



INDEPENDENT COMMISSION
AGAINST CORRUPTION

NEW SOUTH WALES

INTRODUCING THE NSW ICAC

**A guide for the
NSW community**

The ICAC's role

The NSW Independent Commission Against Corruption (ICAC) was established in 1988 to investigate and minimise corruption in and affecting the NSW public sector.

The ICAC investigates corruption by:

- targeting serious and systemic corruption and corruption vulnerabilities in the NSW public sector
- establishing facts and referring matters to others to consider prosecution, discipline and preventative actions
- recommending systemic changes to prevent corruption from recurring
- conducting hearings and producing reports on our investigations.

The ICAC minimises corruption by:

- giving public sector organisations advice, guidance and information
- reinforcing with each public sector agency its responsibility for minimising corruption
- deterring corruption through investigation and public exposure
- promoting the integrity and good reputation of public administration so that public authorities and individuals are encouraged to act against corruption.

The ICAC is independent of the government of the day and is accountable to the people of NSW through the NSW Parliament.

What is corruption?

Corrupt conduct is defined in the *Independent Commission Against Corruption Act 1988*. It involves deliberate or intentional wrongdoing involving (or affecting) a public official or public authority in NSW. Corrupt conduct can take many forms. Here are some examples:

- A public official improperly uses their knowledge, power or resources to help themselves or others.
- A public official dishonestly exercises their official functions, breaches public trust or misuses information or material acquired as a result of their position.
- A member of the public influences a public official to use their position in a way that is dishonest or partial.
- A public official or a member of the public engages in conduct that impairs public confidence in public administration and which could involve collusive tendering, fraud in relation to applications for certain licences, using public funds for private advantage, defrauding the public revenue or fraudulently gaining or retaining employment as a public official.

Public sector organisations include state government departments, statutory agencies, state schools, TAFEs and universities, state hospitals and local health districts, and local councils.

People working in the Parliament, government departments, statutory authorities and local councils in NSW, as well as NSW magistrates, judges, local councillors and politicians are all public officials.

The ICAC Act provides detailed definitions of “corrupt conduct”, “public authority” and “public official”. For advice on whether a particular matter is within the ICAC’s jurisdiction, please contact the ICAC.

How the ICAC works

The ICAC has the authority to investigate any matter involving public sector corruption in NSW.

The ICAC receives and analyses complaints from members of the public and public officials and reports made by chief executive officers of public sector organisations. The ICAC also conducts research to identify specific areas of corruption risk.

The ICAC has extensive powers of investigation and may conduct compulsory examinations and/or public inquiries to obtain evidence of corruption.

The ICAC does not have jurisdiction over the NSW Police Force or the NSW Crime Commission, nor over private sector organisations or individuals unless their conduct involves:

- a member of the public influencing, or trying to influence, a NSW public official to use his or her position in a way that is dishonest or partial
- a member of the public engaging in conduct that could involve such matters set out in section 8(2A) of the ICAC Act where such conduct impairs or could impair public confidence in public administration.

The ICAC also does not have jurisdiction over entities in other states or at a federal level.

The ICAC cannot prosecute individuals, but it can make recommendations that the advice of the Director of Public Prosecutions be obtained with respect to the prosecution of a person for a criminal offence.

The ICAC works to promote the integrity and good reputation of public administration and minimise corruption by providing advice, information, resources and training to public sector organisations to remedy existing or potential problems. It also helps organisations to identify and deal with significant corruption risks.

Reporting corruption to the ICAC

Anyone may make a complaint or provide information to the ICAC about suspected corrupt conduct involving or affecting the NSW public sector.

Principal officers of NSW public authorities are required to report to the ICAC any matter that concerns or may concern corrupt conduct.

All complaints and reports received are carefully considered by the ICAC. The ICAC may refer the matter to the organisation which is the subject of the complaint, may decide to undertake its own investigation or may decide to undertake corruption prevention work.

Wherever possible, those who make complaints or reports are kept informed on how the ICAC is dealing with the matter.

For more information, please refer to the brochure *Reporting Corruption to the ICAC*.

For further information

The ICAC produces a wide range of information and resource materials, including information brochures, corruption prevention guidelines and reports. These publications are available on the ICAC website at www.icac.nsw.gov.au or on request from the ICAC.

For further information, advice or assistance, please contact the ICAC directly by letter, telephone, fax or email.

Other ICAC information brochures available

Introducing the NSW ICAC: A guide for NSW public officials

Reporting corruption to the NSW ICAC



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AGAINST CORRUPTION**

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