

Please circulate this newspaper

Taking the devil out of development

WHAT'S INSIDE

Commissioner's editorial	p2
Corruption Prevention, Education and Research - where to from here?	p2
ICAC goes regional - Lismore visit revealed	p3
Conducting internal investigations - The workshop	p3
ICAC advice can help agencies - Using the ICAC help line	p4
Corruption resistance goes DIY	p6
Corruption Resistance Reviews - The inside story	p6
Thinking about blowing the whistle? - Practical advice	p7
National Investigation Symposium - Get in early	p8

The value of property development and construction in NSW is significantly above \$10 billion annually and, each year, 172 councils deal with over 120,000 development applications. Most of these applications are determined with a minimum of fuss and to the satisfaction of all concerned. A great many applications, however, do not fall into this category and give rise to concerns and complaints.

Since its inception, of the total complaints received by the ICAC alleging corrupt activity in local councils, about 26% (1638 of 6298) have concerned development applications and related matters.

For an applicant, a development consent may represent the key to an improved quality of life, a new business, an improved income or a significant profit.

For residents a proposed development may represent a loss of views or sunlight, more traffic and on-street parking, an increased potential for anti-social behaviour, more noise or an adverse impact on their streetscape.

For some sections of a community, a consent may be one more step towards a future with which they are not comfortable - a future involving more people, cars and pollution, loss of natural environment or erosion of lifestyle.

The development application assessment and determination system has many features that make it highly susceptible to corrupt practice. These include:

1. A great deal can be at stake. With such high stakes, pressures may be brought to bear on decision makers in the form of gifts, benefits or bribes, or even direct coercion by applicants or objectors. Applicants or objectors may not be aware of the correct way of doing business with council staff or councillors
2. The planning legislation is complex and hard to understand and planning instruments are many and complicated (eg. LEPs, DCPs, REPs, SEPPs)
3. The planning instruments at the local level may be "out of date" and not reflect the visions of the councillors, but they are the instruments that applicants must have regard to in the preparation of their applications.
4. Individual councillors are not obliged to explain the reasons for their vote so



continued page 7

Against the wind - whistleblower fakes evidence

A case in which a disgruntled employee fabricated evidence of a plot against him in order to strengthen his case in the Industrial Relations Commission has only caused more problems for genuine whistleblowers, ICAC Commissioner Irene Moss AO said at the end of a recent ICAC investigation.

Until 1998, John Kite was an employee with the National Parks and Wildlife Service (NPWS). The ICAC found that he created an internal memo that suggested there was a conspiracy to discredit him and sabotage the evidence he brought to the Coronial Inquiry into deaths arising from the Thredbo landslide.

'The allegations made by Mr Kite were alarming. He produced a memo allegedly found on his personal file that, if true, indicated that middle to senior management of the NPWS had engaged in serious criminal offences. It also raised questions about the ICAC's capacity to handle complaints and investigate matters impartially', ICAC Commissioner Moss said.

To ensure confidence in the integrity of the investigation, The Hon Jerrold Cripps QC, former Chief Judge in the Land and Environment Court and Judge of the NSW Court of

continued page 8



Commissioner's Editorial

Taking the "Devil" Out of Development

Without a doubt, the one area of local government that generally attracts the most attention and scrutiny – and the most complaints to bodies such as ICAC – is planning and development. Since ICAC's inception, about one quarter of the complaints about local government have involved development applications and associated matters. In 2000-2001 alone, nearly one third of local government matters we received were about the planning process.

Late last year, as part of our local government strategy, we started work on guidelines to assist Councils to deal with corruption risks in this area. To start wider discussion on these issues, we released a discussion paper, "Taking the Devil Out of Development". As with our other recent work in local government, we want to avoid a "one size fits

all" approach to addressing risks in planning and development. Councils often point out that their particular situation bears upon their ability to develop and implement corruption risk management strategies.

Our discussion paper raises some basic approaches that may assist councils in addressing corruption risks. These approaches potentially have the additional benefit of taking some of the heat out of the decision making process. For instance, establishing clear, consistent and easily understood systems for handling development applications, and making these clearly known to councillors, council staff and the community, as well as recognizing and appropriately addressing the potential for conflicts of interests, will go a long way to ensuring that the process is transparent, objective and fair.

Our approach recognizes that ultimately individual councils will need to develop and implement their risk management strategies to address the risks that face all councils. This approach allows councils to tailor risk management strategies that take into account local conditions, while achieving planning outcomes that are fair, objective, consistent, and efficient. Our work in this area will continue through the year.

Blowing the Whistle

In this edition of Corruption Matters, we also report

the outcome of the investigation into the employment of John Kite by the National Parks and Wildlife Service (NPWS). Given the circumstances of this matter, I established a number of safeguards, including independent oversight and auditing, to ensure public confidence in its integrity. I am pleased that Justice Slattery found that the Commission investigated this matter properly, thoroughly and professionally. The investigation itself not only established that the memo at the heart of the investigation was a fake and was created by Mr. Kite, but that the allegations contained in it, and subsequently made by Mr. Kite, were baseless.

Given the portrayal by some sections of the media and support groups of Mr Kite as a whistleblower uncovering serious corruption, I am concerned that the results of this investigation may give ammunition to those sceptical about the value of genuine whistleblowers. Whistleblowers can be valuable sources of information to oversight agencies and the media alike – but their cause is given little assistance – and in fact, every disservice – by uncritical support that neglects obligations to truth and fairness.

Corruption Briefs

The ICAC has moved to Sydney's central business district, as shown in the insert included in the last issue of Corruption Matters. The postal address remains GPO Box 500, Sydney, NSW, 2001 and the toll-free number is also unchanged on 1 800 463 909. The new street address is Level 21, 133 Castlereagh St, Sydney, NSW, 2000.

The new contact numbers are telephone 8281 5999 and fax 9264 5364. The email address remains icac@icac.nsw.gov.au



Corruption Prevention, Education and Research - where to from here?

"We've done a lot, but there is still a great deal to do," said Grant Poulton, Executive Director of the Commission's Corruption Prevention, Education and Research Division.

"Our work is built around several strategic programs, which we will continue to roll out over the next few years."

"Our RAROS Strategy will take us to two more regional centres next year."



"Our Corruption Resistance Review program will expand. We hope to carry out reviews on at least 20 agencies next year. And there is more work to be done on our eCorruption program," he said.



Poulton foreshadowed the continuation of the Division's Local Government Strategy. "We're examining the development approval process this year. Next year, we want to look at post-approval processes. We also want to look at the corruption risks associated with local government regulating brothels."



For Poulton, the most exciting program is

the work that will flow from the Commission's Public Sector Risk Profile. "This is groundbreaking work. As far as we are aware, we are the first agency in the world to attempt to build profile of the functions, corruption risks and corruption prevention strategies across an entire government sector."



"We intend to use the profile to identify the sectors of the State public sector with particular corruption risks, and tailor our work to deal with those risks."

Poulton said. "We will also target specific

issues that emerge from the research as major corruption risks."



"It's an exciting program," says Poulton, "and it builds on our ongoing role to support investigations and provide advice to State and local government on corruption related issues."

ICAC goes regional



Training, corruption resistance reviews, advice visits, media appearances, a publication launch and school sessions were all part of the ICAC's latest rural and regional outreach visit, held in late November in the North-Eastern region of NSW.

Over 50 people from public sector agencies and councils attended the first morning's training in Lismore on the role of the ICAC and corruption risk management. A similar number participated in an afternoon session on managing internal reporting systems and reporting corrupt conduct to the ICAC. The induction training attracted around 15 newer employees, while the internal investigation training, held over two half days, was very well received by its 25 participants.

The Commission also held an evening session for councillors, with councillors from a number of councils in the region attending. Participants discussed issues including pecuniary and non-pecuniary conflicts of interests, development applications and working relationships with staff.

Corruption resistance reviews are evaluations that the ICAC undertakes of an agency or council's systems, policies, practices and culture, and how they impact on their resistance to corruption. The two organisations which underwent the CRR's were Southern Cross Uni and Ballina Council.



The Commission visited Richmond Valley Shire Council, Kyogle Council and Maclean Shire Council, discussing corruption issues with the council staff and providing advice as needed.

The outreach stimulated media interest: Grant

Poulton, ICAC Executive Director, Corruption Prevention, Education and Research did a number of interviews with local radio, television and press.

Poulton used the outreach visit to launch the latest in the series of ICAC publications on local government – Taking the Devil out of Development. It is a discussion paper which looks at ways to manage corruption risk in development applications.

The launch was attended by a number of councillors, public sector staff and media representatives from local television and press.

The ICAC has a history of providing materials and training sessions to secondary schools in NSW. This was continued during the outreach with visits to Lismore High School and Kadina High School, both in Lismore. The visits included interactive sessions with students from Business Studies and Legal Studies, who impressed the ICAC officers with their sophisticated understanding of corruption issues.

Conducting internal investigations: Inter-agency and in-house workshops

Workshops are facilitated for public officials who have little or no experience in conducting internal investigations, the interactive workshop aims to strengthen the internal investigation capability of state agencies and local government councils.

Outline

This introductory course on internal investigations provides participants with practical advice to plan, execute and report outcomes of an internal investigation.

The workshop is aimed at public officials and managers from agencies and councils who have little or no experience in conducting internal investigations and may be called upon to conduct an internal investigation in the near future. It is not intended for experienced and professional investigators.

By the end of the day-length seminar, participants should have attained skills and improved understanding in:

- interpreting and applying the rules of natural justice

- managing complaints under the Protected Disclosures Act
- investigation planning
- collecting and handling evidence
- assessing information
- interviewing techniques
- reporting findings.

Facilitators for the day will be Anthony Johnson, ICAC Lawyer, and ICAC Investigator Steve Shneider, who work with participants on understanding the roles and responsibilities of investigators and the legal framework that guides internal investigators.

The session will be held on:

Tuesday 30 July 2002

**Training Room Level 3
Bligh House
4-6 Bligh Street
SYDNEY**

The ICAC is also available to run in-house sessions, at agency request. A minimum of 8 weeks notice is needed. The agency is required to arrange the venue.

Costs for the workshops are as follows:

IPAA session:

\$495 IPAA members

\$550 non-IPAA members (\$517 for 3 or more people from same agency)

(GST included)

In-house workshop:

\$3,850 + necessary travel /accommodation costs of facilitators

(GST included)

Additional information

For further information about training and seminars available, or to apply to the ICAC to develop training specific to your organisation, please contact:

Sue Bolton

ICAC

GPO Box 500

Ph: (02) 8281 5828 or toll free 1800 463 909

Fax: (02) 9264 5364

Email: sbolton@icac.nsw.gov.au

ICAC advice service can help

“While most officials in the NSW public sector seem to know about our work investigating complaints about corruption, many do not seem to know that they can also contact us for advice about dealing with corruption risks” said Ray Kent, one of the managers of Corruption Prevention at the ICAC.

“When people want advice, we provide suggestions about ways to overcome potential corruption risks before they become reality” said Kent. “With our advice we want to both prevent anything improper from occurring and also to educate the person and the agency to recognise and deal with similar problems in the future.”

The advice service involves corruption prevention officers responding to telephone or written questions about common corruption risk factors and ways to overcome them.

Examples of areas in which the ICAC can provide advice include:

- Managing procurement and tendering
- Recruitment
- Dealing with potential conflicts of interest
- Cash handling
- Use of resources.

“We want all public sector employees, at all levels, to feel comfortable in ringing us or writing to us when they feel want us to suggest ways to reduce the corruption risk they face in their work” said fellow manager Dominic Riordan. “We want to provide quick, practical and sensible advice.”

The two corruption prevention teams under Riordan and Kent deal with all the Commission’s corruption prevention advice work. To better manage the work, these teams have specific responsibility for certain NSW agencies and councils. The way the responsibilities are divided between the two teams are shown in the boxes.

Ray Kent
Phone 8281 5831. Email



rkent@icac.nsw.gov.au

Arts

Ministry for the Arts (including Museums Historic Houses, Art Gallery, Opera House)

Office of the Board of Studies

Education

Department of Education and Training

Teacher Housing Authority

Government & Financial Services

Audit Office of NSW

Cabinet Office

Casino Control Authority

Financial Institutions Commission

First State Superannuation Trustee Corp

Department of Gaming and Racing

Greyhound Racing Authority

Harness Racing Authority of NSW

Internal Audit Bureau NSW

IPART

Lotteries NSW

Parliament of NSW

Parliamentary Counsel’s Office

Premier’s Department

State Authorities Super Trustee Corp

State Electoral Office

Superannuation Administration Authority

Treasury

Workcover Authority

Property & Planning

Heritage Council and Heritage Office

Honeysuckle Development Corporation

Department of Information Technology & Management,

Department of Local Government

Public Works & Services

Sydney Harbour Foreshore Authority

Sydney Olympic Park Authority

Planning NSW

Urban Infrastructure Management

Energy

Australian Inland Energy

Country Energy

Delta Electricity

Energy Australia

Energy South

Far West Energy

Integral Energy

Macquarie Generation

Pacific Power

Transgrid

Local Government

All NSW councils other than those for Greater Sydney but including Parramatta City Council and Holroyd Council

Dominic Riordan
Phone 8281 5804. Email driordan@icac.nsw.g

ov.au

Emergency Services and Justice

Attorney General's Department
Department of Corrective Services
Crime Commission
Director of Public Prosecutions Office
Department of Fair Trading
Fire Brigades
Department of Industrial Relations
Judicial Commission
Department of Juvenile Justice
Legal Aid Commission of NSW
Motor Accidents Authority
Ombudsman's Office
Police Integrity Commission
Ministry of Police
Police Service
Public Trust Office
Department of Rural Fire Services
State Emergency Service

Human Services

Department of Aboriginal Affairs
Aboriginal Housing Office
Department of Ageing, Disability & Home Care
Children's Guardian
Commission for Children & Young People
Community Relations Commission
Community Services Department of
Department for Women
Health (Area Health Service)
Health Care Complaints Commission
Department of Health
Home Purchase Assistance Authority
Department of Housing
Department of Sport and Recreation

Local Government

All Greater Sydney councils including:
Penrith, Wollongong, Campbelltown, Gosford and Wyong but excepting Parramatta
City Council and Holroyd Council.

Natural Resources & Environment

Agriculture

Bicentennial Park Trust
Broken Hill Water Board
Centennial Park & Moore Park Trust
Cobar Water Board
Environment Protection Authority
Fisheries, NSW
Hunter Water Corporation
Department of Land and Water Conservation
Land Titles Office
Department of Mineral Resources
Ministry of Energy & Utilities
Ministry of Forestry & Marine Administration
National Parks and Wildlife Service
Resource NSW
Royal Botanic Gardens & Domain Trust
Rural Assistance Authority
Safe Food NSW
State Forests of NSW
Sustainable Energy Development Authority
Sydney Catchment Authority
Sydney Water Corporation
Waste Recycling & Processing Corp
Waste Service, NSW

Transport & Ports

Co-ordinator General of Rail
Freight Rail Corporation
Newcastle Port Corporation
Port Kembla Port Corporation
Rail Access Corporation
Rail Infrastructure Corporation
Railway Services Authority of NSW
Roads & Traffic Authority
Department of State and Regional Development
State Rail Authority
State Transit Authority
Sydney Ports Corporation
Tourism NSW
Department of Transport
Waterways Authority



The Do-It-Yourself Corruption Resistance Guide

The ICAC aims to build corruption resistance among all public sector agencies. So, as part of the ICAC's Corruption Resistance Review program (CRR), we have produced a Do-it-yourself Corruption Resistance Guide (DIY Corruption Resistance Guide).

The Guide sets out benchmarks for key corruption resistance measures and lists resources that can help agencies achieve them. We have drawn on other agencies' resources as well as our own, so readers will find references to Audit Office, Ombudsman and other sources of information. The Premier's Department also helped with the development of the Guide and the ICAC wants to acknowledge this valuable assistance.

Agencies can use the guide:

1. to assess how well they are building corruption resistance across their functions and locations;
2. to identify any gaps and the steps that need to be taken to close them; and
3. as a benchmarking tool to measure progress over time.

It builds on our earlier publication - The first four steps, which introduced the organisational integrity framework and the important role leaders play in achieving organisational integrity. The guide also complements Corruption trouble-shooting, which provides guidance and lists resources about dealing with corruption hot spots.

The guide identifies a number of corruption resistance topics that form part of the ICAC's organisational integrity framework. Agencies can assess their level of achievement against a five-level scale for each topic. Depending on the outcome, they can take the suggested steps and use the relevant resources to improve their rating.

The Guide sets out self-assessment tables for individual topics which appear under the following headings:

1. core elements
2. code of conduct
3. corporate strategies
4. systems, policies and procedures
5. external environment
6. training and development.



Some framework topics, including communication, resources, administrative structures and monitoring and review, do not appear in separate tables, but are implicit in the benchmarks set. Culture does not appear as it is an outcome determined by the quality of an agency's corruption resistance measures.

The DIY Corruption Resistance Guide, together with the publications mentioned, is designed to allow agencies to develop corruption resistance

strategies to fit within their usual corporate planning programs. This means agencies can integrate corruption resistance strategies with the agency's overall business planning. The ICAC's investigative and research experience strongly suggests that successful integration is good for an agency's business. 'Add-on' corruption resistance strategies tend to weaken the link between effective operations and corruption resistance and are unlikely to lead to enduring improvements.

For example, agencies can use the guide to help implement corruption resistance measures as part of periodic reviews of operational functions, policies and procedures. The framework indicates that individual measures tend to be more effective when:

- they are consistent with an agency's established values
- senior management supports the values
- senior management leads by example
- other mechanisms encourage their use (eg code of conduct, internal reporting system, training and awareness programmes)
- they are appropriately resourced and have adequate administrative support
- the agency periodically audits and reviews the measures
- the agency promotes its ethical culture continually (internally and externally) and rewards ethical behaviour
- when appropriate, staff are involved in the development and implementation of measures
- ethics and the application of public duty principles is built into all training
- the agency deals with wrongdoing appropriately.

By providing resources like the DIY Corruption Resistance Guide and the others referred to in the guide, the ICAC hopes agencies will take on the challenge of building their corruption resistance to reinforce their own corporate and business objectives as part of their management planning cycle.

The Guide is available on our website www.icac.nsw.gov.au or you can contact our publications officer on 8281 5999.

Corruption resistance reviews by the ICAC

One of ICAC's most important recent initiatives has been its Corruption Resistance Review (CRR) program, which has now been operating successfully for over twelve months.

In this program the ICAC, either on its own initiative or at the invitation of an agency, assesses the strength of an agency's key corruption resistance measures. It then suggests ways to improve organisational integrity and corruption resistance. So far, nine CRRs have been completed or are underway – four at the invitation of the agency and five at the ICAC's own initiative. These have been conducted with local councils, universities, agencies involved in regulatory functions, management of confidential information

and the provision of health care services.

The methodology we use has grown out of our research and experience that suggests we need to take a broad approach to building a corruption resistance environment. Therefore, we examine a range of generic features including

- risk management
- conduct guidance
- internal reporting
- human resources management
- complaint and grievance systems.

We can also target areas of particular risk for specific agencies or industries.

In all CRRs we also look for evidence that sound

organisational values, strong leadership and effective communication underpin an organisation's approach to building corruption resistance.

An agency and the people who work within it will learn by being involved in a CRR process.

The CRRs the Commission has conducted so far have included two universities and two local councils as well as mainstream public sector agencies. All the organisations have commented that the review process was a positive experience and have accepted the recommendations and developed plans for their implementation.

Thinking about blowing the whistle?

Advice for making a protected disclosure.

The 'Thinking about blowing the whistle? How to make a protected disclosure' brochure has information to increase understanding of the Protected Disclosures Act and explain the steps people in NSW can take to make a proper and lawful protected disclosure. A number of checklists and flowcharts are included to help people determine if a matter should be reported and if so, how to behave. The checklist includes the following advice:

- ✓ SEEK ADVICE ... from the person responsible for dealing with protected disclosures in your agency.
- ✓ BE DISCREET when you are doing so. You may also wish to seek legal advice.
- ✓ BE CAREFUL in deciding whom you make your disclosure to and how you make it. To be protected under the Protected Disclosures Act your disclosure must be made to specific people.
- ✗ DO NOT telegraph your intentions. For example, threatening to make a disclosure may backfire. If you provide your information discreetly, the agency will be better able to focus on the issues rather than on you.
- ✗ DO NOT tell anyone you are thinking about making a protected disclosure.

Free to agencies and councils

The brochure can be accessed from the NSW Ombudsman's web site <http://www.ombo.nsw.gov.au/> and adapted to include agency and council specific information. All public sector agencies and local councils are encouraged to make use of this resource.

More information regarding the NSW Protected Disclosures Act and a copy of the ICAC research study into the impact of the Act are available on the ICAC web site <http://www.icac.nsw.gov.au>

For more information contact:

Selena Choo
NSW Ombudsman's Office
Ph 9286 1014
Email: schoo@nswombudsman.nsw.gov.au

Sue Bolton
ICAC
Ph 8281 5828
Email: sbolton@icac.nsw.gov.au



continued from page 1

interested parties may not know the reasons why their application or objection has failed

5. Authority to determine an application can be delegated down to different levels within the council administration which may make some officers vulnerable to inappropriate pressure, influence or temptation.
6. Because of the discretion afforded councils in the public notification of applications, knowledge of applications may be limited to very few people
7. Because of the different power relationships that exist in councils (Mayor and councillors to General Manager; General Manager to staff; Mayor and councillors to staff) there is the potential for undue influence and pressure to be exerted during the assessment process to produce a particular outcome.

Having regard to these ingredients, we believe there are a number of measures that councils can take to ensure greater transparency, objectivity and fairness in the system and, consequently, improve the level of corruption resistance. These measures are discussed in three broad categories as follows:

Putting people in the picture

The majority of councils are not proactive in informing applicants or objectors to development applications about council's own ethical standards and what they expect from applicants and objectors. It is clear that much can be done to increase knowledge about the development assessment system as a whole and the level of awareness of development proposals.

Systems issues

This section considers internal policies and procedures and matters such as separation of roles and responsibilities in respect of the various stages of

development — negotiation, assessment and determination.

Challenges faced by councillors

Councillors face many pressures when it comes to dealing with development applications. Pressures may take the form of offers of gifts, benefits and bribes or other lobbying techniques. The many hats worn by councillors is identified as a complicating factor. Alternative decision-making approaches and dispute resolution are considered as a way of reducing corruption risks for councillors. How councils can manage situations in which they have a dual role as applicant and development control authority is also examined.

In this discussion paper, we are aiming to identify ways councils can build systems for administering development applications that are resistant to corruption, that are reliable, transparent, efficient and effective - systems which will increase the confidence of all parties that development assessment outcomes are arrived at in a consistent, independent and objective manner.

Taking the Devil out of Development is the second discussion paper in the ICAC's local government strategy. We have previously stated that the goal of this strategy at the ICAC is to help build the best, most corruption resistant local government sector. We believe this can be done in a way that recognises the many other challenges being faced by councils and which helps them to meet those challenges.

4th National Investigations Symposium

7-8 November 2002
Manly Pacific Parkroyal Hotel
55 North Steyne, Manly

The identification and management of risk, ethical considerations and the legal framework that the investigator works in are challenges confronting public sector investigators in agencies, local councils and regulatory bodies.

The two-day Symposium aims to increase delegate knowledge and skills to meet these challenges and enhance the organisations investigative capability for effective, efficient and ethical responses.

Topics include:

- best practice risk management
- confronting new technologies
- the legal framework
- ethical consideration
- the media
- performance auditing
- managing disruption to the organisation caused by an investigation

Symposium topics will include presentations and interactive sessions with speakers from a range of field including the legal profession, academics, public affairs and media specialists, law enforcement officers, private sector investigators and public officials.

Who should attend:

- Experienced public sector investigators involved in regulatory or administrative investigations
- Managers and internal auditors who carry out disciplinary and fact-finding investigations
- Investigation professionals

For more information on the Symposium please contact:

Sue Bolton

ICAC

Ph (02) 8281 5835

Free call 1800 463 909

Email sbolton@icac.nsw.gov.au

Greg Andrews

Office of the NSW Ombudsman

Ph (02) 9286 1002

Free call 1800 451 534

Email gandrews@nswombudsman.nsw.gov.au

continued from page 1

Appeal, was appointed Assistant Commissioner. Another independent person, former Supreme Court Chief Judge and Chelmsford Royal Commissioner, The Hon Mr John Slattery AO QC, oversaw and audited the investigation.

Their findings and recommendations are made in the Report on investigation into matters concerning John Kite and the National Parks and Wildlife Service (NPWS), released in December 2001.

The existence of the memo, which became known as the "Smoking Gun Memo" (and referred to in the report as "Exhibit 3"), was publicised in a feature story on the Channel 9 Sunday program last year.

"Exhibit 3", which Kite claimed had been by his supervisor, stated: "If he (Kite) goes to ICAC we get our contact to deal with it". The hearings established the memo to be fake and baseless in content. Mr Kite inserted the memo into his personal file after Ms Susanne Ryan, NPWS Human Resources Manager in Queanbeyan, had given him access to the file.

Computer forensics used in the course of the investigation located draft copies of "Exhibit 3" on a floppy disk belonging to Mr Kite. The hard-drive from his personal computer was never located. Computer forensics is an investigative technique involving the search, seizure and analysis of electronic information using a methodology that preserves the evidence for legal proceedings. Because of the sensitivity of this investigation, Pricewaterhouse Coopers were engaged to

undertake the computer forensics.

Mr Slattery found that the Commission acted "promptly, objectively, efficiently and free of any taint of bias, prejudice or favouritism throughout the investigation into Mr Kite's allegations". As well as overseeing the investigation, Mr Slattery was also tasked with reviewing the ICAC policies and procedures associated with complaint and file handling.

The Hon Jerrold Cripps, QC found that Mr Kite "engaged in corrupt conduct of the most serious kind".

He also found Ms Ryan to have acted corruptly in disclosing information found on Kite's supervisor's personal file to Mr Kite and in giving Mr Kite unsupervised access to his own file. Mr Cripps, QC has said that the DPP should consider prosecuting both of them.

"Many innocent people have been hurt by these allegations" said Commissioner Moss. "No allegations of corruption against any person named in Exhibit 3,

or in subsequent accusations by Mr Kite, have been substantiated. It is hoped that the reputations of the people so named are restored through the release of this report."

"The public interest has been served by these hearings. Among other allegations, Mr Kite made serious claims against senior NPWS staff, and said that he was prevented from giving evidence to the coronial inquest into the 1997 Thredbo landslide. These allegations have been established to be false" said Commissioner Moss.

The Commissioner also commented on the effects of this fabricated evidence on present and future whistleblowers.

"Whistleblowers are a valuable source of information to the ICAC as well as a valuable management tool for public sector management" said Commissioner Moss. "However, by fabricating this memo, Mr Kite may have damaged the credibility of other, genuine whistleblowers who want to make a legitimate complaint and may suffer because of it."

About Corruption Matters

Corruption Matters is produced twice a year by the Independent Commission Against Corruption to raise awareness in the public sector and the wider community about corruption-related issues. It has a circulation of 13,000.

Contact Andrew Biro on (02) 8281 5877 with comments about Corruption Matters or if you would like to go on the mailing list.

Editor: Andrew Biro Design: Carolyn Cecere

ICAC Contributors: Catherine Boardman, Sue Bolton, Stephen Murray, Kate Pockley, Dominic Riordan, Peter Stathis, Helen Wells.

You are welcome to use articles from Corruption Matters for your own agency. Publication elsewhere of articles in Corruption Matters is encouraged subject to agreement by the ICAC and the author, and appropriate acknowledgement of the source.