidence).
Status	On 20 June 2024, the Commission provided a brief of evidence to the DPP in relation to the substantive offences and is awaiting their advice. The Commission is preparing a brief of evidence for the DPP in relation to the ICAC Act offences.

Name	Patricia Siu
Offences recommended for DPP consideration	Section 96H(2) EFED Act (making a false statement), s 110A(7) EFED Act (providing a false or misleading document), s 80 ICAC Act (obstruct or hinder the Commission), s 87 ICAC Act (false or misleading evidence) and s 112 ICAC Act (breach of non-publication direction).
Status	On 20 June 2024, the Commission provided a brief of evidence to the DPP in relation to the substantive offences and is awaiting their advice. The Commission is preparing a brief of evidence for the DPP in relation to the ICAC Act offences.

Name	Teresa Tam
Offences recommended for DPP consideration	Section 110A(7) EFED Act (providing a false or misleading document), s 87 ICAC Act (false or misleading evidence) and s 112 ICAC Act (breach of non-publication direction).
Status	On 20 June 2024, the Commission provided a brief of evidence to the DPP in relation to the substantive offences and is awaiting their advice. The Commission is preparing a brief of evidence for the DPP in relation to the ICAC Act offences.

Name	Ming Tam
Offences recommended for DPP consideration	Section 87 ICAC Act (false or misleading evidence).
Status	The Commission is preparing a brief of evidence for the DPP in relation to the ICAC Act offence.

Name	Wei Shi
Offences recommended for DPP consideration	Section 96H(2) EFED Act (making a false statement), s 110A(7) EFED Act (providing a false or misleading document), s 87 ICAC Act (false or misleading evidence) and s 112 ICAC Act (breach of non-publication direction).
Status	On 20 June 2024, the Commission provided a brief of evidence to the DPP in relation to the substantive offences and is awaiting their advice. The Commission is preparing a brief of evidence for the DPP in relation to the ICAC Act offences.

Name	Johnnie Lin
Offences recommended for DPP consideration	Section 96H(2) EFED Act (making a false statement), s 110A(7) EFED Act (providing a false or misleading document) and s 87 ICAC Act (false or misleading evidence).
Status	On 20 June 2024, the Commission provided a brief of evidence to the DPP in relation to the substantive offences and is awaiting their advice. The Commission is preparing a brief of evidence for the DPP in relation to the ICAC Act offences.

Name	To Yip
Offences recommended for DPP consideration	Aiding, abetting, counselling or procuring offences under s 96H(2) EFED Act (making a false statement), s 110A(7) EFED Act (providing a false or misleading document) and s 87 ICAC Act (false or misleading evidence).
Status	On 20 June 2024, the Commission provided a brief of evidence to the DPP in relation to the substantive offences and is awaiting their advice. The Commission is preparing a brief of evidence for the DPP in relation to the ICAC Act offences.

Name	Harbour City Group Pty Ltd
Offences recommended for DPP consideration	Section 96H(2) EFED Act (making a false statement) and s 110A(7) EFED Act (providing false or misleading document).
Status	On 20 June 2024, the Commission provided a brief of evidence to the DPP in relation to the substantive offences and is awaiting their advice.

Name	Steve Tong
Offences recommended for DPP consideration	Section 110A(7) EFED Act (providing a false or misleading document).
Status	On 20 June 2024, the Commission provided a brief of evidence to the DPP in relation to the substantive offence and is awaiting their advice.

Name	Alex Wood
Offences recommended for DPP consideration	Section 89 ICAC Act (procuring false testimony).
Status	The Commission is preparing a brief of evidence for the DPP in relation to the ICAC Act offence.

Name	Maggie Wang
Offences recommended for DPP consideration	Section 87 ICAC Act (false or misleading evidence).
Status	The Commission is preparing a brief of evidence for the DPP in relation to the ICAC Act offence.

Investigation into the awarding of contracts by employees of the former NSW Roads and Maritime Services (Operation Ember) (May 2022)

Name	Samer Soliman
Offences recommended for DPP consideration	Section 192E Crimes Act (fraud), s 249B Crimes Act (corrupt commissions or rewards), common law offence of misconduct in public office and s 87 ICAC Act (false or misleading evidence).
Status	The Commission is preparing a brief of evidence for the DPP.

Name	Stephen Thammiah
Offences recommended for DPP consideration	Section 192E Crimes Act (fraud), s 249B Crimes Act (corrupt commissions or rewards), aiding and abetting misconduct in public office and s 87 ICAC Act (false or misleading evidence).
Status	The Commission is preparing a brief of evidence for the DPP.

Name	Ali Hamidi
Offences recommended for DPP consideration	Section 192E Crimes Act (fraud), s 249B Crimes Act (corrupt commissions or rewards) and aiding and abetting misconduct in public office.
Status	The Commission is preparing a brief of evidence for the DPP.

Investigation into the conduct of the local member for Drummoyne (Operation Witney) (July 2022)

Name	John Sidoti
Offences recommended for DPP consideration	Common law offence of misconduct in public office.
Status	On 31 May 2024, the Commission provided a brief of evidence to the DPP.

Investigation into dealings involving Awabakal Local Aboriginal Land Council (Operation Skyline) (October 2022)

Name	Nicholas Petroulias
Offences recommended for DPP consideration	Section 192E Crimes Act (fraud), 249B Crimes Act (corruptly receiving commissions), the common law offence of aiding and abetting misconduct in public office and the offence of conspiracy to defraud.
Status	The Commission is preparing a brief of evidence for the DPP.

Name	Despina Bakis
Offences recommended for DPP consideration	Section 192E Crimes Act (fraud), s 249F Crimes Act (aiding and abetting the receipt or giving of corrupt commissions), the common law offence of aiding and abetting misconduct in public office and the offence of conspiracy to defraud.
Status	The Commission is preparing a brief of evidence for the DPP.

Name	Richard Green
Offences recommended for DPP consideration	Section 192E Crimes Act (fraud), s 249B Crimes Act (corruptly giving commissions), the common law offence of misconduct in public office and the offence of conspiracy to defraud.
Status	The Commission is preparing a brief of evidence for the DPP.

Investigation into the awarding of Roads and Traffic Authority and Roads and Maritime Services contracts (Operation Paragon) (March 2023)

Name	Alexandre Dubois
Offences recommended for DPP consideration	Section 249B(1)(a) Crimes Act (corruptly soliciting and receiving benefits), s 192E Crimes Act (fraud), s 249C Crimes Act (giving documents false or misleading in a material respect with the intent to defraud), s 192G Crimes Act (dishonestly publishing a statement) and s 249B(2)(a) Crimes Act (corruptly soliciting or receiving a benefit).
Status	The Commission is preparing a brief of evidence for the DPP.

Name	Craig Steyn
Offences recommended for DPP consideration	Section 249B(1) Crimes Act (corruptly soliciting and receiving benefits) and s 87 ICAC Act (false or misleading evidence).
Status	The Commission is preparing a brief of evidence for the DPP.

Name	Chahid Chahine
Offences recommended for DPP consideration	Section 249B Crimes Act (corruptly giving a benefit) and s 193B(1)(a) Crimes Act (conspiring with, or aiding and abetting, in knowingly dealing with proceeds of crime).
Status	The Commission is preparing a brief of evidence for the DPP.

Name	Barrak Hadid
Offences recommended for DPP consideration	Section 249B(2) Crimes Act (corruptly giving a benefit), s 193B(1)(a) Crimes Act (conspiring with, or aiding and abetting, in knowingly dealing with the proceeds of crime).
Status	The Commission is preparing a brief of evidence for the DPP.

Name	Towfik Taha
Offences recommended for DPP consideration	Section 249B(2) Crimes Act (corruptly giving a benefit), s 193B(1)(a) Crimes Act (conspiring with, or aiding and abetting, in knowingly dealing with the proceeds of crime) and s 87 of the ICAC Act (false or misleading evidence).
Status	The Commission is preparing a brief of evidence for the DPP.

Name	Talal Rifai
Offences recommended for DPP consideration	Section 249B(2)(a) Crimes Act (corruptly giving a benefit).
Status	The Commission is preparing a brief of evidence for the DPP.

Name	Bilal Najjarin
Offences recommended for DPP consideration	Section 249B(2)(a) Crimes Act (corruptly giving a benefit).
Status	The Commission is preparing a brief of evidence for the DPP.

Name	Abdula Nachabe
Offences recommended for DPP consideration	Section 249B(2) Crimes Act (corruptly giving a benefit).
Status	The Commission is preparing a brief of evidence for the DPP.

Name	Gamele Nachabe
Offences recommended for DPP consideration	Section 249B(2) Crimes Act (corruptly giving a benefit).
Status	The Commission is preparing a brief of evidence for the DPP.

Name	Hassan Alameddine
Offences recommended for DPP consideration	Section 249B Crimes Act (corrupt commissions or rewards) and s 193B(1)(a) Crimes Act (conspiring with, or aiding and abetting, in knowingly dealing with the proceeds of crime).
Status	The Commission is preparing a brief of evidence for the DPP.

Name	John Goldberg
Offences recommended for DPP consideration	Section 249B(2) Crimes Act (corruptly giving a benefit), s 193B(1)(a) Crimes Act (conspiring with, or aiding and abetting, in knowingly dealing with the proceeds of crime) and s 87 ICAC Act (false or misleading evidence).
Status	The Commission is preparing a brief of evidence for the DPP.

Name	Ashley Alexander
Offences recommended for DPP consideration	Section 249B(2) Crimes Act (corruptly giving a benefit) and s 87 ICAC Act (false or misleading evidence).
Status	The Commission is preparing a brief of evidence for the DPP.

Name	Sandra Alexander
Offences recommended for DPP consideration	Section 249B(2) Crimes Act (corruptly giving a benefit).
Status	The Commission is preparing a brief of evidence for the DPP.

Name	Steven Masters
Offences recommended for DPP consideration	Section 249B(2) Crimes Act (corruptly giving a benefit).
Status	The Commission is preparing a brief of evidence for the DPP.

Investigation into the conduct of the then member of Parliament for Wagga Wagga and then premier and others (Operation Keppel) (June 2023)

Name	Daryl Maguire
Offences recommended for DPP consideration	Common law offence of misconduct in public office and s 88(2) ICAC Act (relating to documents or other things).
Status	The Commission is preparing a brief of evidence for the DPP.

Name	Maggie Wang
Offences recommended for DPP consideration	Section 87(1) ICAC Act (false or misleading evidence) and s 88(2) ICAC Act (relating to documents or other things).
Status	The Commission is preparing a brief of evidence for the DPP.

Name	Philip Elliott
Offences recommended for DPP consideration	Section 87(1) ICAC Act (false or misleading evidence), s 88(2) ICAC Act (relating to documents or other things), and common law offence of misconduct in public office (whether as a principal in the second degree, as a participant in a joint criminal enterprise or in some other accessorial liability).
Status	The Commission is preparing a brief of evidence for the DPP.

Allegation concerning then Moree Local Aboriginal Land Council chief executive officer, Susan Leslie-Briggs (Operation Kronos) (no public inquiry, no report)

Name	Susan Leslie-Briggs
DPP advice	On 8 February 2023, the DPP advised there was sufficient evidence to charge Leslie Briggs with 21 offences of dishonestly obtaining a financial advantage by deception pursuant to s 192E(1)(b) Crimes Act, 19 offences of dishonestly make a false or misleading statement with intention of obtaining a financial advantage pursuant to s 192G(b) Crimes Act and two offences of giving false or misleading evidence pursuant to s 87 ICAC Act.
Status	On 19 March 2024, the parties confirmed that the defendant will plead not guilty to all charges. The matter is set down for trial between 23 and 27 September 2024.

Investigation into the conduct of the mayor of the City of Canada Bay Council and others (Operation Tolosa) (November 2023)

Name	Angelo Tsirekas
Offences recommended for DPP consideration	Section 249B Crimes Act (corrupt commissions or rewards), common law offence of misconduct in public office and s 87 ICAC Act (false or misleading evidence).
Status	The Commission is preparing a brief of evidence for the DPP.

Name	Joseph Chidiac
Offences recommended for DPP consideration	Section 249B Crimes Act (corrupt commissions or rewards), aid and abet misconduct in public office and s 87 ICAC Act (false or misleading evidence).
Status	The Commission is preparing a brief of evidence for the DPP.

Name	Joseph Jacob
Offences recommended for DPP consideration	Section 87 ICAC Act (false or misleading evidence) and s 88 ICAC Act (relating to documents or other things).
Status	The Commission is preparing a brief of evidence for the DPP.

Investigation into the conduct of three former councillors of former Hurstville City Council, now part of Georges River Council, and others (Operation Galley) (August 2023)

Name	Vincenzo Badalati
Offences recommended for DPP consideration	Section 249B(1) Crimes Act (corrupt commissions or rewards) and s 87 ICAC Act (false or misleading evidence).
Status	The Commission is preparing a brief of evidence for the DPP.

Name	Constantine Hindi
Offences recommended for DPP consideration	Section 249B(1) Crimes Act (corrupt commissions or rewards), common law offence of misconduct in public office and s 87 ICAC Act (false or misleading evidence).
Status	The Commission is preparing a brief of evidence for the DPP.

Name	Mireille Hindi
Offences recommended for DPP consideration	Section 87(1) ICAC Act (false or misleading evidence).
Status	The Commission is preparing a brief of evidence for the DPP.

Name	Ching Wah (Philip) Uy
Offences recommended for DPP consideration	Sections 249B(1) and (2) Crimes Act (corrupt commissions or rewards), aiding, abetting, counselling and procuring misconduct in public office, and s 87 ICAC Act (false or misleading evidence).
Status	The Commission is preparing a brief of evidence for the DPP.

Name	Philip Sansom
Offences recommended for DPP consideration	Section 249B(1) Crimes Act (corrupt commissions or rewards).
Status	The Commission is preparing a brief of evidence for the DPP.

Investigation into the awarding of Transport for NSW and Inner West Council contracts (Operation Hector) (April 2024)

Name	Tony Nguyen
Offences recommended for DPP consideration	Common law offence of misconduct in public office, ss 249B(1) and (2) Crimes Act (corrupt commissions or rewards), s 253 Crimes Act (forgery – making a false document) and s 192G Crimes Act (intention to defraud by false or misleading statement).
Status	The Commission is preparing a brief of evidence for the DPP.

Name	Seng du Laphai
Offences recommended for DPP consideration	Section 249B(2) Crimes Act (corrupt commissions or rewards).
Status	The Commission is preparing a brief of evidence for the DPP.

Name	Monty Nguy
Offences recommended for DPP consideration	Section 249B(2) Crimes Act (corrupt commissions or rewards).
Status	The Commission is preparing a brief of evidence for the DPP.

Name	Raja Sanber
Offences recommended for DPP consideration	Section 249B(2) Crimes Act (corrupt commissions or rewards) and s 87 ICAC Act (false or misleading evidence).
Status	The Commission is preparing a brief of evidence for the DPP.

Name	Sairam Pilli
Offences recommended for DPP consideration	Section 249B(1) Crimes Act (corrupt commissions or rewards).
Status	The Commission is preparing a brief of evidence for the DPP.

Name	Abdal Aziz
Offences recommended for DPP consideration	Section 249B(2) Crimes Act (corrupt commissions or rewards) and s 192E Crimes Act (fraud).
Status	The Commission is preparing a brief of evidence for the DPP.

Name	Nima Abdi
Offences recommended for DPP consideration	Sections 249B(1) and (2) Crimes Act (corrupt commissions or rewards) and s 192E Crimes Act (fraud).
Status	The Commission is preparing a brief of evidence for the DPP.

Name	George Panagakis
Offences recommended for DPP consideration	Section 87 ICAC Act (false or misleading evidence).
Status	The Commission is preparing a brief of evidence for the DPP.

Name	Andrew Gayed
Offences recommended for DPP consideration	Section 192E Crimes Act (fraud) and s 87 ICAC Act (false or misleading evidence).
Status	The Commission is preparing a brief of evidence for the DPP.

Progress of disciplinary matters in 2023–24

There were no outstanding disciplinary matters during the reporting period.

Appendix 6 – Access to information and the ICAC’s obligations under the *Government Information (Public Access) Act 2009*

The *Government Information (Public Access) Act 2009* (“the GIPA Act”) facilitates public access to information held by government agencies, including the Commission.

The GIPA Act requires agencies to make “open access information” publicly available on an agency’s website. The Commission’s open access information is available from its website at www.icac.nsw.gov.au.

The GIPA Act provides for the making of access applications for information held by an agency. The GIPA Act provides, however, that a valid access application cannot be made for access to information held by the Commission relating to its corruption prevention, complaint-handling, investigative or report writing functions. It also provides that it is to be conclusively presumed that there is an overriding public interest against disclosure of other information the disclosure of which is prohibited by the ICAC Act.

Section 125 of the GIPA Act requires an agency to prepare an annual report on the agency’s obligations under the GIPA Act. The *Government Information (Public Access) Regulation 2018* sets out what must be included in the report. This appendix contains the information required to be reported by the Commission.

Section 7(3) of the GIPA Act provides that an agency must, at intervals of not more than 12 months, review its program for the release of government information to identify the kinds of government information held by the agency that should in the public interest be made publicly available and that can be made publicly available without imposing unreasonable additional costs on the agency. During the reporting period, one such review was undertaken.

Tables 36–44 on pages 126–128 provide statistical information about access applications – clause 8(d) and Schedule 2.

Table 36: Number of applications by type of applicant and outcome*

	Access granted in full	Access granted in part	Access refused in full	Information not held	Information already available	Refuse to deal with application	Refuse to confirm/deny whether information is held	Application withdrawn
Media	0	0	0	0	0	0	0	0
Members of Parliament	0	0	0	0	0	0	0	0
Private sector business	0	0	0	0	0	0	0	0
Not-for-profit organisations or community groups	0	0	0	0	0	0	0	0
Members of the public (application by legal representative)	0	0	0	0	0	0	0	0
Members of the public (other)	0	0	0	0	0	0	0	0

* More than one decision can be made in respect of a particular access application. If so, a recording must be made in relation to each such decision. This also applies to Table 37.

Table 37: Number of applications by type of application and outcome

	Access granted in full	Access granted in part	Access refused in full	Information not held	Information already available	Refuse to deal with application	Refuse to confirm/deny whether information is held	Application withdrawn
Personal information applications*	0	0	0	0	0	0	0	0
Access applications (other than personal information applications)	0	0	0	0	0	0	0	0
Access applications that are partly personal information applications and partly other	0	0	0	0	0	0	0	0

* This is an access application for personal information (as defined in clause 4 of Schedule 4 to the GIPA Act) about the applicant (the applicant being an individual).

Table 38: Invalid applications

Reason for invalidity	Number of applications
Application does not comply with formal requirements (s 41 of the GIPA Act)	0
Application is for excluded information of the agency (s 43 of the GIPA Act)	3
Application contravenes restraint order (s 110 of the GIPA Act)	0
Total number of invalid applications received	3
Invalid applications that subsequently became valid applications	0

Table 39: Conclusive presumption of overriding public interest against disclosure: matters listed in Schedule 1 to GIPA Act

	Number of times consideration used*
Overriding secrecy laws	0
Cabinet information	0
Executive Council information	0
Contempt	0
Legal professional privilege	0
Excluded information	0
Documents affecting law enforcement and public safety	0
Transport safety	0
Adoption	0
Care and protection of children	0
Ministerial code of conduct	0
Aboriginal and environmental heritage	0
Information about complaints to Judicial Commission	0
Information about authorised transactions under <i>Electricity Network Assets (Authorised Transactions) Act 2015</i>	0
Information about authorised transaction under <i>Land and Property Information NSW (Authorised Transaction) Act 2016</i>	0

* More than one public interest consideration may apply in relation to a particular access application and, if so, each such consideration is to be recorded (but only once per application). This also applies in relation to Table 40.

Table 40: Other public interest considerations against disclosure: matters listed in table to s 14 of the GIPA Act

	Number of occasions when application not successful
Responsible and effective government	0
Law enforcement and security	0
Individual rights, judicial processes and natural justice	0
Business interests of agencies and other persons	0
Environment, culture, economy and general matters	0
Secrecy provisions	0
Exempt documents under interstate Freedom of Information legislation	0

Table 41: Timeliness

	Number of applications
Decided within the statutory timeframe (20 days plus any extensions)	0
Decided after 35 days (by agreement with applicant)	0
Not decided within time (deemed refusal)	0
Total	0

Table 42: Number of applications reviewed under Part 5 of the GIPA Act (by type of review and outcome)

	Decision varied	Decision upheld	Total
Internal review	0	0	0
Review by Information Commissioner*	0	0	0
Internal review following recommendation under s 93 of GIPA Act	0	0	0
Review by ADT/NCAT	0	0	0
Total	0	0	0

* The Information Commissioner does not have the authority to vary decisions, but can make recommendations to the original decision-maker. The data in this case indicates that a recommendation to vary or uphold the original decision has been made by the Information Commissioner.

Table 43: Applications for review under Part 5 of the GIPA Act (by type of applicant)

	Number of applications for review
Applications by access applicants	0
Applications by persons to whom information the subject of access application relates (see s 54 of the GIPA Act)	0

Table 44: Applications transferred to other agencies under Division 2 of Part 4 of the GIPA Act (by type of transfer)

	Number of applications transferred
Agency-initiated transfers	0
Applicant-initiated transfers	0

Appendix 7 – Payment of accounts

Table 45: Aged analysis at end of each quarter 2023–24

Quarter	Current (i.e. within due date)	Less than 30 days overdue (\$'000)	Between 30 and 60 days overdue (\$'000)	Between 60 and 90 days overdue (\$'000)	More than 90 days overdue (\$'000)
All suppliers					
September	3,746,762.83	79,842.98	0.00	0.00	0.00
December	1,445,043.32	88,768.95	0.00	30.47	29.04
March	1,908,232.26	17,097.03	0.00	0.00	5,000.00
June	3,466,187.70	176,631.88	0.00	0.00	0.00
Small business suppliers*					
September	193,943.45	12,210.89	–	0.01	–
December	328,250.11	2,012.00	–	–	–
March	303,170.49	4,630.00	–	–	–
June	996,280.48	19,971.59	–	–	–

The Commission did not make any interest payments for late payment of accounts. Where there were delays in the payment of accounts, the reasons can be attributed to inaccuracies/incompleteness of the original invoices and/or minor disputes requiring the adjustment of invoice details prior to eventual payment.

*All small business accounts were paid on time during the current reporting period.

Table 46: Accounts due or paid within each quarter

	September	December	March	June
All suppliers				
Number of accounts due for payment	265	314	301	371
Number of accounts paid on time	258	294	287	354
Actual percentage of accounts due for payment	97%	94%	95%	95%
Dollar amount of accounts due for payment	3,826,605.81	1,533,871.78	1,930,329.29	3,642,819.58
Dollar amount of accounts paid on time	3,746,762.83	1,445,043.32	1,908,232.26	3,466,187.70
Actual percentage of accounts paid on time (based on \$)	98%	94%	99%	95%
Number of payments for interest on overdue accounts	–	–	–	–
Interest paid on overdue accounts	–	–	–	–
Small business suppliers				
Number of accounts due for payment	36	52	60	95
Number of accounts paid on time	33	50	58	88
Actual percentage of accounts due for payment	92%	96%	97%	93%
Dollar amount of accounts due for payment	206,154.35	330,262.11	307,800.49	1,016,252.07
Dollar amount of accounts paid on time	193,943.45	328,250.11	303,170.49	996,280.48
Actual percentage of accounts paid on time (based on \$)	94%	99%	98%	98%
Number of payments for interest on overdue accounts	–	–	–	–
Interest paid on overdue accounts	–	–	–	–

The Commission did not make any interest payments for late payment of accounts. Where there were delays in the payment of accounts, the reasons can be attributed to inaccuracies/incompleteness of the original invoices and/or minor disputes requiring the adjustment of invoice details prior to eventual payment.

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