



I·C·A·C

INDEPENDENT COMMISSION
AGAINST CORRUPTION

NEW SOUTH WALES

Fact sheet



**Explaining the
ICAC's decision**

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.

How does the ICAC assess information it receives?

All information provided to the ICAC is analysed to help us understand the nature and extent of actual and potential corruption within the NSW public sector.

The Independent Commission Against Corruption Act 1988 (“the ICAC Act”) requires that the ICAC, as far as practicable, directs its attention to serious and systemic corrupt conduct.

The ICAC considers whether information shows corrupt conduct may have occurred, or whether there may be a corruption risk in the way a NSW government agency works. All information is considered in light of other relevant details on the same people, agencies or similar types of conduct. Investigation efforts are targeted at matters that will have the greatest benefit for the public sector.

What is corruption?

Corrupt conduct is defined in the ICAC Act. 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 officials include people working in NSW state government departments, statutory authorities and local councils in NSW, as well as judges and magistrates and elected officials such as members of Parliament and local government councillors.

For conduct to be considered corrupt under the ICAC Act definition it has to be serious enough to:

- involve a criminal or disciplinary offence
- be grounds for dismissal or,
- in the case of members of Parliament, involve a substantial breach of their code of conduct.

How has the ICAC decided what to do with the information I provided?

All reports and complaints that the ICAC receives are considered by an internal committee comprising senior ICAC officers – the Assessment Panel. The Assessment Panel is responsible for deciding what action, if any, the ICAC will take in relation to each new matter received. This includes whether the matter should be investigated or whether other action should be taken, such as passing on details to another agency.

Why should I report something to the ICAC?

The ICAC uses the information it receives to improve its understanding of the nature and scope of corruption and corruption risks in the NSW public sector. Whether or not information is significant in its own right, its collection with other matters may help to identify weaknesses in systems that could lead to corruption. This helps us to target our work and better inform the public sector and the people of NSW about corruption-related issues.

What if I have more information?

We will consider any additional information you provide after we have made our decision, and assess whether that decision should stand or alternative action should be taken.

Please note: any additional information needs to address the allegation of corrupt conduct. It is not sufficient that you disagree with the ICAC's decision. The information should support the allegation of corrupt conduct, not simply your contention that the original decision was incorrect.

Is the ICAC accountable for its decisions?

The ICAC operates independently of the NSW Government of the day. It is, however, accountable to the Parliamentary Committee on the ICAC and to the Inspector of the ICAC.

The Inspector of the ICAC can review conduct that amounts to maladministration by the ICAC or its officers, such as delay and unreasonable invasions of privacy. The Inspector of the ICAC can also deal with complaints about abuses of power, impropriety and other misconduct.

You can contact the office of the Inspector of the ICAC on (02) 9228 3023 or go to www.oiiac.nsw.gov.au for more information about this role.

Need more information or assistance?

You can go to our website at www.icac.nsw.gov.au or contact the ICAC's Assessments Section on 02 8281 5999.



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