

[Home](#) > [Your Government](#) > [The Premier](#) > [Media Releases](#) > [Securing the future of the ICAC](#)

Securing the future of the ICAC

11th August 2015

The Independent Commission Against Corruption will be given revised powers allowing it to investigate corrupt conduct by non-public officials, in strictly defined circumstances, NSW Premier Mike Baird announced today.

Mr Baird was releasing the report of the Independent Panel Review of the Jurisdiction of the ICAC.

“I have said many times that we have zero tolerance for corruption in NSW, which means a robust ICAC,” Mr Baird said.

“That is why we are today taking significant measures to consolidate ICAC’s jurisdiction, following the High Court judgement in ICAC v Cunneen, while acknowledging that the jurisdiction is narrower than the ICAC previously understood.”

Mr Baird thanked the Independent Panel, which comprised former Chief Justice of the High Court, The Hon. Murray Gleeson AC, and Bruce McClintock SC.

The Government has accepted and will implement all of the recommendations of the Review.

The Review has rejected the ICAC’s proposal that its jurisdiction be expanded to cover the “broad” jurisdiction it thought it had prior to the High Court’s decision, and did not support a reversal of the High Court’s interpretation of the ICAC’s jurisdiction.

However, it did urge the Government to extend the ICAC’s jurisdiction in respect of “corrupt conduct” to include certain specified criminal acts of non-public officials that could “impair public confidence in public administration”, such as collusive tendering for government contracts and fraudulently obtaining government mining leases.

In line with the Review’s recommendations, the Government will also:

- Limit the ICAC’s power to make findings of “corrupt conduct” to cases where the corrupt conduct is “serious”;

- Broaden the ICAC's education, advisory and prevention functions to cover the purpose of promoting the integrity and good repute of public administration;
- Allow the Electoral Commission to refer to the ICAC for investigation possible serious breaches of electoral and lobbying laws; and
- Provide that any possible breaches of the electoral and lobbying laws already under investigation in Operations Credo and Spicer are taken to have been referred to the ICAC, so that it may complete and report on those investigations.

Mr Baird said the Inspector of the ICAC, the Hon David Levine QC, would continue to finalise his own report containing: an assessment of ICAC's conduct of past and current investigations; whether the ICAC's powers, and its exercise of its powers, are consistent with justice and fairness; the extent to which ICAC investigations give rise to prosecution and conviction; and whether any limits or enhancements should be applied to ICAC's powers.

The full Independent Panel Review of the Jurisdiction of the ICAC can be found at dpc.nsw.gov.au



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