



INDEPENDENT COMMISSION
AGAINST CORRUPTION

NEW SOUTH WALES

REPORTING CORRUPTION TO THE NSW ICAC



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.

About the ICAC

The ICAC investigates serious and systemic corruption, identifies corruption risks and works with the public sector to deal with these risks and to build corruption resistance. 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.

Reporting corruption – why it's important

Corruption involving public officials wastes resources and public money, produces inequality and leads to inefficiency and a breakdown in the community's trust in public administration.

Reporting actual or suspected corruption is in the public interest. Reporting helps public officials and public sector organisations to prevent corruption and to deal with it promptly and effectively when it does occur.

Reporting corrupt conduct plays a vital role in ensuring the integrity and good reputation of public administration, to the benefit of the entire community.

Consider informing the organisation concerned

NSW public sector organisations are responsible for ensuring that they have adequate mechanisms and systems in place for handling internal and external reports of corruption.

In most cases, the organisation concerned should be the first avenue through which individuals make a complaint or seek advice about the operating practices and procedures of the organisation.

The ICAC is responsible for dealing with those matters with which the NSW public sector cannot or should not deal.

What matters can the ICAC consider?

The ICAC carefully considers all reports it receives. However, for the ICAC to be able to pursue a matter, the corruption must involve or affect a NSW public official or public authority. Public authorities include:

- government departments and statutory authorities
- public schools, colleges and universities
- public hospitals and area health services
- local councils
- NSW Parliament, including politicians
- NSW judiciary (magistrates and judges).

Conduct does not amount to corrupt conduct unless it could constitute or involve a criminal or a disciplinary offence, be grounds for dismissal of a public official or, in the case of members of Parliament, a substantial breach of an applicable code of conduct.

Who can provide information to the ICAC?

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

Members of the public may provide information direct to the ICAC by telephone, fax, email, letter or via the ICAC website at www.icac.nsw.gov.au.

Public officials may provide information direct to the ICAC or through their organisation's own internal reporting procedures. Public officials can provide such information as a public interest disclosure, which has safeguards against detrimental action taken in connection with the disclosure.

For more information on public interest disclosures, refer to the fact sheet, *Blowing the whistle*, available on the ICAC website.

In addition, the head of every public sector organisation and every minister of the Crown in NSW is required under section 11 of the ICAC Act to report any matter that they reasonably suspect concerns or may concern corrupt conduct. For more information on section 11 reporting, refer to the ICAC website.

How do I provide information to the ICAC?

There is no prescribed format for reporting a matter, making a complaint or providing information to the ICAC. The ICAC accepts information and complaints from members of the public, public officials and principal officers of NSW government departments, authorities and local councils.

Reports of suspected corrupt conduct made to the ICAC should include:

- the name of the relevant NSW authority or public official
- a clear and detailed summary of the alleged corrupt conduct, including how you became aware of it
- a list of any documentation or other information that supports the allegations
- the names of other people who could corroborate the information
- an outline of any steps that have been taken to bring the matter to the attention of the authority concerned
- the names of any other agencies that have been

contacted about the matter (for example, the NSW Police Force or the NSW Ombudsman)

- your name, address and daytime telephone number.

Points to note

- Information can be provided anonymously to the ICAC, however, this means that the ICAC cannot contact you to obtain further details. It can also make it difficult for the ICAC to take action on a matter.
- It is an offence to deliberately make a false or misleading statement to the ICAC.
- It is advisable not to pass on details of matters reported to the ICAC to others, as this may compromise any subsequent ICAC investigation or cause unnecessary damage or embarrassment to individuals.

What does the ICAC do with the information it receives?

All complaints and reports received are carefully considered by the ICAC.

The ICAC looks at whether the matter falls within its jurisdiction and the seriousness of the matter. 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.

The ICAC Act gives the ICAC the discretion to decide whether or not it will conduct an investigation. This discretion applies to all information received, except matters referred by both Houses of Parliament, which the ICAC must investigate.

The ICAC cannot prosecute people. It can, however, recommend that the advice of the Director of Public Prosecutions be obtained with respect to the prosecution of a person for a criminal offence.

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.

Contact us

To provide information about suspected corrupt conduct, please contact the ICAC directly by letter, telephone, fax or email. Information may also be lodged on the ICAC website at www.icac.nsw.gov.au.

Other ICAC information brochures available

Introducing the NSW ICAC: A guide for NSW public officials

Introducing the NSW ICAC: A guide for the NSW community



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