

Corrupt driver licence scheme a threat to road safety



A recent ICAC investigation has found that the corrupt conduct of a Roads and Traffic Authority (RTA) Registry Services Manager resulted in a significant number of people who may not have understood NSW road rules or, in some cases even known how to drive properly, being granted licences to drive on public roads.

The investigation also found that licences were provided in false names, allowing people to create fictitious identities.

All these activities took place at the Botany Motor Registry in Sydney's south, under a scheme administered by the now former Manager, Paul McPherson, and two associates; driving

instructor Komate Jaturawong and restaurant owner Victor Phomsavanh.

The ICAC's investigation began after the Commission received information in April 2005 that there was a possibility an RTA officer had engaged, or was about to engage, in misconduct involving the issuing of driver licences.

Information was also received which suggested that attempts had been made to procure an RTA officer to act dishonestly by removing demerit points recorded against another licence holder.

During the course of the investigation, which included a public inquiry held in March this year, the ICAC found that from late 2002 to August 2006,

Mr McPherson improperly provided correct answers to between 50 and 100 applicants undertaking the driver knowledge test for a learner's permit.

Messrs Phomsavanh and Jaturawong would bring applicants to the Botany motor registry, with Mr Jaturawong seeking and receiving cash payments of around \$1,300 and up to \$2,400 from

each applicant unlawfully issued with a learner licence. Some \$600 from these rewards was then paid by Mr Jaturawong to Mr Phomsavanh for arranging the improper assistance by Mr McPherson, who in turn received cash payments of between \$200 and \$500 from Mr Phomsavanh.

Mr Jaturawong also sought and received cash payments from around \$1,300 and up to \$1,500 from applicants who he provided with advanced knowledge of the testing route, information which had been unlawfully released by Mr McPherson to Mr Phomsavanh and passed onto Mr Jaturawong. Again, both Messrs McPherson and Phomsavanh each received cash payments from these monies as a reward for their role in securing an unfair advantage for applicants taking the test.

The ICAC further found that Mr McPherson created false emails, purporting to have been sent from Land Transport New Zealand, which falsely claimed that several other individuals held a particular class of driver licence in New Zealand.

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APSAC Conference boosts public sector corruption prevention

Australia's first public-sector anti-corruption conference was a resounding success, with more than 500 people involved in the four days of conference sessions and workshops.

The Australian Public Sector Anti-Corruption (APSAC) Conference attracted participants from across Australia, plus some very eminent

international speakers, to Sydney from 23–26 October.

The Conference presented the latest findings in corruption prevention research and practices. Topics explored areas such as managing identity fraud, guarding against corruption risks in contracting and offshore operations, best practice for managing

whistleblower complaints and strategies for dealing with conflicts of interest.

Sessions were also specifically tailored for the higher education, local government, police and public sectors.

The APSAC Conference is a joint initiative of the ICAC, the Queensland Crime and Misconduct Commission (CMC) and the Western Australian

Corruption and Crime Commission (CCC).

The second biennial APSAC Conference will be held in Brisbane in July 2009 (visit www.apsacc.com.au for details).

Turn to page 5 of *Corruption Matters* for more information about the inaugural APSAC Conference.

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Commissioner's editorial

Australia's public sector anti-corruption agencies have just hosted the country's first public sector anti-corruption conference.

When the ICAC and interstate counterparts the Crime and Misconduct Commission (Queensland) and the Corruption and Crime Commission (Western Australia) came together to plan and organise the Australian Public Sector Anti-Corruption (APSAC) Conference, we wanted to bring the anti-corruption message to the forefront on a national scale.

After all, corruption doesn't stop at the state or territory border, or even international borders.

The APSAC Conference has achieved that goal, bringing more than 500 participants from around Australia, and overseas, together to learn the latest corruption prevention research and techniques, while providing opportunities to share ideas and experiences in a broad context never undertaken in Australia before.

There is more detailed information about the APSAC Conference in this issue of *Corruption Matters*, and about some other initiatives on which the ICAC has been working to combat and prevent corruption in the public sector.

The Commission is pleased to work with other agencies to develop corruption prevention tools and materials, and we have some new resources now available. We have worked with others to ensure that these products are as state-of-the-art as possible.

No-one knows an organisation's needs like its own members, which is why the ICAC has worked closely with NSW Health to develop and release *Managing the risk of corruption: A training kit for the NSW public health sector*. This kit has been specifically designed to address the needs and environment of this sector; it features a large number of health case studies and examples, and the material can be adapted for use by health services to deliver their own training.

There is more information about the kit in this issue of *Corruption Matters*, along with some feedback from participants in a kit training session.

This edition also features a story on the new position paper recently released by the ICAC on corruption risks in the NSW development approval process. This paper is the result of a broad consultative process with the NSW planning sector, including representatives from state and local government. The ICAC received 187 submissions from a wide range of individuals, agencies and organisations, which were considered in the formulation of the final recommendations.

On the subject of consultation, *Corruption Matters* also includes the preliminary results of the ICAC's latest survey of corruption risks in the NSW public sector.

The survey looked at the views of organisations and staff about corruption risks, and it is quite intriguing to see both points of view.

Finally, the ICAC's 2006-07 annual report results show a strong performance, with corruption prevention highlights including the delivery of 70 training courses and response to 276 advice requests, throughout the last financial year.

There are more highlights detailed in this issue of *Corruption Matters*, which demonstrate the work and achievements of the ICAC and its relevance to the NSW community.

The Hon Jerrold Cripps QC
Commissioner

New ICAC training DVD

The ICAC has produced a new training DVD on identifying and preventing corruption in the public sector.

The DVD depicts 10 different situations that could occur in a state agency or local council environment which might lead to corruption.

The stories explore matters such as conflicts of interest, accepting gifts, inappropriate relationships with clients, and misuse of information and resources which can occur in workplace activities

such as tendering, licensing, public counter work, processing applications, regulatory compliance and recruitment.

The stories are designed to trigger discussions about how these situations should be managed and could have been prevented, and will be used by ICAC staff when delivering training workshops.

The content was developed by the ICAC in conjunction with representatives from Pittwater Council and the NSW Department of Environment and Climate Change.



On the set of the ICAC's new training DVD.

2008 workshops for public sector staff

Early next year, the ICAC will introduce a course calendar offering a range of workshops on a fee-paying basis for public sector managers and specialist staff.

These workshops will allow individuals, or small numbers of staff, to register and attend training who may otherwise miss out if there is no planned training within their agencies.

With participants from different agencies attending, the workshops will create opportunities for discussion about corruption identification and prevention across agencies.

Based on feedback from agencies, the workshops offered will be:

- **Corruption prevention for managers** – how to recognise corrupt conduct, manage conflicts of interest and prevent corruption in the workplace

- **Fact finder** – an introductory workshop for staff and managers who may be required to conduct an internal investigation of allegations of corrupt conduct

- **Managing protected disclosures** – what constitutes a protected disclosure; what types of wrong doing are covered and the protection from reprisals afforded to those making the disclosure

It is planned that the scheduled workshops will be conducted in the Sydney CBD and Parramatta. Further information about dates, venues and the application process will be emailed to agencies later this year.

These workshops will also continue to be provided as in house courses, arranged in agencies and as part of the ICAC's outreach program. For inquiries contact Marg Ludlow on 02 8281 5810.

A healthy approach to corruption prevention



Prevention is better than cure... participants at the workshop debut of the ICAC and NSW Health's new corruption prevention training kit.

The ICAC and the Department of Health have developed and released a new corruption prevention training resource for the NSW public health sector, which garnered praise from participants at its first outing during a train-the-trainer workshop with health services internal audit, and learning and development staff.

Managing the risk of corruption: A training kit for the NSW public health sector has been specifically designed to address the needs and environment of this sector, through delivering corruption prevention training to managers and other senior staff in health services.

The train-the-trainer workshop provided an opportunity for staff to become familiar with using and adapting the material in the kit to deliver corruption prevention training.

Workshop participant Gail Farrar, Internal Audit Manager at North Coast Area Health Service, said the structure of the training kit provides a logical and easy to deliver format with a great range of support materials such as handouts, slides and quizzes.

"The kit has a broad range of case scenarios that is thought provoking and created a wide range of views and [led to] subsequent discussions from all the

participants who attended the course," she said.

"Great tips are also provided within the kit to assist trainers to answer participant questions. The North Coast Area Health Service will be delivering this training kit as part of our Corruption Management Strategy."

Lonie Foote, Staff Development Officer from the Children's Hospital at Westmead said the course content and layout is thorough and very well organised. "Being relatively new to this subject area, the day's learning was very successful," she said.

"I feel very confident to use the training kit and facilitate this workshop at The Children's Hospital at Westmead."

The kit comprises three modules:

1. recognising corruption
2. identifying and managing conflicts of interest
3. preventing corruption.

The training kit includes model training plans, slides, facilitator's notes, activities, and handouts, plus a large number of case studies and examples drawn from the health sector. The material can be adapted for use by health services to deliver their own training.

The training kit was developed as part of a larger ICAC project looking at

corruption risks in the health sector, which included consultation with individuals and organisations about the corruption risks faced by health services and how they can be addressed.

The kit is the final phase of this project, with other outputs including a discussion paper about the corruption risks facing the health sector, and a report on the results of the consultation about these corruption risks. These documents are all available on the ICAC website www.icac.nsw.gov.au.

The training kit is available on the ICAC and Department of Health websites (as above and www.health.nsw.gov.au), with a limited number of hard copies also available from the Commission and the Department.



Former council compliance officer found corrupt after brothel inquiry

The ICAC's investigation into corrupt conduct associated with the regulation of brothels in Parramatta has resulted in findings of corrupt conduct against a former Parramatta City Council Compliance Services Team Leader.

The investigation report, which was tabled in Parliament recently, found that Wade Fryar engaged in corrupt conduct by taking sexual favours and up to \$40,000 in cash payments from a number of sex workers and brothel operators in the area, in return for taking no action to curtail their unauthorised use of premises for prostitution.

Corrupt conduct findings were also made against the sex workers and brothel operators, and the report also recommends that consideration be given to obtaining the advice of the Director of Public Prosecutions (DPP) with respect to prosecuting all of the above for various criminal offences.

The report notes that from around 2003 to February 2007, when Council terminated his employment as a result of the ICAC investigation, Mr Fryar received free sexual services from at least five prostitutes and up to \$40,000 in corrupt payments from brothel operators – and even gave some of them prior warning when a Council inspection was planned.

"Although Mr Fryar deliberately manipulated the system, it had elements that gave him the opportunity to act corruptly without detection for several years," said the ICAC Commissioner, the Hon Jerrold Cripps QC. "The report makes 10 recommendations to help the council improve its systems and therefore minimise or prevent similar conduct occurring in the future."

The ICAC recommendations include that Council should upgrade its systems so that an officer cannot close a matter after undertaking an inspection, and should develop a rigorous review and audit system for the compliance function, overseen by a high-level manager.

The ICAC notes that Council has stated that its Compliance Unit has undergone extensive review, and has introduced a number of systems and procedural changes.

The ICAC's investigation also examined the regulation of the prostitution industry in NSW. The report makes three recommendations

to the Minister for Planning and the Attorney General, including that the corruption risks attached to the regulation of brothels by local councils be reviewed and an appropriate strategy be developed to deal with those risks.

The full report is available on the ICAC website, www.icac.nsw.gov.au.

Current investigation – Operation Greenway

The ICAC is currently investigating allegations that Department of Housing (DOH) official Douglas Norris, and others, engaged in corrupt conduct involving the payment of money or benefits in return for improper assistance with the allocation of public housing, provided by the DOH, to various persons.

The ICAC recently held a public inquiry as part of its investigation into these allegations, and also investigated the allegation that Douglas Norris knowingly allowed Department of Housing properties to be used by tenants or other persons for the purpose of engaging in illegal activities.

The hearing was presided over by the ICAC Commissioner, the Hon Jerrold Cripps QC, and continued for just over three days. A report containing the Commission's findings is currently being prepared, and is expected to be tabled in Parliament in due course.

How 2006–07 added up for the ICAC

The ICAC's 2006–07 annual report reflects a strong year for the Commission. During the year, the Commission received and assessed 2,149 matters, including 522 reports from public sector agencies, and 680 allegations from members of the public.

The most frequently represented government sector for allegations from the public was local government (38 per cent). Experience suggests that this high result in comparison to other sectors is due to the high level of people's interaction with local government, and the personal interest many take in its decisions.

Other ICAC data supported this result, showing that development applications are among the most frequently complained about public sector activities (see figure 1, right), which is one of the reasons the ICAC has been working with the planning sector — including state and local government — on the *Corruption risks in NSW development approval processes* (see story page 6).

Reports from public sector principal officers, which must occur under section 11 of the ICAC Act when agencies suspect corrupt conduct, also related mainly to the local government sector (24 per cent), followed by custodial services (19 per cent) and health (13 per cent).

The most frequent types of conduct alleged in section 11 referrals were breaches of policy or procedure (see figure 2, right), followed by misuse

of/theft of resources by public officials and allegations relating to fabrication or falsification of information.

The Commission also received 194 protected disclosures from public sector employees, containing 239 allegations. The largest number of allegations again concerned local government (28 per cent), with other sectors strongly represented including health (19 per cent) and custodial services (10 per cent).

Further 2006–07 highlights and achievements included:

- commencing 73 major investigations and undertaking four public inquiries
- publishing six investigation reports, which made findings of corrupt conduct against 17 people and included 113 corruption prevention recommendations
- referring 16 people to the Director of Public Prosecutions for consideration of prosecution proceedings
- responding to 276 corruption prevention advice requests
- delivering 70 corruption prevention education training courses and presentations
- publishing six corruption advice or research publications
- conducting successful outreach visits to the New England and North Coast regions.

The full ICAC annual report can be downloaded from the Commission's web site at www.icac.nsw.gov.au.

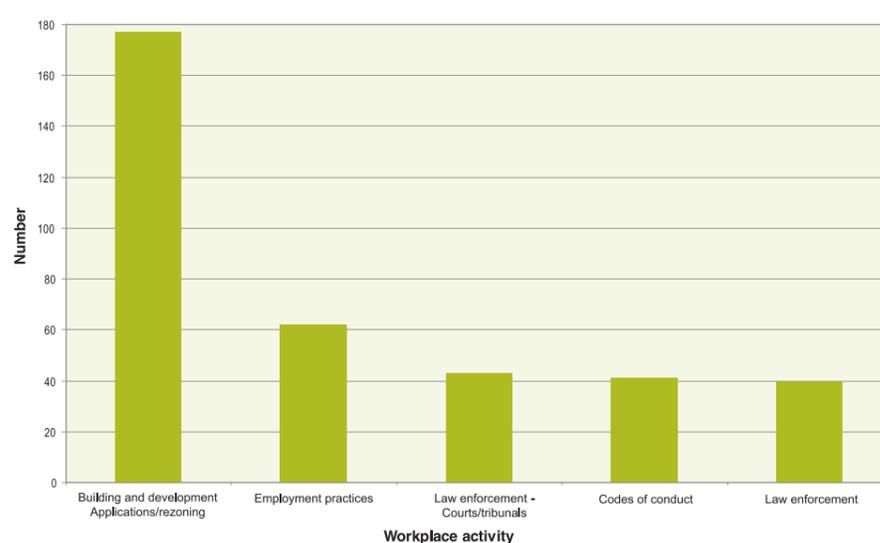


Figure 1: Complaints from the public (section 10) in 2006–07, showing the five most frequent types of workplace mentioned.

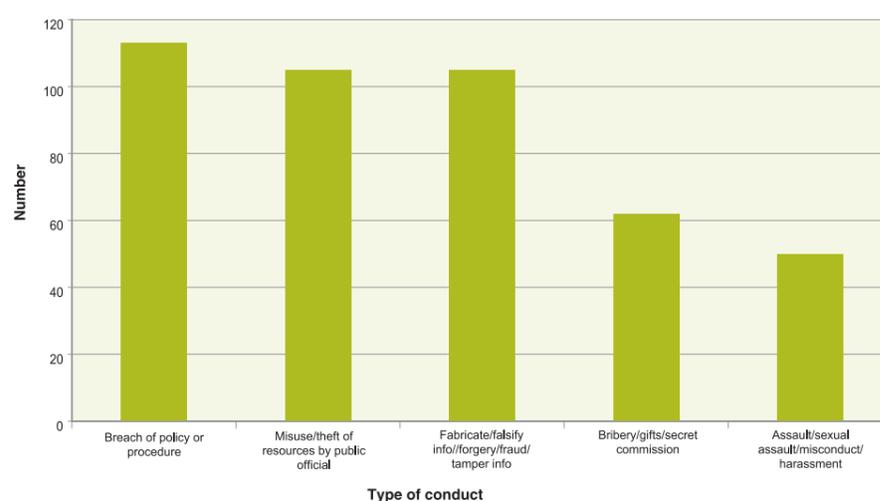


Figure 2: Reports from public sector agencies (section 11) 2006–07, showing the five most frequent types of conduct alleged.

Survey lifts lid on corruption risks in NSW Public Sector

Record keeping, political interference in an organisation's processes and purchasing/tendering for services are the workplace functions that most commonly constitute major corruption risks requiring attention, according to the ICAC's most recent survey of the NSW public sector.

The profiling information was gathered from more than 300 organisations, and 500 staff from 30 agencies, that responded to the survey this year. It showed that in terms of specific misconduct, agencies most frequently regarded abuse of, or failure to disclose, conflicts of interest and improper use of information as major risks.

Staff, on the other hand, most commonly named favouritism/nepotism

and harassment/victimisation or discrimination as major problems within their organisation.

While comprehensive findings will be published in a research report next year, some of the preliminary findings were reported at last month's Australian Public Sector Anti-Corruption Conference.

More than 500 public sector organisations including government departments, local councils, universities and local Aboriginal land councils were invited to take part in the ICAC's second survey of the NSW public sector.

The organisations were asked about corruption risks in public sector agencies and functions. The 2007 project also included the survey of employees from 30 agencies, with results from about 500 staff members giving their views

on corruption risks they thought their agency faced.

The information from the surveys will be used to provide tailored corruption prevention services. As well as providing a 'point-in-time' snapshot of these issues, the 2007 research aims to assess whether corruption risks have changed since 2003, when the first survey was undertaken.

What does the future hold in the way of corruption risks?

Many respondents were unsure what risks lie ahead. However, those agencies who did nominate emerging risks most often identified issues related to information technology.

However, staff thought somewhat differently. They saw issues related to staffing as the emerging risks, including

how staff are recruited and managed. They also viewed the misuse of confidential information as a future issue.

Using similar surveys, Queensland's Crime and Misconduct Commission (CMC) also researched these issues with their public sector this year. The combined research will allow for a comprehensive look at the two states and provide further information about the relationship of risks and functions in Australian public sector agencies.

The ICAC thanks all the organisations and staff members who contributed to this research by completing surveys. The published report will be available in hard copy and on the ICAC website (www.icac.nsw.gov.au) next year.

Australian Public Sector Anti-Corruption Conference 2007



(From left) WA CCC Commissioner The Hon Len Roberts-Smith RFD QC, Queensland CMC Chairperson Robert Needham, NSW Premier The Hon Morris Iemma MP, ICAC Commissioner The Hon Jerrold Cripps QC, NSW Chief Justice The Hon Justice James Spigelman AC and conference presenter The Hon Terence Cole, RFD QC at the APSAC Conference opening.

Delegates to the inaugural Australian Public Sector Anti-Corruption (APSAC) Conference were treated to four days of innovative workshops and conference sessions in Sydney last month (23-26 October).

This unique opportunity to share information and learn the latest in corruption prevention research and techniques was embraced by delegates from around Australia and the world including Kenya, Thailand, Ireland, New Zealand, India, Mongolia, Hungary, Belgium, China, Canada, Hong Kong, Malaysia, South Africa, Singapore and Bangladesh.

The Conference was officially opened by the NSW Premier the Hon Morris Iemma MP, with the keynote addresses on day one delivered by the ICAC Commissioner, the Hon Jerrold Cripps QC, and the Hon Justice James Spigelman AC, Chief Justice of NSW.

One of the APSAC Conference highlights was the release of new research into whistleblowing, which showed some surprising findings about how public sector whistleblowers feel they are treated (see story below).

Conference organisers the ICAC, the Queensland Crime and Misconduct Commission (CMC) and the Western Australia Corruption and Crime Commission (CCC) would like to acknowledge the support of the APSAC Conference partners — the NSW, Queensland and WA Departments of the Premier and Cabinet, and the NSW Police Integrity Commission (PIC).

The Conference was also supported by Deloitte, Transparency International, Ashdale Integrity Solutions and the Australia and New Zealand School of Government.



New research busts whistleblower bad treatment myth

The age-old adage of most public sector whistleblowers being shunned and tormented by their peers has been disproved, according to the results of a major national study released at the first Australian Public Sector Anti-Corruption (APSAC) Conference in Sydney.

Delivering findings from the Australian Research Council-funded *Whistling While They Work* project, Griffith Law School Senior Research Fellow and project



Dr AJ Brown... surprise findings in whistleblower research.

leader Dr AJ Brown said only 22 per cent of the whistleblowers surveyed said they were treated badly by management or co-workers, with 78 per cent reporting they were treated either well or the same by management and co-workers.

“The figure is still too high, but fortunately is much lower than expected,” Dr Brown said. “Those that reported bad treatment felt most of it came from management, rather than colleagues or co-workers, and even successful whistleblowers report adverse psychological experiences from their whistleblowing, although not as adverse as those treated badly.”

The first report from the project also concludes that agencies need to better ensure their managers are equipped to take responsibility for their role in receiving disclosures and managing whistleblowing. It says governments also need to reform legislation to ensure best practice whistleblowing systems in agencies.

“The fact that whistleblowing is clearly not confined to rare acts of ‘troublemaking’ creates a new obligation on agencies and governments to ensure they have effective systems for managing and protecting whistleblowers.” Dr Brown said.

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Sir Murray Rivers QC (Political Satirist Bryan Dawe) shares his wisdom at the APSAC Conference Gala Dinner.

Learning and networking

The APSAC Conference wasn't all just about sessions and workshops; it also gave delegates the opportunity to network on a scale rarely experienced by international anti-corruption practitioners.

Delegates could also learn about the host agencies at information stands, and were entertained – and undoubtedly enlightened – during the Gala Dinner by Sir Murray Rivers QC (Political Satirist Bryan Dawe).



ICAC staff provide information to a delegate about the Commission's work. All host agencies held information stalls to assist delegates.



Focus on local government

Councillor training and development



Promoting ethical behaviour within organisations begins with a strong induction process and continues with the provision of timely and well directed training and development on an ongoing basis.

This is something most organisations understand and act upon for their staff. The public inquiry undertaken into Brewarrina Shire Council in 2005 identified a need for more work to be undertaken to meet the initial and ongoing needs of elected members as well.

The public inquiry recommended that the Department of Local Government and the Local Government and Shires Associations develop a professional development course for all councillors. The recommendation noted that the course should focus on the role and responsibilities of councillors and be provided within six months of a councillor being elected.

The Minister for Local Government responded by announcing his support for the recommendation. Work is now underway to deliver this program. The Local Government Act 1993 provides that a councillor's role includes the overall responsibility for establishing and guiding policies, allocating resources, setting service delivery standards and overseeing the council's performance.

It is vital that the councillors fully understand their role and responsibilities and that of their council's general manager. They also require an adequate understanding of strategic planning and financial budgeting together with detailed knowledge of key ethical obligations such as those set out in the pecuniary interest provisions of the Act, and in the code of conduct.

Clearly, if councillors lack such an understanding, problems such as those that arose at Brewarrina Shire Council are more likely to occur again in other councils. An appropriate training and development program will help ensure all councillors are able to carry out their responsibilities in a proper manner.

The Local Government and Shires Associations, councils and other providers currently provide a range of training to councillors. Many councils are already devoting significant attention to councillor training and development. The Department of Local Government will be responsible for facilitating the development of this program. The Department will be working in consultation with the Local Government and Shires Associations, Local Government Managers Australia and councils.

The program is envisaged to involve a one day workshop for councillors elected at the September 2008 local government elections together with the development of an induction resource.

The Department envisages holding workshops in different venues across NSW to ensure all councillors have

reasonable access. The workshop will most likely cover key issues around the roles and responsibilities of a councillor, such as the strategic role, the relationship between councillors and the senior staff, conduct issues, pecuniary interests and financial information.

The Department also intends to develop an induction kit to enable all councils to supplement this high level workshop with detailed induction and ongoing training and development of councillors to equip them fully to carry out their roles and responsibilities.

Garry Payne
Director General

Combating the corruption risks in the DA approval process

The ICAC has identified 24 recommendations to help combat corruption risks in the DA assessment process, including that councillors should step aside from participating in decisions on development applications that involve donors.

The recommendations are included in the Commission's recently released position paper – *Corruption risks in NSW development approval processes*.

The paper is the result of a broad consultative process with the NSW planning sector, which included representatives from state and local government.

As reported previously in *Corruption Matters*, the new publication was generated by a discussion paper on

planning reform that was released by the ICAC in late 2005.

The discussion paper raised several aspects of the NSW development approval process and questioned whether some of them might pose a corruption risk. The ICAC received 187 submissions from a wide range of individuals, agencies and organisations, which were considered during the formulation of the recommendations in the position paper.

Other recommendations include that:

- councils disposing of their own land consider using a competitive process for the sale of valuable land, or in the absence of that process, consider at least two valuations based on the land's 'highest and best use'; councils should also clearly identify their

reasons if they decide to dispose of land at below market price for strategic purposes

- councils consider measures to address the risk of inappropriate relationships forming between council officers and frequent applicants, which could include allocating development assessments from frequent applicants to different staff or using a random auditing system for development matters

- the Premier consider amending the State's Election Funding Act so development applicants to the Minister for Planning are required to declare any political donations they have made to the Minister or his/her party

- the Minister for Planning considers extending third-party merit appeal rights to certain categories of development, including:

- those relying on significant SEPP 1 objections (the state planning policy allowing for departures from development standards)
- those where council is both the applicant and consent authority
- major and controversial developments such as large residential flat buildings.

The ICAC thanks all the individuals and organisations who contributed submissions to the discussion paper. The position paper can be found online at www.icac.nsw.gov.au.

Corrupt driver licence scheme a threat to road safety

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Mr McPherson passed off some of these emails to other staff within the Botany Motor Registry as genuine, which enabled the individuals to be improperly issued with a NSW licence without undertaking a driving test.

As part of the investigation process, the ICAC also examined the RTA's procedures and identified system weaknesses regarding the identification and management of licensing-related corruption risks, the supervision and autonomy of RTA Registry Services Managers, checking and audit processes in relation to licence applications and internal reporting.

This resulted in the ICAC making 22 recommendations to help the RTA to minimise, prevent or detect similar misconduct in the future.

The RTA has indicated that it has already implemented some of the recommendations, including the dismissal of Mr McPherson.

The ICAC also made corruption findings against 18 applicants who obtained a car, motorcycle or truck licence through unlawful means, and against Leanne Wetherall, John Zammit, Hakan Dogan, and Huseyin Dogan for attempting to procure the services of an RTA officer to dishonestly remove demerit points recorded against Ms Wetherall.

The ICAC report was tabled in Parliament during September. The full report can be found on the ICAC website at www.icac.nsw.gov.au.



New research busts whistleblower bad treatment myth

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The new study – which is part of the largest multi-jurisdictional study on public integrity issues ever undertaken in Australia – suggests that as many as 460,000 public servants may have formally reported wrongdoing within or by their organisation over the last two years, and that around 197,000 of these could be public interest whistleblowers.

“Assuming each of these officials only reported on one type of relevant wrongdoing once in the two year period, these percentages suggest that each weekday in Australia, possibly about 380 public servants might blow the whistle on a matter of potential public interest,” Dr Brown explained.

The survey of 23,000 public servants was conducted in 2006-2007 across 118 agencies of the Commonwealth, NSW, Queensland and Western Australian governments. It attracted 7,663 responses – the largest survey on public integrity issues ever undertaken in Australia.

Other key results include that:

- 71 per cent of respondents had observed at least one instance of wrongdoing in their organisation in the previous two years

- 28 per cent of respondents formally reported the most serious wrongdoing they observed
- 20 per cent of respondents are estimated to be ‘whistleblowers’.

The *Whistling While They Work* project is led by Griffith University and involves a team including Dr Brown, Professors Richard Wortley and Paul Mazerolle, Dr Rodney Smith (University of Sydney), Peter Roberts (Charles Sturt University), Associate Professor Margaret Mitchell (Edith Cowan University) and Associate Professor Paul Latimer (Monash University).

The research is funded by the universities, the Australian Research Council and a consortium of 14 public integrity agencies including the Commonwealth, NSW, Queensland and WA Ombudsman's offices, the NSW Independent Commission Against Corruption (ICAC), the Queensland Crime and Misconduct Commission (CMC) and the WA Corruption and Crime Commission (CCC).



Managing unreasonable complainant conduct manual now available

State and local government agencies can now purchase an interim practice manual on managing unreasonable complainant conduct.

The manual is part of a project that draws together all parliamentary Ombudsman in Australia and New Zealand to explore ways to better manage conduct by complainants that goes beyond the norm of the situational stress many complainants experience as a result of a ‘wrong’ they bring to an Ombudsman.

It contains the framework of management strategies, some underpinning principles and many tips on communication approaches, including a set of scripts to guide case officers in challenging interactions, all designed to assist in dealing with unreasonable complainant conduct.

As previously reported in *Corruption Matters*, unreasonable complainant conduct places unacceptable stress on resources and staff and it leads to equity issues in relation to the resources available to deal with other complaints.

The project approach involves, firstly, shifting the focus away from the person presenting as ‘difficult’ and moving it onto their conduct – from the person to the problem. Secondly, it presents a framework of strategies for managing the conduct found to be *unreasonable*. The framework is a thinking tool for case officers to assist them to systematically identify appropriate strategies to deal with specific instances of unreasonable conduct.

Thirdly, the project advocates the view that dealing with unreasonable complainant conduct is part of an agency's core work, not some imposition that should be marginalised or avoided. Hence, staff members dealing with such conduct need to be well trained, resourced and supported.

A 12-month trial period of this new approach began in May this year, involving all Australian parliamentary

Ombudsman. The seminar that introduced this approach to Ombudsman offices, and the practice manual that supports it, are now being made more widely available.

The seminar is delivered by experienced complaint handlers and trainers from the NSW Ombudsman's office. It presents management strategies for dealing with unreasonable complainant conduct and workshops specific communication skills and strategies.

It was the intention to produce, at the conclusion of the project, a practice manual for use by agencies other than Ombudsman offices. However, given the strong interest shown by agencies from around Australia who have read about the project, the practice manual for the use of agencies has been produced at this stage as an interim document to meet this need.

It is available for purchase from Ombudsman offices around Australia.

For information about training contact Sheila O'Donovan at the NSW Ombudsman's Office at so'donovan@ombo.nsw.gov.au.

For information about purchasing the manual contact publications@ombo.nsw.gov.au, and for information about the project contact Helen Mueller at hmueller@ombo.nsw.gov.au

Chris Wheeler
Deputy Ombudsman

Helen Mueller
Project Manager

In the interests of the NSW community, the NSW Ombudsman works to promote good conduct and fair decision making by all agencies and persons within its jurisdiction.

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In other news

ICAC visits the Hunter

The ICAC will visit the Hunter region this month as part of its Outreach program.

The two-part program will begin with a series of workshops aimed at local government, while a return visit next year will feature activities especially tailored for state government agencies.

A community leaders' breakfast will be held as part of this month's program, focusing on community members from Cessnock, Kurri Kurri and Maitland.

As with all ICAC Outreach programs, the Commission will run workshops with Year 11 Legal Studies students from local high schools in the Hunter region.

The ICAC began its Outreach program in 2001, taking anti-corruption initiatives and training to regions across NSW.

The last time ICAC ran its Outreach program in the Hunter region was in 2002. For information regarding the Outreach program for state agencies in the Hunter region, to be held in March 2008, please contact Bill Kokkaris on 02 8281 5877.

ICAC Corporate video available in community languages

The ICAC's corporate video, *Some facts about the ICAC*, is now available in Arabic, Cantonese, Mandarin and Vietnamese.

These are the top four languages spoken at home other than English in NSW (*The People of New South Wales: Statistics from the 2001 Census*, Community Relations Commission of NSW 2006).

The video will be used as part of the ICAC's ongoing education work with people from culturally and linguistically diverse communities.

As well as videos, the non-English version of *Some facts about the ICAC* is available in DVD format and as Windows media player files.

New postcards and posters in demand

The ICAC's new protected disclosures resources are in demand, with around 15,000 postcards and 1,300 posters

ordered by public sector agencies and local councils during July to September this year.

A number of councils have also organised their own print run of the postcards incorporating their logo on the artwork.

To enhance general public sector awareness of the *Protected Disclosures Act 1994*, the resource was produced to remind staff that suspicions of corrupt conduct, maladministration, and serious and substantial waste of public money are matters of concern that should be reported.

In June this year, each NSW public sector agency was sent a promotional package with order forms for both postcards and posters.

NSW State agencies and local councils can download the order form from the ICAC website: www.icac.nsw.gov.au.

Corruption Prevention Network Awards winners

The NSW Department of Corrective Services, the Australian Tax Office and the Sydney Harbour Foreshore Authority

are the winners of this year's Corruption Prevention Network (CPN) Awards.

The award winners were announced at the Network's annual conference held in September, and sought to recognise the use of tools and techniques for discovering corruption within organisations.

The Sydney Harbour Foreshore Authority won for its online corruption prevention tools, while the Department of Corrective Services was awarded for its implementation of potentially controversial tools concerning employee alcohol and other drug testing.

The Australian Tax Office was recognised for its new risk assessment tool for analysing the intent and capability of integrity threats.

The CPN works to provide learning and networking opportunities for its members, which comprise mainly those involved, or with an interest, in corruption prevention.

The awards are open to all organisations within Australia. Nominations for next year close on 11 July 2008, with the nomination guide available on the CPN website at www.corruptionprevention.net.

Corruption prevention advice

The ICAC's corruption prevention officers work with public sector organisations to strengthen administrative systems and to raise awareness of potential corruption problems.

One of the key functions of the ICAC is to provide advice to the public sector about strategies to minimise corruption and maintain the integrity of public administration. In some situations the ICAC can also provide advice to private citizens about corruption prevention practices that should be followed by public sector organisations. The main benefits of contacting the ICAC for advice by telephone are that informal advice can be given promptly and the caller can be advised about relevant information and resources. Sometimes, more research and consultation than a phone call will allow is required and in such cases ICAC officers would discuss the most appropriate way to assist. This may involve writing to the ICAC.

In some circumstances, the ICAC may decline a request for advice. Advice requests are declined when the ICAC considers that the advice function would potentially conflict with its investigative function. The ICAC is unable to give advice that could be seen as authorising a particular course of action or to provide advice that extends beyond probity and corruption prevention issues. The ICAC may only be able to provide generalised advice in cases where the request is complex or detailed and the ICAC cannot resource the request.

For corruption prevention advice:

Telephone the ICAC between 9am and 5pm on 02 8281 5999 (or toll free on 1800 463 909 for callers outside Sydney).

About Corruption Matters

Corruption Matters is produced twice a year to raise awareness in the NSW public sector and the wider community about corruption-related issues.

If you have any comments about the publication or would like to be put on the mailing list, please contact the Corruption Prevention, Education and Research Division, Independent Commission Against Corruption.

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