

Payment of \$4,500 to a councillor of Auburn City Council**ICAC FINDINGS**

The ICAC has found that Jack Shui Lung Au (also known as Jack Au) engaged in corrupt conduct by:

- accepting \$4,500 from Shu Xiang Liang (also known as Sue Liang) sometime prior to 3 March 2010 as a reward for him having used his position as a councillor to assist her with her development application and as an inducement to use his position as a councillor to help expedite council determination of Ms Liang's application.

The ICAC has found that Shu Xiang Liang (also known as Sue Liang) engaged in corrupt conduct by:

- paying Mr Au \$4,500 intending that he would keep up to \$3,600 of that money for himself as a reward for his efforts as a councillor in assisting her with her development application by arranging meetings with council officers and to encourage him to use his position as a councillor to help expedite council determination of her application in the future.

ICAC RECOMMENDATIONS

The ICAC is of the opinion that the advice of the Director of Public Prosecutions (DPP) should be sought with respect to the prosecution of Mr Au for offences under section 249B of the *Crimes Act 1900*. The relevant offences would be:

- his receipt of money as a reward for what he had done for Ms Liang with respect to her development application
- his acceptance of money as an inducement to help expedite council determination of that application.

The Commission recommends pursuant to section 74C(2) of the *Independent Commission Against Corruption Act 1988* that consideration be given to the suspension of Mr Au from civic office as a councillor of Auburn City Council with a view to his dismissal for serious corrupt conduct.

The Commission does not consider there is sufficient admissible evidence to consider obtaining the advice of the DPP with respect to the prosecution of Ms Liang for any criminal offence.

CORRUPTION PREVENTION

One of the issues highlighted by this investigation is the difficulty people with poor English language skills and little knowledge of the planning process can have in negotiating the relatively complex requirements for obtaining development consent. Risks include less scrupulous individuals seeking to overcome some of the complexities and delays by offering money or other benefits to public officials to overlook requirements or facilitate faster determination. A related risk is that unscrupulous public officials may seek to exploit poor understanding of legal requirements and appropriate standards of conduct by soliciting money or other benefits in return for promising to ensure approval is granted. While the Commission has not made specific recommendations in this report to address corruption risks associated with this, the issue has been addressed in several previous public reports, and corruption prevention recommendations have been made to councils and the Division of Local Government to deal with this issue.

BACKGROUND

The Commission's investigation commenced following a receipt of a report under section 11 of the ICAC Act from the general manager of Auburn City Council about the receipt of an email to a council director from Ms Liang, claiming to have paid \$4,500 to "Jack" including \$1,000 to be paid to "3 of you" for "afternoon overtime". Both the council officers told the general manager that they had no knowledge of the payments referred to in the email and denied receiving money from, or on behalf of, Ms Liang. Commission enquiries also confirmed that the council had no arrangement in place for staff or the council to be compensated by a developer for any work done for the developer after hours.

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