



I·C·A·C

INDEPENDENT COMMISSION
AGAINST CORRUPTION

NEW SOUTH WALES

Fact sheet

**Acknowledging
your information**

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.

What is corruption?

Corrupt conduct is defined in the *Independent Commission Against Corruption Act 1988* ("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.

How does the ICAC use the information I provide?

The ICAC aims to protect the public interest, prevent breaches of public trust, promote the integrity and good repute of public administration, and guide the conduct of

public officials. Your information may assist our work in exposing or preventing corruption by giving advice and developing resistance to corrupt practices in public sector agencies. The ICAC also works to educate the public sector and the community about corrupt conduct and the role of the Commission.

What the ICAC cannot do

The ICAC's powers centre on investigating and exposing corrupt conduct. The ICAC cannot overturn NSW government decisions, and has no power to review decisions or terminate the employment of a NSW public official.

It is not the ICAC's function to resolve a complaint you may have about an agency or public official. The ICAC's role does not include acting as conciliator or mediator between people and NSW public sector agencies.

What information should I provide?

In reporting your concerns of corrupt conduct, you can assist the ICAC by providing the following information *if it was not included with your original complaint*:

- the names of the agency and any public officials or the names of any person involved (if known), the date or time frame involved, and the names of any witnesses or anybody else who could provide supporting information
- an indication of how you became aware of the matter
- information about where there may be evidence to support your allegations
- the details of any other agency you have raised the matter with and their response
- your name, address and daytime telephone number
- the name of your employer and your position title (only if you are a NSW public official)
- whether you have raised the issues with another agency or person and what their response was
- any other information you believe is relevant to your complaint.

Do I need proof?

You are not required or expected to provide evidence to prove your allegations. However, any information you have that supports your concerns will help us in making a decision about what to do with the matter. The ICAC does not investigate matters that are based on speculation.

While you are not expected to know the truth of the matter you are reporting, please note that it is an offence to deliberately provide false and misleading information to the ICAC.

Does the ICAC investigate all matters reported to it?

The ICAC Act states that, as far as is practicable, the ICAC should focus its attention on *serious and systemic corrupt conduct*. Not all matters reported to the ICAC are the subject of investigation or further action.

The ICAC is also unlikely to investigate a very old matter where evidence would be hard to obtain or a matter that the ICAC believes has been, or could be, adequately dealt with by another agency.

How does the ICAC decide what to do with information?

All reports and complaints within the ICAC's jurisdiction are considered by an internal committee, comprising senior ICAC officers, called the Assessment Panel. The Assessment Panel is responsible for deciding what action the ICAC will take in relation to each new matter received, including whether the matter should be investigated or whether other action should be taken.

Your matter may be the subject of enquiries we conduct with the agency concerned, or we may refer the matter to that (or another) agency to follow up or investigate. This is because other public authorities also play a role in the investigation and prevention of corrupt conduct. Your information may result in an ICAC investigation. Although the ICAC only investigates a very small number of the matters reported to it, your information will be retained and may assist with other matters of current or future interest to the ICAC. Your information

may help inform a corruption prevention project, an education program or a combination of these approaches.

Will anyone else have to know I contacted the ICAC?

The ICAC Act requires the ICAC to take into account the role and responsibility that other public agencies and public officials have in dealing with corrupt conduct. In some cases your information may be referred to the agency about which you complained, or to another relevant agency. This may occur if the issues you raise can be more appropriately investigated or dealt with by that agency.

If you do not wish us to forward your information to another agency, or if you wish any ultimate referral not to disclose you as the source of the information, this will be taken into account.

Responsibilities

It is the responsibility of members of the ICAC's Assessments Section to:

- deal with your information impartially, objectively and in accordance with our governing legislation
- treat you fairly and with courtesy.

We see it as your responsibility to do the following:

- provide us with further relevant material, where requested, as soon as possible
- assist us if you send large amounts of documentation, by providing a summary of how the material supports your allegations
- treat our staff with courtesy.

What happens next?

The ICAC will assess the information you have provided. We may contact you for more information, and may conduct other enquiries, including contacting relevant public agencies for information.

We will write to you again to advise you of our assessment of the information you have provided, and what action, if any, we will be taking. We will provide you with reasons for our decision.

If, after reading this fact sheet, you believe you have more relevant information you need to provide us, you should contact us as soon as possible so the information can be considered. We may not contact you again until after we have assessed your information.

Need more information or assistance?

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



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