

The Hon Daniel Mookhey MLC  
Committee Chair  
Public Works Committee  
Legislative Council of NSW

Your ref: D22/53781  
Our ref: E22/1651

By email: [public.works@parliament.nsw.gov.au](mailto:public.works@parliament.nsw.gov.au)

Dear Mr Mookhey

**Attention: Madeleine Dowd, Principal Council Officer**

I refer to your letter of 5 October 2022 concerning the Public Works Committee's inquiry (the Inquiry) and report into the granting of contract number OoS17/18-02.

The Commission has now considered the entirety of the report, including Recommendation 1, being "That the NSW Independent Commission Against Corruption give consideration to reopening its investigation of the granting of contract number OoS17/18-02, with specific reference to the use of second-hand material from Wallaby Hill at the Sydney International Equestrian Centre".

**Clarification on the Commission's handling of the matter**

As you are aware from the Commission's submission to the Inquiry, the Commission has previously received reports about this issue. In the first instance, the matter was considered by the Commission's Assessment Panel and, as a result, the Commission made enquiries with the Office of Sport about the matter. The Commission did not commence an investigation into the matter and the enquiries made with the Office of Sport did not utilise the Commission's statutory powers.

The matter underwent further consideration by the Commission's Assessment Panel upon receipt of the Office of Sport's response. Based on the information before the Commission at that time, the Commission decided against commencing an investigation into the matter under section 20 of the *Independent Commission Against Corruption Act 1988*. The Commission wrote to the Office of Sport highlighting the corruption risks identified during the Commission's assessment of the matter.

You are also aware that the Office of Sport subsequently provided the Commission over 600 documents and requested the Commission review the documents and reconsider the matter. Whilst this is not ordinarily an action the Commission would take in relation to a matter that is not under investigation, the Commission agreed. Although some of the documents contained new information, the Commission did not determine that the information warranted the commencement of an investigation. The Commission's submission to the Inquiry outlined factors the Commission considers when determining whether or not to investigate a matter.

The Commission has not investigated this matter. I note that paragraph 1.37 of the Inquiry's report indicates that Ms Karen Jones, CEO of the Office of Sport, told the Inquiry that the Commission found "no evidence of corruption", with reference to our letter of 1 December 2020. I wish to clarify that this appears to be Ms Jones' summary of the letter; the letter did

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not state that “no evidence of corruption” was found. As the matter was not investigated, no findings as to whether or not corrupt conduct occurred were made by the Commission.

The Commission has therefore treated Recommendation 1 as a request to consider commencing an investigation.

### **Our decision**

The information in the Inquiry report is substantially similar to the information already known to the Commission, about which we determined not to investigate. Accordingly, the Commission will not be investigating the issues raised and considered in the Inquiry, including the use of second-hand material from Wallaby Hill.

I note that Recommendation 2 is that the Office of Sport continues to seek advice from the Commission concerning its procurement processes. Since 2020, the Commission has offered and provided corruption prevention advice to the Office of Sport and welcomes the opportunity to continue to do so.

Although we are not investigating the concerns raised, I thank you for drawing this matter to the Commission’s attention.

Yours faithfully

A solid black rectangular box used to redact the signature of the Chief Commissioner.

**The Hon John Hatzistergos AM**  
**Chief Commissioner**

30 November 2022

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