

Trouble on site

Attention has recently been focussed on safety in the building industry following the tragic death of a 16 year-old worker on a construction site in Sydney, and an in-depth ICAC investigation into the fraudulent issue of safety certificates.

Safety is critical in the construction industry with workers facing a much greater risk of injury than in some other workplaces.

WorkCover regulates certain aspects of construction industry work practices with a view to ensuring adequate standards of safety. Two core safety regulation systems are that all persons entering the construction industry are required to undergo initial health and safety induction training from an accredited trainer; and workers who operate specified dangerous plant or equipment must be assessed by an accredited assessor and must hold a Certificate of Competency to operate that plant or equipment.

During its recent public hearings, the ICAC heard evidence that some workers on building sites in NSW have been provided with so-called 'green cards', certifying the worker has done a mandatory five-hour health and safety induction course for construction sites, but without ever participating in the course.

The ICAC also heard evidence that workers have been assessed as competent to operate plant or equipment such as cranes, forklifts and scaffolding – entitling them to Certificates of Competency in relation to that equipment – in circumstances



where no assessment or inadequate assessment had taken place.

The ICAC public hearings focussed on the alleged activities of a group of assessors and trainers accredited by WorkCover New South Wales and some of the workers who received false certificates from them.

The trainers involved gave evidence to the ICAC that they had provided certification of induction training in circumstances where no training had taken place. There was nothing to prevent them from doing this.

The assessors told the ICAC that they had been issuing certificates to operate hazardous machinery without

the proper theoretical or practical assessment of each worker. In some cases the answers to the written test were supplied and no practical tests were carried out even when the machinery in question was on site.

One assessor said during the public hearing that he issued competency certificates to heavy machinery operators on the basis of a 'gut feeling about... whether he's an idiot or not.'

The ICAC investigation began earlier this year following a television current affairs story that exposed one of the assessors issuing certificates for machinery without a proper assessment.

As part of its investigation the ICAC interviewed many involved in the accreditation and assessment system, and gathered evidence through a variety of means including telephone intercepts and surveillance of certain assessors. Nine days of public hearings were held in August, September and October with more than 40 witnesses called to give evidence.

Although the final report on this investigation has yet to be handed down by the Commissioner, a number of recommendations are expected to be made to help bring about an improved accreditation and assessment system that helps ensure safe work practices in the building industry in NSW.

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Commissioner's editorial

The past six months has been a very busy period for the Independent Commission Against Corruption. The number of matters referred to the ICAC by members of the public and public sector agencies continues to grow; we have conducted a number of major investigations into such matters as the smuggling of contraband into high-security prisons and the fraudulent issue of safety certificates in the building industry; we have published eight reports on major investigations as well as a number of other reports and resources and we have extended our corruption prevention and training work into new areas.

Does all this activity mean that corruption is running rampant in the NSW public sector? Not necessarily, although our investigations and corruption prevention work continue to expose alarming gaps and deficiencies in public sector policies and procedures that provide opportunities for corruption to develop.

In a rapidly-changing society, new opportunities for corruption emerge along with new technologies and new ways of governing and doing business.

Identity crime, for example, which we focussed on in our last issue, is a rapidly-growing problem that is being fuelled by technological change and the emergence of an information economy.

The challenge for agencies like the ICAC is not just to keep up with these changes, but to anticipate the corruption risks they pose and help public sector agencies to manage them.

Our research – including our latest Community Attitudes Survey – suggests that there is a growing awareness of the nature of corruption and a greater preparedness to deal with it. With greater awareness of the costs of corruption for the wider community, fewer people are prepared to ‘turn a blind eye’ to corrupt conduct. The growth in the number of matters referred to the ICAC is in that sense a good sign – a sign that attitudes are shifting, that people understand the concept of the public interest and are prepared to act to defend it.

June Mason

Using investigative powers responsibly

The issue of government agencies' powers to gather information is always contentious, but never more so than in recent months.

In a climate of concern and public debate, misconceptions can develop about the powers of an investigative agency like the Independent Commission Against Corruption; how, when and why these powers are used and what safeguards are in place to ensure they are used responsibly.

The ICAC's primary functions are investigating and minimising corruption involving or affecting the New South Wales public sector.

While the conduct we investigate may involve criminal offences, the ICAC is not a law enforcement agency as such, nor is it a court. That means, for example, that the ICAC can gather evidence of corrupt conduct using a range of coercive powers and can make findings of corrupt conduct against individuals but cannot prosecute individuals.

While the ICAC can and does make recommendations that consideration be given to prosecuting individuals for criminal offences, decisions on whether to prosecute are made by the Director of Public Prosecutions, not the ICAC.

Determining the substance of allegations of corruption and gathering evidence of corruption is a major part of the ICAC's work. In order to do this work, the ICAC has been granted a range of statutory powers under the *Independent Commission Against Corruption Act 1988*. The ICAC also has the power to intercept telephone conversations, use listening devices, acquire and use assumed identities and undertake controlled operations

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“SUPERMAX”, THEY CALL IT – the High-Risk Management Unit located within the Goulburn Correctional Facility. It's not the kind of place you'd expect to find contraband items, yet that's just what prison officers found during a search of prisoners' cells in March this year.

Carefully hidden inside two adjoining cells in the HRMU, prison officers found mobile phones, SIM cards, a phone charger and a miniature digital camera that could be connected to a mobile phone.

The Department of Corrective Services (DCS) notified the ICAC of the discovery. After assessing the report and information that the items may have been brought into the prison by a prison officer, the ICAC commenced an investigation, in collaboration with senior DCS staff.

In order to identify how contraband was being smuggled into the prison unit, the ICAC undertook a protracted covert investigation, working closely with a select group of senior staff from within the DCS. The liaison between

the two organisations proved to be an essential ingredient in achieving a successful outcome – identifying the prison officer concerned, gathering evidence of corrupt conduct and maintaining confidentiality.

The ICAC's partnership arrangements with another law enforcement agency were later utilised, enabling the ICAC to draw on some highly-specialised expertise from within that agency.

The final phase of the operation involved collaboration with NSW Police, using police powers to stop and search individuals, to detain the corrupt DCS officer and retrieve vital evidence, following the corrupt officer's meeting with another person to collect contraband and bribe money.

The success of this investigation can, in part, be measured by the fact that the DCS officer, when faced with the irrefutable evidence gathered through a range of investigative techniques, admitted before the ICAC his involvement in corrupt activities.



Degrees of deceit

A recent ICAC investigation has revealed an audacious fraud by a former NSW public servant that saw him rise to very senior positions in the public sector, all the while falsely claiming to have a number of academic qualifications that included a Ph.D. degree.

In 1987, Glen Norman McKinnon Oakley had been working for seven years as a mortuary assistant at the Forensic Medicine Division of Hunter Health.

That year, he applied for a senior position with the Maritime Services Board, responsible for 17 staff and a substantial budget.

In his application, Mr Oakley claimed to have three academic qualifications – a Bachelor of Science (Hons) degree and a Diploma of Education from the University of Newcastle and a Master of Business Administration degree from the University of New South Wales. On subsequent occasions, and possibly also on this occasion, Mr Oakley also claimed to have a Ph.D. degree from the University of New England.

In reality, Mr Oakley had no university-level qualifications at all, although he had enrolled in a total of seven subjects at two universities between 1973 and 1985, passing four of them.

Mr Oakley got the job, and so began a career path that saw him appointed to a succession of senior positions in the public and private sectors, including Director-General of the Department of Business and Regional Development in 1993 and chief executive of the Newcastle Ports Corporation in 1996.

Mr Oakley continued to falsely claim he held the academic qualifications listed above. He also used the false qualifications to gain certain honorary positions, including Conjoint Professor to the Graduate School of Business at the University of Newcastle in January 2002.

The ICAC found that to support his false claims Mr Oakley created and used false documents purporting to be academic degrees and that he made false representations to a Justice of the Peace that the documents were genuine.

The fraud was not discovered for 15 years, during which time Mr Oakley held a number of senior positions in the public and private sectors. As a principal officer of two NSW public sector organisations, one of his duties was to report suspected corrupt conduct within the organisation – a duty in which he was compromised by

his own corrupt conduct.

As a result of its investigation, the ICAC has recommended that the Director of Public Prosecutions consider prosecuting Mr Oakley under the Crimes Act for creating false documents and making false representations.

This investigation has important implications for the entire NSW public sector.

In handing down the ICAC's report on the investigation, Commissioner Irene Moss said that it was both surprising and disturbing that between 1987 and 2001 Mr Oakley's reliance on false academic qualifications remained undetected.

'It appears this was due to repeated failures to undertake any enquiries with the relevant academic institutions to verify his claims,' the Commissioner said in the report.

'Indeed, Mr Oakley told the ICAC that to his recollection no interview panel had ever asked him questions about his academic qualifications or courses he had studied.'

In preparing its report, the ICAC sought information on current recruitment practices in the NSW public sector with regard to checking applicants' qualifications and work experience claims.

The ICAC contacted 23 public service organisations, including local councils and universities, about these aspects of their recruitment processes. In addition, the Premier's Department provided written information about its CEO recruitment practices.

The surveyed agencies said that they undertook most, if not all, of their own recruiting. Some used private recruitment firms to find candidates for very senior positions, or, occasionally, for positions that require very specialised skills.

In relation to checking the qualifications and job applicants' claims to professional experience, the agencies reported that checks were done at either the short-listing stage or when one or more preferred candidates had been selected. The most common means of checking was to check with referees by telephone.

Seven of the organisations said they had previously had a problem with a candidate falsifying his or her qualifications and/or claims to experience.

As a result of its investigation into Mr Oakley, and with the assistance of the information provided from its recent survey, the ICAC has recommended that public sector agencies,

universities and local government councils review their current recruitment policies and procedures and ensure that they comply with the ICAC's specific recommendations, designed to help reduce the risk of corruption in the recruitment process.

The ICAC recommends that where job applicants assert professional and/or academic qualifications as part of their claim to a position, these qualifications should be verified prior to appointment.

Original certificates or transcripts certified by the issuing institution should be sighted by the employer's designated representative and applicants should be required to give permission to the employer to conduct verification checks with the issuing institution.

Academic and professional qualifications of successful candidates should in all cases be verified with the issuing institution where they are required for a position or where they are a significant determinant in the decision to appoint an applicant; academic and professional qualifications should be verified on a random basis in other cases and auditable records of verification checks should be kept.

The ICAC also recommends that information on these requirements should be included in applicants' information packages and that applicants should be informed that falsely claiming qualifications will lead to their dismissal and/or prosecution for any relevant offence.

All applicants should be required to sign a certificate declaring that the qualifications they assert are genuine and acknowledging that false claims can lead to their dismissal. Letters of appointment or other contractual documentation should include a provision that permits an employer to terminate the employment of an applicant who falsely claims qualifications.

Full details of this investigation and the ICAC's recommendations are available on the ICAC website www.icac.nsw.gov.au



Ethics in Australia

Recent years have provided plenty of examples of the costs of poor ethical standards in business and government, with the collapse of major corporations such as HIH and Enron being perhaps the most dramatic examples.

The Australian Association for Professional and Applied Ethics' annual conference in October dealt with a wide range of recent initiatives to address these issues, including the new Australian Standards on governance (see also the NSW Audit Office column in this issue) and the Australian Public Service (APS) Commission's new guide to help agency heads and senior executives embed APS Values in their organisation.

Keynote speakers included Mr Justice Vincent of the Supreme Court of Victoria, Mr Ken Loughnan AO (former CEO of Telecom Australia International) and Victoria's Privacy Commissioner, Mr Paul Chadwick, who stressed the need for transparency in gathering, storing and using personal information. Other conference speakers dealt with such topics as the links between corporate social responsibility and financial performance, ethical Human Resource Management and the accountability of ministerial advisors.

The AAPAE's 2003 conference was sponsored by the Centre for International Corporate Governance Research, Victoria University. For copies of all conference papers and Mr Chadwick's address, visit www.businessandlaw.vu.edu.au/cicgr and click on AAPAE.

Dealing with conflicts of interest

Matters to do with conflicts of interest are at the heart of much of the work of the ICAC. Conflicts of interest can occur in any public sector organisation and can have far-reaching effects throughout the organisation if they are not identified, declared and properly managed.

The ICAC's key message on this issue is that having a conflict of interest is not the problem; it is how the conflict is managed that is the critical issue.

To help public officials deal with these common but complex issues, the ICAC is working to develop resources that provide practical advice on how to recognise and manage conflicts of interest, using case studies to illustrate real-life conflict of interest situations and their good management.

This work draws on foundation work done by the Organisation for Economic Cooperation and Development (OECD), which recently published its *Guidelines for Managing Conflicts in the Public Service*.

In June this year the ICAC hosted an expert workshop to consider how the conceptual work of the OECD might be translated into practical advice for public officials. Workshop participants included Janos Bertok, author of the OECD guidelines; ICAC Commissioner Irene Moss; NSW Deputy Ombudsman Chris Wheeler; Queensland's Integrity Commissioner the Hon. Alan Demack and the heads of Western Australia's Anti-Corruption Commission, Victoria's Commission for Public Employment and New Zealand's State Services Commission.

The workshop confirmed the need for resource materials, and as a result the ICAC and its close counterpart in Queensland, the Crime and Misconduct Commission, have commenced a joint project to develop a suite of documents that will constitute a practical guide for public officials. The project team is developing content for the guide and anticipates it will be published in mid-2004.

One group of public officials that finds conflicts of interest almost unavoidable is local government councillors. Councillors are generally deeply involved at many levels in their local community, yet they are required to act objectively in the best interests of the community as a whole.

Recognising the significance of these issues in local government, the ICAC has produced an innovative resource for local government councillors,



new and experienced alike, to raise awareness of conflicts of interest and provide guidance on how to manage them.

In whose best interest is a 22-minute video designed to bring these issues alive. The video dramatises a day in the life of the Murrawarra Regional Organisation of Councils, a fictional organisation representing a group of small councils somewhere on the eastern seaboard.

Al Cooper (played by Steve Bisley) is the chair of the Murrawarra ROC and mayor of the fictional community of Parnawee Point. In the video, Al struggles through a personal dilemma involving a conflict of interest – and very nearly comes unstuck in the process.

The other characters – councillors and council staff members played by actors such as Toni Scanlon and Bob Baines – also confront a range of real-life issues that include dealing with gifts and benefits, declaring pecuniary interests and documenting decisions.

The script, developed by ICAC staff working in conjunction with a range of local government stakeholders, focusses on issues which ICAC research and analysis indicates are commonly encountered by councillors – issues which if not properly managed can lead to actual corruption or the damaging perception that a public official or organisation has been compromised.

In whose best interest was launched by the NSW Minister for Local Government, The Hon. Tony Kelly MLC, on 21 November. The video is being distributed to all councils in New South Wales and copies are also available on request from the ICAC.

Finding the facts

Building and maintaining integrity in public sector organisations is a complex, ongoing task. While organisations must ensure that they have effective and relevant policies and procedures in place, they must also have the will and the ability to identify and deal with any problems that arise.

Public sector organisations need to be able to carry out their own fact-finding inquiries when necessary. Such inquiries play a vital role in helping organisations identify specific problems, such as instances of corrupt conduct, and determine the best way to deal with them.

The ICAC runs regular Fact-Finder workshops for public officials who have limited experience in the inquiry process but may be asked to conduct an internal inquiry in the future. The workshops focus on reducing complex legal issues to clear and practical advice. Regular workshops are run by the ICAC in conjunction with the Institute of Public

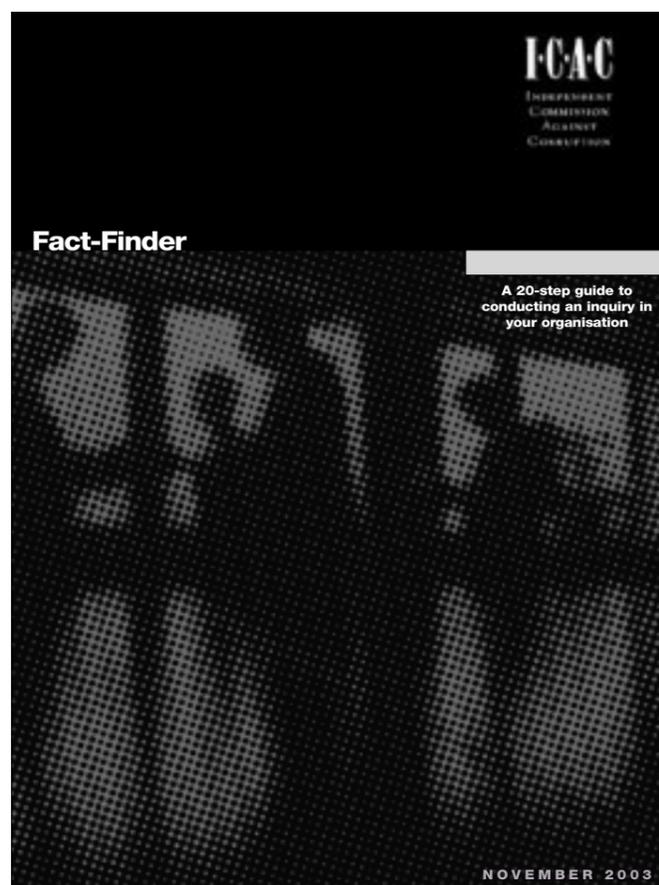
Administration of Australia and in-house workshops can also be arranged. More information from ICAC's Education and Public Affairs section (Tel 02 8281 5999).

To complement these workshops and to assist organisations to conduct their own inquiries, the ICAC has just released a revised and updated edition of its *Fact-Finder* publication.

Fact-Finder outlines a systematic 20-step process for conducting a fact-finding inquiry. The guide covers such key issues as maintaining confidentiality of sources, defining the scope and purpose of the inquiry, working out what powers are available for the inquiry and what matters need to be referred to agencies such as the ICAC or to police, and how to ensure that the inquiry is consistent with procedural fairness, or natural justice.

The guide also provides practical advice on developing an inquiry plan, useful fact-finding tools and the procedures to be followed in interviewing people and collecting and storing material so that it will be useable as evidence in any subsequent investigations or court proceedings.

The purpose of the Fact-Finder training and publication is to give organisations the capacity to conduct inquiries competently and fairly should they be required to do so. Such inquiries are not meant to be a substitute for investigation of serious and/or systemic corruption issues by agencies such as the ICAC or



investigation by police of matters that may involve criminal offences. Indeed, we prefer that agencies contact us at the outset so that we can help them determine the best course of action. In New South Wales, the heads of public sector agencies have an obligation to report any matter which they have reasonable grounds to suspect may involve corrupt conduct to the ICAC.

Agencies such as the ICAC, after considering the matter, may refer it back to the agency concerned for further inquiry, so developing the capacity to conduct internal fact-finding inquiries is an important part of an organisation's corruption resistance.

Copies of the *Fact-Finder* guide are available from the ICAC.

A new look for ICAC resources

Corruption Matters is just one of the ICAC resources that have been redesigned in recent months to make our print and on-line publications more user-friendly and effective.

A new series of information brochures outlining the role and functions of the ICAC and how to report corruption has been published, as well as

- *Providing advice on corruption issues: a guide for community leaders,*
- *Community attitudes to corruption and the ICAC,* and
- *Fact-Finder: a 20-step guide to conducting an inquiry in your organisation.*

In addition, the ICAC has published its Strategic Plan for 2003-2007, its Annual Report for 2002-2003 and, following a request from the NSW Legislative Assembly, a report on *Regulation of secondary employment for Members of the NSW Legislative Assembly.*

The ICAC publishes reports on all its investigations that involve public hearings (as required by the ICAC Act) and may publish reports on other investigations where this is in the public interest. Since May this year, eight Investigation Reports have been published:

May 2003

Investigation into dealings between Thambiah Jeevarajah, an engineer employed by the Department of Housing, and the construction company Australian Colour Enterprises Pty Ltd

July 2003

Report on investigation into the conduct of the Hon. Malcolm Jones MLC

August 2003

Report on investigation into the conduct of certain officers of the New South Wales Grains Board

September 2003

Report on investigation into conduct of the Rail Infrastructure Corporation and others in relation to Menangle Bridge

September 2003

Report on investigation into the theft of zoological specimens from the Australian Museum between 1997 and 2002 and related matters

September 2003

Report on investigation into the conduct of an officer of Integral Energy

November 2003

Report on investigation into certain applications made to the Department of Fair Trading for building and trade licences

December 2003

Report on investigation into Mr Glen Oakley's use of false academic qualifications

All these publications are available on the ICAC website www.icac.nsw.gov.au or in hard copy on request.



ICAC's five-year plan

In 2001 and 2002 the ICAC undertook a major review and restructure of its operations, designed to ensure the organisation has the skills, resources and systems needed to deal with new forms of corruption as they emerge in a dynamic, rapidly-changing environment.

With that reorganisation now complete, the ICAC has published its Strategic Plan for 2003-2007, which outlines the organisation's objectives for the next five years. These include taking a proactive approach to detecting and investigating corrupt conduct, developing strategic alliances

to optimise investigative outcomes, providing guidance and advice to the NSW public sector on corruption-related issues and improving community confidence in reporting corruption.

The key result areas and objectives listed in the Strategic Plan will form the basis for the ICAC's performance reporting in its Annual Report.

The ICAC Strategic Plan 2003-2007 and past Annual Reports are available on the ICAC website www.icac.nsw.gov.au or in hard copy on request.



Setting the standard

The topic of governance is very popular. There has been a lot researched, a lot written, a lot said. Some people are finding this confusing. There seems not to be a common understanding, a common language, a common framework. Until now.

Governance has many important dimensions and elements. But for us, the key elements are about transparency and accountability (hence our illustration, which has become something of an icon!).



When we wrote our governance guide, *On Board*, we did not expect it to be so popular. This reflected a strong need for some clear statements about what good governance means in a public sector setting.

When the Audit Office was approached recently by Standards Australia to become involved with developing a suite of corporate governance standards, we saw an opportunity to address a glaring weakness in the current governance

landscape: the lack of a unified set of standards to cover all governance jurisdictions. And the *Australian Standard 8000* series does exactly that. The new Standards have been designed to apply equally well to the private sector, public sector and not-for-profit sector. They provide common elements, and also allow for specific areas of difference.

The Standards are in a suite, and provide a range of quite considerable challenges. Few organisations would currently score well across the full spectrum that the Standards address. So the Standards do not merely codify existing ideas of best practice, but provide targets to aim for. And very importantly, the Standards emphasise what we have long advocated (sometimes unpopularly), that governance is fundamentally about accountability.

The new Australian Standard 8000 series is available for purchase from Standards Australia at <http://www.standards.com.au>

Contact: Stephen Horne, Director Performance Audit on 02 9285 0078 or email at stephen.horne@audit.nsw.gov.au

The Audit Office's Mission is to assist Parliament in improving the accountability and performance of the State. It does this by reporting its findings from auditing the financial reports of all the State's public sector bodies and through its performance audits on specific government activities. It also has a role in dealing with protected disclosures.



Guidelines for good conduct

The latter part of the 20th century and the beginning of the 21st have been marked by an unprecedented increase in the intrusion of government into almost every aspect of the lives of individuals. Through this increased level of regulation, government has been given considerably greater ability to influence or control the conduct of individuals, as well as access to information about the private affairs of individuals.

The NSW Parliament, the government of the day and the people of NSW are entitled to expect that all State and local government officials perform their duties to the highest standards. This includes the right to expect the conduct of all public officials to be in accordance with the accepted principles of good conduct in public administration.

The NSW Ombudsman has been investigating the conduct and administrative practices of public authorities and officials for the last 28 years. Since 1975 we have dealt with over 160,000 formal complaints, and many times that number of informal complaints and inquiries. These investigations and inquiries have generated considerable knowledge and experience in relation to the conduct and administrative practices of public authorities and officials.

Over the past eight years we have been publishing a series of guidelines and fact sheets that cover, among other things, basic standards of good conduct and administrative practice. Our new *Good Conduct and Administrative Practice – Guidelines for State and Local Authorities* has brought together, updated and expanded on those previous publications.

The new Guideline covers a wide range of topics including the public interest, conflict of interests and conflict of duties (see also our fact sheet *Conflicts of interest* at www.ombo.nsw.gov.au), accountability, fairness, apologies, the use of legal advice, enforcement action, risk management and complaint handling.

The new Guidelines can be purchased in hard copy for \$49.95 or downloaded from our website at <http://www.ombo.nsw.gov.au/publications/index.html>.

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 jurisdiction.

Using investigative powers responsibly

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(operations to obtain evidence of criminal activity or corrupt conduct or other related purposes as defined in the *Law Enforcement (Controlled Operations) Act 1997*).

The exercise of these statutory powers occurs only in circumstances where the ICAC considers it necessary – many investigations are conducted without requiring the use of these statutory powers, relying on more traditional investigative techniques such as conducting interviews.

However, the use of statutory powers when necessary must be done responsibly, and external and internal safeguards are in place to ensure that these powers are not misused or used without good reason.

These powers can only be used after both internal review and external approval. Internally, an application for either a search warrant, listening device or telephone intercept is prepared by ICAC investigators and then submitted to an ICAC lawyer for review. Once finalised, the application is then submitted to the Executive Director, Legal for final approval to ensure the application meets all regulatory and evidentiary requirements before being submitted to the appropriate authority.

External approval is required for each type of application. A search warrant application must be approved by a Justice (usually a Clerk of a Local Court), a telephone intercept

application by a Member of the Administrative Appeals Tribunal, and a listening device application by a Justice of the Supreme Court.

In addition, the NSW Ombudsman conducts regular inspections of the ICAC's records of telephone interceptions and controlled operations, the use of listening devices is reported on a case-by-case basis to the Attorney General of NSW and the ICAC publicly reports to the NSW Parliament on all investigations involving public hearings.

Other accountability mechanisms include the ICAC's Operations Review Committee, which includes community and other representatives external to the ICAC. The ORC

advises the ICAC Commissioner on whether the ICAC should not commence or should discontinue an investigation into a particular matter. The ICAC is also accountable to the Parliamentary Joint Committee for the ICAC, which monitors and reviews the exercise by the ICAC of its functions.

All these checks and safeguards are designed to ensure that the ICAC can operate effectively and independently, yet still be fully accountable for its activities.



ICACnewsinbrief

ICAC visits New England

R The Rural and Regional Outreach Strategy (RAROS) was started in 2001 to take the ICAC's corruption prevention advice and resources to regional and rural NSW.

The sixth RAROS program was held in the New England/North West region of NSW from Monday 24 to Friday 28 November 2003.

At each RAROS visit, ICAC officers run a hands-on week of workshops, discussion groups, school visits and briefing sessions. The program includes free workshops for public officials about:

- ICAC powers, function and the resources for the public sector
- identifying corruption risks
- putting prevention strategies in place
- managing internal reporting systems
- protected disclosures
- fact-finding and holding investigations within a public sector agency or council

'Visit and advise' teams of corruption prevention officers travel to locations within the region to talk with the general managers of shire councils and regional managers of state agencies. The discussions are informal and range over a wide range of corruption resistance related issues. They give senior management an opportunity to ask questions, raise problems and discuss relevant events with ICAC staff.

For more information, contact Yvonne Miles, Manager Education & Public Affairs, tel 8281 5913, email ymiles@icac.nsw.gov.au

New training capacity

The ICAC provides speakers and trainers to NSW public sector agencies upon request. Training may form part of the support the ICAC offers to agencies which are affected by ICAC investigations or may be designed to assist organisations identify and address specific risk areas. In mid-2003 the ICAC appointed a training specialist to devise and deliver its training programs. For more information, contact Steffanie von Helle, Senior Project Officer, Training and Development, tel 8281 5726 email svonhelle@icac.nsw.gov.au

New information resources for NESB communities

As part of its continuing campaign to raise awareness of corruption issues and the role of the ICAC among non-English speaking background (NESB) communities, the ICAC has expanded its existing *Corruption is wrong* information card series with cards in an additional 13 languages:

- | | |
|-------------------|--------------|
| ■ Macedonian | ■ Bosnian |
| ■ French | ■ Somali |
| ■ Farsi (Persian) | ■ Indonesian |
| ■ Polish | ■ Laotian |
| ■ Assyrian | ■ Hindi |
| ■ Khmer | ■ Tagalog |
| ■ Portuguese | (Filipino) |

ICAC information resources are now available in 25 community languages and are being distributed through NSW government offices which have a significant NESB clientele. For more information, contact Bill Kokkaris, Senior Project Officer, Education and Public Affairs, tel 8281 5877, email bkokkaris@icac.nsw.gov.au

Identity crime update

Law enforcement and investigative agencies, including the ICAC, are collaborating to tackle the escalating problem of identity fraud, the stealing or fabrication of identities in order to facilitate criminal activity (see May 2003 issue of *Corruption Matters*). The ICAC has become a member of the National Identity Crime Taskforce and is collaborating with the Australian Federal Police, Australian Crime Commission, Customs, Austrac and state police and investigative agencies to share intelligence and contribute to the establishment of a national identity fraud register.

A report commissioned by Austrac, Australia's financial intelligence agency and released on 12 November, says that identity crime is a growing threat and cost the nation more than \$1.1 billion in 2001-02.

Positive trends

The ICAC's latest survey of community attitudes to corruption and the ICAC indicates a continuing high level of support for the reporting of corruption and the work of the ICAC. Consistent with previous surveys, a high proportion (83%) of the 500 NSW residents surveyed perceived corruption to be a problem in the state. Almost half (48%) believed that they or their families were affected by corruption in some way. The survey results suggest increased public confidence in the outcomes of reporting corruption. The proportion of respondents who believed there is no point in reporting corruption dropped significantly from 39% in 1999 to 29% in 2003. The proportion of respondents who believed that those who report corruption are likely to suffer as a consequence also dropped (to 60%), maintaining a downward trend since 1996 (from 76%).



National Investigators Symposium

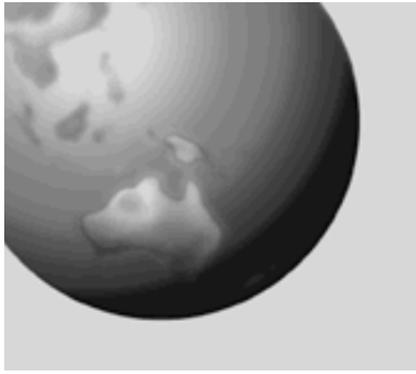
The 5th National Investigators Symposium will be held at the Manly Pacific Sydney Hotel on 4 & 5 November 2004. The symposium is a biennial event organised by the ICAC in partnership with the Office of the NSW Ombudsman and the Institute of Public Administration Australia. The symposium provides an opportunity for investigators to learn about the latest developments and best practice in conducting investigations and to focus on issues of common concern. If your agency wishes to provide suggestions for the 2004 symposium program, please contact Yvonne Miles, Manager Education and Public Affairs, ICAC, tel 8281 5913, email ymiles@icac.nsw.gov.au

ICAC Mauritius Commissioner visits

On 24 November Mr Navin Beekarry, Commissioner of the newly-established Independent Commission Against Corruption in Mauritius, visited the ICAC during a five-day visit to Australia. ICAC Mauritius was established in 2002, after a parliamentary select committee highlighted the need for a comprehensive strategy to overcome the problem of corruption in the Indian Ocean nation. ICAC Mauritius is mandated to develop and put into operation a national anti-corruption strategy and is empowered to investigate and prosecute corruption and money laundering offences within both the public and private sectors.

East Timor's Chief Justice visits

On 25 November Dr Claudio Ximenes, Chief Justice of the Democratic Republic of Timor-Leste (East Timor) visited the ICAC. Dr Ximenes has a key role in establishing legal and constitutional frameworks for the new nation, and heads both the Court of Appeal, East Timor's highest court, and the Superior Council for the Judiciary, the body responsible for the administration of East Timor's judicial system. During his visit to Australia Dr Ximenes discussed corruption prevention strategies with the ICAC and developed other contacts within the Australian legal community.



In other news

Call for greater support for poor countries fighting corruption

The 11th International Anti-Corruption Conference was held in Seoul in May 2003, attracting 900 delegates from 108 countries. The conference communique called on the international community to provide support for poor countries struggling to pursue corruption cases with an international dimension. The conference called on international financial institutions to assist, for example by developing a common policy of debarring corrupt contractors and enforcing any penalties imposed on them. The World Bank was invited to consider developing a facility for the funding of forensic audits and the conference suggested an international trust fund be set up to provide legal aid to poor countries pursuing complex corruption cases.

UN Convention Against Corruption to be signed in December

After almost two years of negotiations, on 31 October the UN General Assembly unanimously adopted the United Nations Convention Against Corruption. The Convention will be opened for signature at a conference to be held in Mexico from 9 to 11 December 2003 and will enter into force once it has been ratified by 30 countries. The Convention requires signatory states to return assets obtained through corruption to the country from which they were stolen and will complement the UN Convention Against Transnational Organised Crime, which entered into force in September 2003. To raise awareness of corruption and the new Convention, the UN General Assembly also voted to declare 9 December International Anti-Corruption Day.

Corruption Perceptions Index 2003

In October Transparency International released its Corruption Perceptions Index 2003. Each year the organisation charts corruption in some 130 countries, drawing on a large number of surveys by independent institutions to derive a composite score and ranking of the perceived level of corruption in each country. Finland was again perceived as the least corrupt country, with a score of 9.7 out of a possible 10. Australia was ranked eighth, with a composite score of 8.8. However, the wide variation between different surveys regarding perceived levels of corruption in Australia (ranging from 6.7 to 9.5) suggests that there is still much work to be done in corruption prevention and awareness in Australia.

Death duties

US\$1.2 billion in funds stolen by the late Nigerian dictator Sani Abacha has been returned to the country, a major success for a campaign coordinated by Transparency International in Africa to repatriate assets appropriated by former dictators and deposited in bank accounts in London, Zurich, New York and Liechtenstein. The trade-off? Theft and money laundering charges against Abacha's son and one of his business associates were dropped.

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.

Whilst our corruption prevention advice is mostly provided to public sector organisations, ICAC staff can discuss with any member of the public the probity aspects of a particular matter and provide advice on the ideal practice that should be adopted by the organisation in the circumstances concerned.

The main benefits of contacting the ICAC for advice are that informal advice can be given promptly and the caller can be advised about relevant information such as ICAC or other agencies' publications. 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.

For corruption prevention advice:

Telephone the ICAC between 9am and 5pm on 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 Education and Public Affairs section, Independent Commission Against Corruption.

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