

CLOSED PROCEEDINGS

INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION COMMITTEE

Sydney — 16 May 2016

Members

Mr Kim Wells — Chair

Mr Sam Hibbins

Mr Tim Richardson

Mr Simon Ramsay

Ms Jaclyn Symes

Staff

Executive officer: Ms Sandy Cook

Research officer: Ms Kirstie Twigg

Witnesses

Hon. Megan Latham, Commissioner, and

Mr Roy Waldon, Solicitor to the Commission, Independent Commission Against Corruption
NSW.

The CHAIR — All right. I will declare open the hearing. And can I thank the Commissioner and the Executive for your time today, and I understand that you've done some moving around to fit us in so we're extremely grateful. So I declare open this closed hearing of the independent broad based anti-corruption commission committee. I welcome from the independent Commission against corruption, the Honourable Megan Latham and Mr Roy Walden. All evidence taken at this hearing is protected by parliamentary privilege in accordance with reciprocal provisions in defamation statutes in Australian jurisdiction as if you were giving evidence in Victoria and as provided by the Victorian Defamation Act 2005, section 27 of the Constitution Act 1975, Parliamentary Committees 2003. Any comment you make outside the hearing may not be afforded such privilege. This hearing is closed to the public, however, it will be transcribed by Hansard and the transcript will be published when the committee tables its report in Parliament. Any reporting of these decisions enjoys qualified privilege for a fair and accurate reporting as if the proceedings were in Victoria. We are recording the evidence and we will provide you with a proof version of the transcript at the earliest opportunity so you correct is as appropriate.

Commissioner, would you begin with your presentation to the Committee before going to questions.

Ms LATHAM — Well, I am pleased that I've been given the opportunity to say something about the operation of ICAC in New South Wales and to address any issues that you might have, particularly in the current climate. And I say that because you would know that we've recently had a report issued by our inspector and that has called for some significant changes to the landscape. But I would like to put that in context. Two weeks ago I was in Perth where we had a meeting of all the heads of all the anti-corruption agencies throughout Australia, and what is interesting is that in spite of the fact that ICAC in New South Wales has been holding public hearings for its 25-year history, and that the other anti-corruption agencies are matters, or are organisations of relatively recent invention there has been a somewhat understandable reaction to some of the public hearings that we have held in more recent times. And that has had a kind of a flow on effect, I would suspect, in terms of the other organisations and their powers to hold public inquiries.

But at the meeting in Perth what was instructive was that all of the Commissioners reinforced their commitment to public inquiries even though some of them have not been able to have public inquiries for some years because of political and operational reasons, but we all expressed our commitment to public inquiries because we all recognise that, without exposing what we allege are corrupt practices to the public, then it is a kind of cancer in public administration that will continue to spread, and we are aware, of course, that there are people who claim that those public hearings attract a certain amount of publicity, which has been said in New South Wales, damages reputations unfairly, but I want to point out quite forcefully that insofar as people allege that there's damages to reputation it's a product of the fact that our proceedings are open and they're widely reported by the media, but in all of my experience here the media's reporting of our proceedings have been entirely accurate, and on the whole, quite fair. And like all those things because it's a very short media cycle things tend to receive some prominence and then fall off radar as soon as something more sensational comes along. So I can understand why people feel that sometimes the reporting is perhaps selective and unfair, but, as I said, that's a product of the media cycle, not a product of the fact that we hold our hearings in public, and that we expose all of our exhibits and our transcripts on the website at the end of each day, so that anybody who wishes to be fully informed about the breadth of the evidence and the nature of the allegations can do that by accessing our website.

So it's that principle focus, I think, that should be maintained throughout Australia that there should be an emphasis on making sure that allegations, when they are investigated, they are investigated publicly, and members of the public can see how it is that we've arrived at the

position; that they can determine how we've investigated a matter; they can determine how the witnesses have responded, and what their respective positions are. If you were to reverse that procedure and hold all of the proceedings in private, you would in fact replicate what has been a long derided method of investigation for centuries which the common law has criticised and rejected private hearings for obvious reasons, and we, in New South Wales, have had a recent experience of where that private hearing procedure went horribly wrong, and that was Operation Prospect that was conducted by the New South Wales Ombudsman's Office who didn't have the power to hold proceedings in public. He could only do it in private. And that has been a very unsatisfactory process for everybody involved. So that's, I guess, the principal message that I want to give.

Mr HIBBINS — Well, what were those issues with the holding a private hearing?

Ms LATHAM — It was an historically fraught dispute about police who had been bugging other police. It was a long running controversy around the investigation of a number of police whom they thought were perhaps captured by criminal elements, and there was an internal affairs bureau in the police, who authorised telephone intercepts on a number of police, including some relatively senior police at the time, but unfortunately because the nature of the recordings didn't come to light for many, many years, by the time they did come to light some of those police officers were in very senior positions, such as the Deputy Commissioner, Nick Kaldas. And so there was an attempt to try and investigate how all of that happened and ultimately they gave the whole mess, and I mean it was a mess, to the Ombudsman, and they were faced with the prospect of having to reinvestigate events that happened 20 years ago, why people were the subject of listening device warrants, what the evidence was in support of the warrants, all of that material. And, as I said, it was held behind closed doors, and so many of the people who appeared before that inquiry had absolutely no knowledge of what the context was or what had gone before or — and there was — there were complaints about a lack of procedural fairness. There were complaints about not being aware of why they were being called in.

And, of course, the biggest problem now is that after — I think it took something like, what, three years? Three years of an enormous amount of work, the problem now is that whatever is actually reported lacks credibility because all of the players are now saying the process was fundamentally unfair, and the findings won't, you know, really have any credibility for that reason. And that's — and I'm not suggesting that the Ombudsman did anything necessarily professionally wrong in terms of conducting the inquiry. It was just the function of the fact that they were held in private.

Mr WALDON — And I think also there was a lot of uninformed speculation because people knew that this inquiry was going on and one way or another people knew that certain people were being called in to give evidence at that inquiry. And there's been a lot of unfounded speculation as to why certain people were called, why others weren't called.

Ms LATHAM — Others weren't.

Mr WALDON — And, you know, what the ultimate findings might be.

The CHAIR — We've had, I guess, conflicting evidence given to our Committee in regards to closed hearings and public hearings, as you would expect. What do you use as the trigger for a hearing to be in private or in closed hearing?

Ms LATHAM — Well, we have — in our Act we have provision for both closed and —

The CHAIR — Yes.

Ms LATHAM — — public hearings. We tend to hold what we call compulsory examinations in private, and they are simple examinations of witnesses to determine, “What do you know about this? Just tell us what you know.” And it’s part of our investigation, as is the public inquiry part of our investigation. But the compulsory examinations are useful because it’s an information gathering exercise. We might have a certain amount of information but we need to test it against what other people might be able to tell us, and then when we get to a certain point where we have to determine whether or not we take the matter to a public inquiry or we do some other — or take some other route, we have a test that we apply under the Act which takes into account public interest considerations. It takes into account the danger to the individuals who are taking part in that public inquiry in terms of unjustified damage to their reputations. In some circumstances there’s also an issue about their personal security. There’s other tests that we apply. The criteria is set out in the Act. And then when we make a decision to move to a public inquiry all of the people who have participated in the compulsory examination usually give evidence in the public inquiry, not always, but usually, and both at the compulsory examination stage and at the public inquiry they are given a full set of the allegations that we are investigating, so they know exactly what it is we’re investigating, and they know pretty well exactly what it is that is either involving them directly, i.e., they are either a target of the investigation, or they’re someone who is in a position to give us relevant information.

The CHAIR — So the compulsory examinations are always closed hearings?

Ms LATHAM — Yes they are.

The CHAIR — So I guess where the conflict comes with us, and I guess there’s some concern, is in the run up to an election.

Ms LATHAM — Yes.

The CHAIR — An obvious one.

Ms LATHAM — Yes.

The CHAIR — Where some mud has been thrown around.

Ms LATHAM — Yes.

The CHAIR — And then one political party writes to the Commission and says, “This is an outrage.”

Ms LATHAM — Yes.

The CHAIR — “This person is a corrupt. We want you to investigate”.

Ms LATHAM — Yes.

The CHAIR — It’s out there in the media, and then, of course, you know, there are some processes being taken place. And then after the election results everyone finds, the guys is innocent but the reputation — I notice that you said the media cycle is short-term, but I guess for a public figure or a political figure — —

Ms LATHAM — Sure.

The CHAIR — — the reputation is damaged forever.

Ms LATHAM — Sure. Sure. Look, I think that there is probably no fool proof way of avoiding that particular problem that you've articulated. I have to say though that we, well as far as I'm aware, we haven't struck that position in New South Wales. And by that I mean we haven't struck a position where, just because there's an election coming up, that there is a tendency to, you know, fling mud and then immediately write to the Commission and say, "You have to investigate this". That's not something that we've struck. What we tend to receive more consistently with the provisions in our Act is what we call section 11 notifications where public sector agencies have a duty to report suspicions of corruption. So it has to actually go through a proper process. It goes to our — initially it goes to our assessment section. We have an assessments division. The assessments division looks at every complaint. It actually tries to find information which tends to substantiate the complaint, or tends to confirm that the complaint is one of substance that is worth investigating.

I should indicate that all of our complaints, whether they come from politicians or anybody else, go through the same process and we, like a lot of these agencies around the world, we would reject probably, what, 98 per cent of complaints at the assessment stage.

The CHAIR — Ninety-eight per cent?

Ms LATHAM — Yes. We receive the usual kind of complaints that every complaint body receives, that is, when people have, you know, when they're irritated about something they'll complain to everyone including us. So, I mean, we get, our probably largest sector of complaints would come from individuals who are basically having neighbourhood disputes or local government disputes. So we get the full gamut. We get all the way from there up to serious systemic corruption complaints. So I think what I need to reinforce about that scenario is that it is a rigorous assessment process, so it doesn't even get past that if we don't think it's got some legs. So we do quite a lot of ground work to see whether or not there's any substance to it. If there is we might commence a preliminary investigation and then if we get more confirmation, we would then go from preliminary to a full investigation. But that process takes a bit of time, so it's pretty unlikely that even if someone made a sensational complaint in the — before an election that we would be in a position to do anything about it. And we never confirm or deny that we are conducting an investigation. So if someone says, "This is outrageous. ICAC should investigate", the press usually ring us up and we say — well, we don't confirm or deny what we — if we have an investigation or not. So we just maintain — we've got very extensive and detailed processes and procedures and we maintain exactly the same procedure for everything that we get.

The CHAIR — Questions? Simon?

Ms SYMES — Do you — —

The CHAIR — Sorry, Simon?

Mr RAMSAY — I just had a question in relation to the changes in relation to investigations for serious corrupt conduct. I don't know if you've been following IBAC with this recently introduced legislation that lowers the threshold for serious conduct, and I see ICAC essentially going the other way in investigating more serious conduct rather than — so is that a reflection on your work or — —

Ms LATHAM — Well, no. No. No, that's actually — I know that that's a common perception about the change to our legislation, but, in fact, it hasn't affected our investigation pathways at all. It merely — all it does is, it means that at the end of an investigation, when we do a report, we can only make a corrupt conduct finding if it's serious corrupt conduct, but it

doesn't mean that we're prohibited from looking at any kind of potential corrupt conduct from the beginning. So it doesn't affect the investigation scope. It just means that when we get to the end you might make adverse factual findings, but you can't make a corrupt conduct finding unless you determine that it's serious.

Mr RAMSAY — Can I ask you, Commissioner, what's the judgement call in relation to a preliminary investigation which sits in the parameters of serious conduct? It's my understanding previously ICAC was conducting investigations of seemingly less serious investigations. It might be a role beyond what someone else might do.

Ms LATHAM — Well, if we get a complaint which we think is in the area of misconduct, as in administrative misconduct, we would refer to the Ombudsman. So we do refer matters that we think better lie within another jurisdiction. Sometimes we would just refer to the Ombudsman or even refer to the police, but it just depends on the nature of the conduct and whether or not it looks as though it's going to expose corrupt conduct in public administration. So the test is prescribed in the Act, and you will have known that since the amendments to the Act last year, we now have a more kind of prescriptive jurisdiction in terms of corrupt conduct in public administration and where a public official is not personally compromised but, for example, you know, you've got specific categories now of corrupt conduct, such as, collusive tendering, there's — I've just forgotten what the other ones are, but anyway my point is that we would — I think IBAC has the (indistinct) one with distinguishing features jurisdiction over the police, which we don't. So in terms of what would likely be misconduct at an operational level, for example, in the police force or in another public agency, we would either refer that to our Police Integrity Commission or the Ombudsman.

Mr RAMSAY — So can I just ask one final question?

The CHAIR — Yes.

Mr RAMSAY — Just in relation — so what's your view of the — and we've spoken to Stephen O'Hearn obviously in WA, but what's your view of the changes that we've recently made to IBAC in relation to its prelim investigation and its lower threshold as compared to currently your powers under ICAC, under the Act? How do you see we're sitting, from an IBAC point of view in relation to the work that you're doing?

Ms LATHAM — Well, it's difficult to make a direct comparison because I think all of the other jurisdiction that have a jurisdiction over police makes it very difficult for us to kind of see any direct — I mean, I think the jurisdiction over police raises a whole lot of other issues that we don't need to worry about, but in terms of the peril of public administration or the corruption in public sector agencies where I think there is a significant correlation, and what comes to mind, is the IBAC's recent investigation into the education sector, that seems to be fairly consistent with the kind of work of the kind of investigations that we're doing here in New South Wales. But I'm not sufficiently familiar with the changes to your preliminary investigation function to really make a direct comment on that.

Mr RAMSAY — Okay.

The CHAIR — Jaclyn, thank you.

Ms SYMES — I was just going to come to the example that the Chair was discussing in relation to the examples of the politicians — it doesn't necessarily need to be a politician, but you were saying if the media contact you, you don't confirm or deny the existence of an investigation. If someone was to write to you to make a complaint and then told the media that they had written to you to make that complaint against a particular person, do you advise

the complainant and the alleged corrupt — the person that the allegation has been made against, whether it's been rejected at the assessment stage?

Ms LATHAM — We don't — as I said, we don't confirm or deny what we've done with it, except for the person — I mean, we can't stop individuals saying to the media, "Well, I have complained to ICAC", and they do that all the time. We simply say that we don't confirm or deny that we're conducting an investigation, however if we got to the stage where the assessments section and the executives had rejected the complaint as one not worthy of the investigation, we write to the complainant and we say, "Thank you for your complaint. We've looked at the matters that you've raised. We've determined that it's not something that we are going to investigate", and "However if you have any further or new information then, you know, feel free to let us know", but we actually advise them that we're not investigating it .

Now, we don't have any direct relationship with the person against whom they've made the complaint, so we just do it all by way of correspondence and very often we — nine times out of 10 we don't hear anything further at all. Sometimes you get, what we call, the querulous, you know, litigant or the persistent complainant who simply keeps writing again and again and again and again in — —

The CHAIR — You might have had a few of them.

Ms LATHAM — Yes. And again we have a procedure whereby we write to them three times indicating that they have not given us any new information, and at some point we draw the line, and we don't respond to it any further.

Ms SYMES — Yes. I guess where I'm — I'm just wondering what happens to that person that, in public, has been told that there's an allegation against them, and there's no — is there no capacity for them to say, "No, I'm not being investigated by ICAC"?

Ms LATHAM — Well — —

Ms SYMES — Because you're only letting the complainant know that you're not. How does the person — —

The CHAIR — Yes. So — —

Ms LATHAM — Yes.

The CHAIR — — if someone puts in a complaint against me, do you notify me that I'm being investigated, or had a complaint put against me?

Ms LATHAM — No. No, we don't. No, we don't, because — well, not at the stage at which we're trying to assess whether or not there's any substance to it. Because we would only — you would only become aware that there's an investigation against you if we got to the point where we thought it was worth conducting a preliminary investigation and we called you in for a compulsory examination. Then you would become aware because of the summons we'd make it clear that we were looking at certain allegations against you. Having said that, we have a lot of compulsory investigations, or compulsory examinations, rather than call people in, and we hear their explanations and we're completely satisfied that there's nothing to it, so the matter would simply just, you know, be discontinued. But, if I could put it this way, the subject of the complaint is not really notified until we get to the point where they would be directly involved in the investigation.

Mr WALDON — May I just say also that I think the scenario that you raise certainly

raises considerable issues, but it's not a scenario which occurs here. We don't have situations of people putting in complaints and then going to the media or elsewhere and saying, "I've put in a complaint about this person", and then that getting some sort of media attention. The Commissioner is quite right, in the current operations where an election is approaching we're not getting that sort of thing. When the Commission was first set up back in the late 1980s and the early 1990s there was quite a lot of situations where just as you got close to an election, whether it was a state election or a local government election, you would get people making complaints to the Commission, and then advertising the fact that they'd made a complaint against someone who was their political opponent. We managed to get around that by, in many cases, assessing those complaints as having no substance and then making a public announcement to that effect.

Ms SYMES — Right.

Mr WALDON — And then that actually put — well, the person who made the complaint then actually had egg on their face, because they had made an allegation of substantial corrupt conduct and they're getting a message from ICAC saying, "Well, there is nothing in it". We also — a previous Commissioner has also talked to politicians and I think that talk was on the basis of the undesirability of that sort of conduct, and certainly over the last three state elections we haven't had any of that at all.

Ms LATHAM — And, I mean, it's obvious I should say that Roy has been here for a very long time so he's experienced that kind of political cycle, but it's not something that I've seen certainly over the last five years. We haven't had that problem. And I think to a certain extent it's because we've been in existence for 25 years. I think to a certain extent it's about establishing a culture, and also an understanding of how the agency works, and that understanding being communicated to the community at large, both public sector agencies and members of the public so that people have an understanding of what you do and the limits of what you do. And a big part of that function for us is in our corruption prevention division which does a lot of community education and public sector agency education, and is out there constantly talking about what the limits of our jurisdiction are; what we can and can't do, and allowing people to place the agency within a framework so that they don't see us as a general police force, or they don't see us as a general complaints body. But that's something that I think was established over time.

The CHAIR — Jac, do you have a follow up? Any further questions? Sam?

Mr HIBBINS — Just in terms of ICAC's jurisdiction, does it cover things along the lines of conduct in public office, as in, does it cover, say, MPs and councillor's code of conduct or ministerial codes of conduct?

Ms LATHAM — Yes, it does.

Mr HIBBINS — Yes. And how do you — is there like a — do you have a special division or a special officer who will focus on those particular matters?

Ms LATHAM — No, we treat every matter whether it's to do with the conduct in public office matter or anything else in exactly the same way. We have had quite a significant input to the ministerial code of conduct. We've actually developed — we've assisted Members of Parliament to develop the code of conduct, and that's come about over a period of years and has arisen out of some of our investigations, so that we've had an input into what that code of conduct should look like.

Mr HIBBINS — All right. So ICAC has been an active participant concerning — —

Ms LATHAM — We have.

Mr HIBBINS — — a new code of conduct.

Ms LATHAM — We have.

Mr HIBBINS — And so just following on with that, ICAC can essentially make a finding that a Minister or an MP has been found in breach of the respective code of conduct?

Ms LATHAM — Yes.

Mr HIBBINS — Yes.

Ms LATHAM — And we've done that in the past in relation to travel expenses, electoral expenses being claimed to which people weren't entitled. You know, those kinds of — I mean, fairly low level misconduct, but nonetheless, you know — —

Mr HIBBINS — Yes. Yes.

Ms LATHAM — — worthy of exposure.

Mr HIBBINS — Yes. And does it cover local government councillors as well?

Ms LATHAM — Yes, it does. Yes.

Mr HIBBINS — Okay.

Ms LATHAM — In fact, one of — as I said before, one of our biggest complaint areas is to do with local government.

The CHAIR — But there might be a few less of them coming up I guess.

Ms LATHAM — Yes, we would — well, we would hope so, although, I mean, with the amalgamations that have gone through and if there are others to come, which I'm sure there are, we'll produce very, very large administrative units with a lot of money washing around.

The CHAIR — Yes.

Ms LATHAM — And our experience is that where there's a lot of money washing around, there's always someone who's tempted to take advantage of that. And we've got quite a few complaints that have come to us over the years in relation to the actions of developers on local councils. That seems to be the primary area of complaints.

The CHAIR — One of the issues that we're, I guess, trying to figure out how best we do it, as a Parliamentary committee, is to measure the performance of IBAC. So firstly what's the relationship between you and the Parliamentary committee, and is there a system or a framework in place in then benchmarking in KPIs, the performance of ICAC?

Ms LATHAM — Well, we have a benchmark that we — some benchmarks that we impose ourselves. We produce an annual report which looks at the number of inquiries that we've held during the year. We look at the volume of complaints. We look at the volume that has gone through to an investigation; the number of the reports that we write. So we measure all of our activities and we determine what we think is realistic in terms of what kind of level of activity we should be able to demonstrate in a given year. As you would appreciate, that depends, to a large extent, on our resources and we're going through some

fairly tight fiscal constraints at the moment, along with every public sector agency in New South Wales, and so, you know, our full-time employment complement is progressively being reduced and squeezed, so that's become a constant balancing act.

Our Parliamentary committee generally looks each year at our annual report, and they ask us questions based on whether or not we have or haven't essentially, you know, reached that target if, for example, I think our current public inquiry annual target is eight.

The CHAIR — Eight?

Ms LATHAM — Eight a year. But the reason that that has — the reason that's come down — I think it used to be around about 10 to 12, wasn't it? The reason it's come down is that what we're finding, the longer that the organisation is in existence, what we're finding is that the inquiries become a lot more complex so they take longer. Because also now of course our jurisdiction, we're looking — we're focusing on serious corrupt conduct and systemic corrupt conduct, so the nature of our investigations, the kind of things that we would take to a public inquiry are quite complex and quite lengthy so the public inquiries are correspondingly lengthy. And, of course, the other thing we're finding is that much of it now involves quite complex forensic accounting investigation and so there's a lot of time taken in terms of chasing down the money, looking at bank accounts, trying to work out exactly what's occurred. So the Parliamentary committee will ask us those kind of questions, and we'll respond in those terms in order to explain where we have and haven't reached those benchmarks. The Parliamentary committee however, according to our Act, is not permitted to ask us questions about operational matters.

The CHAIR — Yes. So — —

Ms LATHAM — In other words, they can't interfere in the operational — at the operational level.

The CHAIR — So, as I said, it's something that we're, I guess, tussling with, but is it possible for a Parliamentary committee to benchmark the efficiency of how ICAC, for example, is running?

Ms LATHAM — Well, look, I guess — I mean, I suppose like all those things applying those kind of performance indicators to an evaluative process is difficult. It's like applying a key performance indicator to a court. You know, we're you're supposed to do 365 trials per year and 200 convictions. I mean, it's an evaluative process that doesn't lend itself easily to that kind of qualitative measurement. But I think in broad terms yes, they can, because if we, for example, you know, if I said to them, well, you know, two years ago or three years ago we had 125 full-time employees and we did, you know, four inquiries, depending on the complexity and the length of those inquiries, which would be a matter of public record, that might look pretty poor against our current situation, which is 119 full-time employees, and we're running public inquiries pretty well back-to-back at the moment until — well, I think we've got a schedule going out to the end of July, so I think it's possible to say, in that context, well, yes, we're being efficient because we're actually, you know, producing quite a lot with very little in the way of resources.

The CHAIR — So at the moment the Parliamentary committee's only, I guess, benchmark is to question you about your annual report that's being put out?

Ms LATHAM — Yes. Yes.

The CHAIR — All right. So if they were to bring in a set of benchmarks it would be something that you would expect that they would discuss with you.

Ms LATHAM — Absolutely. Absolutely.

The CHAIR — And the inspector?

Ms LATHAM — Well, I don't, probably — I mean, the inspector, under the legislation is meant to have a different kind of oversight. But there's nothing to prevent him becoming involved in that kind of debate.

The CHAIR — I guess it's the quandary we have is, as you explained, where do you start putting a benchmark in?

Ms LATHAM — Yes.

The CHAIR — Because if it's a complicated case — —

Ms LATHAM — Yes.

The CHAIR — — and you had more resources being put into the complicated case against something that's reasonably straight forward — —

Ms LATHAM — Yes.

The CHAIR — — very hard to benchmark against a previous case or previous year.

Ms LATHAM — Well, yes. And I mean, I suppose the most — the starkest example of that was the first year I arrived, 2014, when almost as soon as I arrived we started Spicer and Credo, the two public inquiries that investigated electoral fraud in New South Wales. And whilst they were two separate public inquiries they were linked, and so there was evidence that was relevant in one and the other, and between the two of them I think they went for something like, collectively, three months, didn't they? There was a bit of a break in the middle, but they were very, very long running, very detailed inquiries, and that — you know, theoretically if you were doing that kind of inquiry it's pretty hard to think that you would fit in more than two of those a year because what people don't see is they don't see what happens at the end of those inquiries, because we've got to sit down and write a report, and there's an enormous amount of work and time that goes into distilling all of that information and deciding what findings we're going to make. So whilst the public inquiry takes place within a certain timeframe, there's a huge amount of work that goes on after that, which has to be taken into account in terms of the productivity of the Commission.

The CHAIR — Questions? Tim, sorry?

Mr RICHARDSON — Thank you, Commissioner. I've just got a couple of questions. One is related to protected disclosure and how that operates, and in terms of a break down between section 10, complaints from the public, as opposed to that from the public service, and then how much of your work is coming from those two segments, that warrants investigation?

Ms LATHAM — I don't — well, I don't have the figures, and I'm sure we could provide them, and if you want us to provide them, we can.

Mr RICHARDSON — Yes, as a bit of rough sort of breakdown — —

Ms LATHAM — Yes.

Mr RICHARDSON — — on what's the main sort of — —

Ms LATHAM — Well, look, I know that the complaints from the public would take up a much larger proportion of our complaints than those from the public sector agencies. That's not to say that public agencies aren't doing their statutory duty. It's got more to do with the fact, as I said, members of public sometimes think we're just capable of taking any old complaint. But — so I'd say that the public complaints would be the largest number and there'd be very few of those that we would take up. The public sector agency complaints, what often we do with those, because there's a statutory obligation on public sector agencies to report matters that come within our jurisdiction, a lot of them are at a fairly low level. This is just getting back to the kind of the misconduct issue that was raised before. A lot of them are at a fairly low level. For example, they might be things like someone is systematically forging timesheets for, you know, claiming overtime they're not entitled to, or, for example, using the agency's assets for their own benefit, like secondary employment issues, things like that. Sometimes what we'll do in relation to those is we'll do what we call a 53/54 referral, which is we'll send it back to the public sector agency and say, "This is something that you're capable of investigating", and we'll give them what we — essentially an outline of what we expect them to do. So we'll say, "We want you to give us an investigation plan by X date". And then look at the investigation plan and say, "Yes, that's good", and then "We want you to report by Y date", and then if they report by Y date, and we think there's some things they've missed, we'll say, "Why don't you go back and look at this", so we tend to — what we tend to do is monitor the investigation to make sure that it's been rigorous, but we are very often content for the agency itself to conduct that investigation and report on their findings.

Mr RICHARDSON — So with the individuals from the public service who come forward, and I think there was about 255 that came through under that segment, are you satisfied with the protections that are in place? And I say that in the context that our committee will be looking further at public interest disclosures and the current legislation in Victoria. But do you think the safeguards in protecting those individuals are satisfactory if they're going back to the agency as well to be investigated, whether those individuals have, for lack of a better word, whistle blowers, whether they've got adequate protection in their agencies?

Ms LATHAM — Look, I think that's a really contentious area. And, I mean, I can only say, from my experience, that people who make those kind of disclosures in public sector agencies are often very fearful and anxious about what's going to happen. We do everything we can to protect their identity and we do that in a number of ways. We will often call someone who is in fact the complainant from the public sector agency, and we'll call them in the investigation simply because we called everybody else, and so we don't — we're very careful to make sure that we've kind of not left someone out, and then they become by default, you know, the person who's under suspicion. But the relevant legislation is actually under the Ombudsman's jurisdiction and we're constantly kind of reviewing that because I think sometimes the protections aren't well — I don't think that they are — I don't think the Act operates as well as it could, and it's a very complicated Act. The other thing is that there are criteria by which a disclosure becomes a protected disclosure, and I don't think people who make disclosures necessarily understand, when they make the complaint, whether it's protected or not protected. But they assume, because they've made the complaint, they must be protected, but, in fact, there are criteria that attach to that. So, look, I think it's a very difficult area and I think people, once they make the complaint, they have to be protected and supported all the way through. Having said that, there's not much we can do about what happens to them after the public inquiry is over, even if we've done what we can, we can't always do much about the atmosphere in the public sector agency after the inquiry is finished.

And the other thing I have to say too is that you have to always be aware that sometimes people — we've had examples of this recently — sometimes people in public sector agencies

make complaints and you find out that they're in fact quite integral to the corrupt behaviour, and what they're doing is they are — they realise that it's about to be exposed, they're fearful that it's about to be exposed, so they actually strategically decide to make a complaint and then say, mea culpa, I'll come clean. You know, so it's always a difficult balancing act in that respect.

Mr RICHARDSON — I think that gives a good summary of some of the challenges we're facing in Victoria as well. The other interesting question I had just about the publicity, and the perception from Victoria is quite recent about ICAC and its investigations and particularly the number of public figures who have stood down or some of those changes. Do you think some of those outcomes could have been achieved had it not been for public examinations? Like — —

Ms LATHAM — Absolutely. Absolutely. There's no doubt about it. I mean, the public inquiry process has, if I could put it this way, an almost cathartic effect. And the other thing about the public inquiry process which can't be underestimated is we often receive some really compelling information only after we've started the public inquiry process. The reason for that is that it gets some publicity and there's a lot of people out there who know things who haven't actually come forward and said anything, but when they see that it's become a public inquiry they actually will come in and tell us what they know. The Spicer and Credo inquiries took as long as they did because the longer we went the more information we got, and we were still investigating those claims while the inquiry was going on. And most of them, if not all of them, were entirely reliable sources of information so it doesn't — I don't think for one minute that you would have people recognising effectively that their political careers or their public sector careers were over, and doing the appropriate thing and standing down, at least, until after the report is published, if that isn't made, you know, if that exposure process isn't there, because if it's all happening behind closed doors, they've got absolutely no reason to make any kind of grand gesture.

Mr RICHARDSON — And so do you think the latest inspectorate's recommendations to government then talking about private hearings potentially could undermine future investigations of that nature because they are effectively off grid?

Ms LATHAM — It would seriously undermine our functions. It would be completely out of step with every other anti-corruption agency in the country. And it's completely out of step with every anti-corruption agency in the rest of the world as far as I'm aware. See, the curious thing is the idea that private hearings are somehow more just is curious because, from time to time, you know, we have people in the media, who don't like the fact that we exist, accuse us of being a star chamber. Well, in fact, a star chamber was precisely that. It was a private hearing where the scope of the evidence being examined and the allegations against the person all took place in private and then the punishment was imposed by that same body in private. That was what the star chamber was. And what the inspectorate is proposing is a return to a kind of forum which, as I said, the common law rejected over 300 years ago, so I mean that was why the common law developed this process of open administration of justice. That's why courts are always open. They have to be seen to be open for that very reason, and so what you would be doing by way of imposing an obligation to hold private hearings is in fact reverting to that kind of — I think it's a form of tyranny because the agency itself, we should be under scrutiny. The only way that the public, or anybody else can be satisfied that our investigations have been conducted above board, and that our inquiry process is fair is if everyone can see that it's fair.

Mr RICHARDSON — Yes. Thank you.

The CHAIR — Simon?

Mr RAMSAY — Yes. I just want to follow on from that and it came back to my initial question and that's in relation to — and you might not want to care to comment on this, but Operation Hale is probably an opportunity for us to explore the role of the inspectorate. So as I understand we have a similar type of issue at IBAC. But because you've got such wide jurisdiction there's obviously a bigger need to have an overarching oversighting inspector. It was interesting that, and I know little about the case, but just when you're talking documentation that the inspector questioned the investigation process of ICAC to that particular case, and suggested perhaps you go back to the core serious conduct, I guess, labelling of your hearing. The higher court felt the same way, and from what I'm reading you are now questioning the inspector's role in relation to his findings and recommendations in relation to that case. So it seems quite bizarre you've got an inspector oversighting ICAC who made a decision, on its four jurisdiction powers, it was heard in the High Court. The inspector has made recommendation to the Premier, and then you are actually questioning, or ICAC is, the findings of the inspectorate. Can you just elaborate on that?

Ms LATHAM — So are you talking about the findings of the inspector in relation to solely Operation Hale?

Mr RAMSAY — Well, I think that was the premise, wasn't it? Or premeditated that chain of events. I was just wondering in relation to your serious misconduct threshold, which was my original question, you remember about IBAC — —

Ms LATHAM — Yes. Well — —

Mr RAMSAY — — (indistinct) — as against your broader jurisdiction.

Ms LATHAM — Well, I don't know how much you know about Operation Hale, but all — most of it now is in the public domain. What the public and what none of the courts, including the High Court, ever understood, because at the stage at which the litigation was being conducted, it was only a fight about the jurisdiction in terms of pure statutory construction. It was never, ever a fight about the merits of what we were investigating. At every stage of the litigious process the facts in relation to Operation Hale, how we came to be referred the matter, and what we did in relation to it, were never part of the argument. It was not a merits argument. It was an argument about the statutory construction of section 8 of our Act.

We received a reference from the Australian Crime Commission that essentially consisted of a telephone intercept, and the Australian Crime Commission referred the telephone intercept to us because they said, on the face of the telephone intercept, it would indicate corruption by a public official, that public official being a deputy senior crown prosecutor. We did no more at that stage than conduct a preliminary investigation to determine whether or not what was on the face of the intercept was supported by other information that the Australian Crime Commission didn't have. We were enjoined from going further by Ms Cunneen solely in relation to that jurisdictional argument. So we never went any further than actually just trying to find out whether there was any supportive material.

There have been all kinds of arguments about whether or not what was alleged against Ms Cunneen constituted serious corrupt conduct. What was never ever challenged and what was never part of the argument was whether what she was alleged to have done, in terms of the facts of the conduct, constituted an attempt to pervert the course of justice. It was accepted by every court that looked at the question of jurisdiction that if she had been proven to do what the Australian Crime Commission in the intercepts suggested that she had done, she would be guilty of an attempt to pervert the course of justice. And we took the view that that kind of conduct committed by a senior crown prosecutor was serious. That was our view. Now minds might differ about that. I'd be very surprised if anybody in Victoria would think the

same thing in relation to a deputy crown prosecutor in Victoria. But be that as it may the High Court, as I said, did not look at the merits of what we were investigating. What the High Court said was that when you look at section 8(2) of the Act, as it then was, and it still is, their construction of section 8(2) was in fact quite different to the understanding that everybody had since the inception of section 8(2). Section 8(2) talks about corrupt conduct being capable of being committed in circumstances where someone, who is not a public official, does something which influences a public official, and thereby gives rise to a measure of corrupt conduct. So, for example, the collusive tendering kind of scenario I was talking about before where a person outside the public sector agency does something to mislead a public sector official and as a result of that there's damage to public administration. Now, we had always understood section 8(2) to operate in that way. The High Court fundamentally reconstructed that provision and effectively shut out all of those previous types of corruption that we had investigated under the sub-section. It was as a result of that the New South Wales Parliament effectively re-litigated — or re-legislated rather section 8(2a) which restored that jurisdiction in respect of particular types of conduct.

So if, for example, you look at section 8(2a) it now spells out that you can look at corrupt conduct of a person whether or not a public official that impairs or could impair public confidence and public administration and which could involve any of the following. So there's collusive tendering, fraud in relation to the applications for licences, permits or other authorities, dishonestly obtaining or assisting in obtaining a benefit by the application of public funds for private advantage, defrauding the public revenue, and fraudulently obtaining or retaining employment.

So those categories were kind of teased out from all of the previous investigations that we'd conducted under section 8(2), and so they were put in that legislative form to reinstate the jurisdiction that the High Court said we didn't have. So, in summary, that was what Operation Hale was about. Now, when we get to the Inspector's report, which was handed down on 4 December last year, the difficulty we had with the inspector's report was that he made allegations against the agency and implicitly against a number of individuals in the agency of maladministration and misconduct, in other words, not that we'd been negligent, not that we'd been careless, but that we had knowingly and wilfully misapplied our powers under the Act. And he made those findings without telling us that the findings were about to be made; without giving us an opportunity to respond to them; without telling us what the factual basis for those findings were. So that when their report was published on the 4th of December we had absolutely no notice of what he was going to say and upon what basis he was going to say it. That was our problem with his report. Our problem with his report was that it was a fundamental denial of procedural fairness to the Commission, and had we been given the opportunity to respond to those allegations and to point out that he'd actually missed certain evidence, misconstrued other evidence, or just ignored some of the evidence that we had, then those findings wouldn't have been available to him. So that was the basis upon which we said the inspector's report should be set aside. And we are where we are.

Mr RAMSAY — Has there been any precedent for that? Does an inspector normally —

Ms LATHAM — No.

Mr RAMSAY — — involve themselves in — —

Ms LATHAM — No, there's been no precedent. And in fact all our previous inspectors have confined themselves to what the inspector's role, I think, was traditionally intended to be, which was, for example, make sure that you're exercising your search warrant powers effectively appropriately; make sure that you are, you know, applying your procedures consistently; make sure that you're operating ethically and fairly and that you're, you know,

not being inconsistent in terms of how you investigate or won't investigate. So previous inspectors have taken a more big picture kind of oversight function. This is the only inspector that has actually wanted to basically have an oversight at an operational level.

Mr RAMSAY — Right. Thank you.

Ms LATHAM — Sorry if that was a long and involved — —

Mr RAMSAY — No, it's an interesting case.

The CHAIR — I know you can't probably comment, but just listening to the conversation what was the Crime Commission doing tapping the phone of a deputy crown — —

Ms LATHAM — They weren't. They weren't. They were tapping another person's phone, who they were investigating on the basis of widespread drug distribution in Northern Sydney.

The CHAIR — Gee, talk about bad luck. Sam?

Mr HIBBINS — I wanted to ask about Operation Spicer and Credo. And particularly now in New South Wales you've got stronger donations laws than we've got in Victoria in the sense of disclosure, in terms of who can actually donate. Now, I was just wondering whether those laws made it in any way easier for ICAC to pursue or make findings of corrupt conduct, and how ICAC saw itself in relation to enforcing those laws?

Ms LATHAM — I don't think it made it easier. In fact, it was an incredibly complex investigation because they'd gone to such extraordinary lengths to mask the fact that they were receiving donations from property developers. And why — one of the reasons that investigation was so complex is because we were actually tracing money that went from a property developer to a consultancy that looked like it was a consultancy but it was in fact a kind of a dummy company that then had these consultancy arrangements with various businesses that then went back into, you know, the coffers of a local member. So it was actually quite convoluted and problematic.

The donation laws were subject to challenge, as you would know, and that challenge was lost, so we think those laws are quite robust and they have withstood a fair bit of scrutiny. I think it's always — I mean, if politicians or anyone for that matter wish to circumvent the law they'll find a way to do it, but in that area I think people can be particularly creative and so you do actually have to spend quite a bit of time teasing out all of those money trails to get to the bottom of what's actually happened. And I don't know if you've seen the recent media, but the Electoral Commission in New South Wales has rejected, for the second time, an explanation of where the funds came from, and they're still withholding the 4.4 million that they would have otherwise been entitled to. They're still not satisfied that the full explanation has come in.

Mr HIBBINS — Okay. Because I just wondering whether just the fact that there had been a suspected breach of the donations laws, whether that would then enable you to then sort of uncover other — something else, or, you know, that was sort of a whiff or a threshold there and then that was able to then — —

Ms LATHAM — Well, it was literally, as you describe it. It started with a complaint from one person who said that he had written a cheque which he thought was going to the Liberal party.

The CHAIR — Liberal party.

Ms LATHAM — And then he received a receipt from the Free Enterprise Foundation. That was how it started. He came to us and he said, “I don’t understand this. I thought I was making a donation to the Liberal party, and then I get this receipt from this organisation I’ve never heard of”. And that was literally how it unravelled. And then we started to look at the accounts of the Free Enterprise Foundation and then trace — followed where that money came from and it just kind of rose like a, you know, topsy-turvy.

Mr HIBBINS — Okay.

The CHAIR — Part of the role of ICAC is the education process. How much effort is put into that? You know, you go to conferences and you see the education to public servants trying to get them to understand what is corrupt behaviour and what is not corrupt behaviour. So how do you go about explaining that, and how big a role is that with ICAC?

Ms LATHAM — It’s a pretty big role. Our director of corruption prevention, Dr Walderssee spends the majority of his time speaking at events and to public sector agencies. We also, through the corruption prevent division, publish a number of papers every year, which look at particular areas of corrupt behaviour, for example, he’s done a corruption prevention — corruption prevention has done a paper on procurement practices, so, you know, it will effectively be designed to inform public sector agency officers who have responsibility for procurement to look at their accounting systems; to look at their — the way that they structure their order systems; to put in place checks and balances that mean you minimise the risk of corruption in procurement practices, contracting and things like that. So rules of thumb such as you never have the same person who approves the order, sign the cheque, you know, I mean, at a very basic level, but it’s that kind of thing. So he’ll do a paper on that.

He would also — we’re also just about to produce a paper in an enormously complex area which is recruitment fraud, where people falsify their qualifications. That’s become an enormous issue because we’ve uncovered quite a few examples of that. And there’s an intersection between our recruitment practice in the public sector and privacy laws, and what public sector agencies think they can do by way of actually questioning somebody’s qualifications and going behind what they’re given on the face of the application form. We’re also, at the moment, looking at a broader corruption prevention paper on Aboriginal land councils and what can be done to strengthen the governance processes. So it’s an ongoing thing. I mean, very often what happens is that public inquiries will uncover a series of practices that then, I suppose, inform corruption prevention that there is this gap of knowledge somewhere. Why are these things happening? Why are these systems not robust enough to detect this kind of behaviour? And so that will inform corruption prevention to want to look at that area more closely and then, you know, produce a publication that can be of general assistance. So it’s an incredibly resource intensive process.

The CHAIR — Yes. Yes. Tim?

Mr RICHARDSON — Just one more question just about the tussle with public figures and particularly where it plays out in public, and just regarding recent coverage about Steven Pearce and the New South Wales Emergency Services Commissioner. Does — in terms of where ICAC finds that there isn’t any wrongdoing, does ICAC provide a recommendation to government about, you know, potentially the fitness of that person to be reinstated, or that there was nothing found? What’s the process that’s worked through, because obviously government makes a decision about a particular individual and that’s found down the track that might not be substantiated, what’s the process that ICAC goes through to, you know, advise government about a particular finding?

Ms LATHAM — Well, we don't have the jurisdiction to do anything other than make corrupt conduct findings, so when we produce a report, the reports makes a corrupt conduct finding or it doesn't. So we don't go to the lengths of saying we make a corrupt conduct finding against person A, but person B has done nothing wrong. The reason we can't do that is because we don't know that person B has done nothing wrong. All we know is that in terms of the allegations that we're investigating person A was corrupt, but person B doesn't meet the requisite standard of proof, so it's a very raw issue because you can imagine that there would be the same kind of controversy if we were to say person B has done nothing wrong and we recommend to the government that they be reinstated, and if they are reinstated, and then it turns out that in fact they have been corrupt in some other way, or that they're, in fact, incompetent, I mean, you know, there's so many problems associated with us taking that position, and we're not qualified to take that position. We wouldn't know whether person B has been an effective public sector agency official or not. We're only investigating those persons in the scope of the very, you know, confined set of allegations. So we're not looking at the general performance. We're not looking at whether or not they're fit to be reinstated. We're just examining the allegations that are set out for the purposes of the scope of the inquiries.

And I think the other point that needs to be made here is that when we start an investigation we don't necessarily know where it's going to take us. There's a misconception I think that when we get to the point of the public inquiry that somehow we've got all the evidence on the table and we know exactly where we're going. That's actually not the case. The public inquiry is still very much a part of the investigation, and as I said before, we're constantly getting new information coming in, so it's a mistake to think that, as I think some people do, that when we start a public inquiry, you know, we know who the target is, and we know exactly what we're going to find, and then there are all these casualties along the way. It's just too organic and too, you know, much of a changing process for us to be able to predict what's going to occur.

I mean, in the case of the person to whom you refer and in a lot of other circumstances when a public inquiry starts sometimes they'll stand down until the public inquiry is over, but sometimes they just resign. I mean, that's their decision. It's not something that we've had any input into. And we don't make recommendations that people should be stood down or that they should resign. Those decisions are taken within the agency that's the subject of the investigation. We don't have any control over that. So if people resign because they feel that, you know, they can no longer work within that environment, well, it's unfortunate that after the public inquiry and the report is published they may, in fact, not have a corrupt conduct finding made against them, and they feel that they should never have resigned in the first place, but that's hardly a decision that they should be sheeting home to us. So, I guess, you know, as messy it is, we just go through the process as conscientiously as we can and to the extent that people feel that they're badly done by well, I don't know that there's a lot that we can do about that.

Mr RICHARDSON — Because I think some of the criticism seems to be conveniently levelled at ICAC.

Ms LATHAM — Of course.

Mr RICHARDSON — When it is — you know, and all governments looking to keep good faith with their constituencies — —

Ms LATHAM — Of course.

Mr RICHARDSON — — make decisions, but then, you know, people are then stood down and then there's no coming back from that.

Ms LATHAM — Of course, yes.

Mr RICHARDSON — So — —

Ms LATHAM — And, I mean, look, you know, the — we're quite used to this. Roy, of course, is too because he's had a lot more of it than I have, but when you are in the business of investigating public sector agencies, you become the whipping boy. You know, something happens that's not to somebody's liking well, it's easy for them to, in effect, level the blame at the organisation that exposed the conduct in the first place. That's fine. We all understand that.

Mr WALDON — Could I just add, you mentioned the Kear matter. There is a misconception out there, and this is largely generated by some sections of the media, that because Mr Kear has not been convicted of a criminal offence that somehow exonerates him from the two corrupt conduct findings in May. It doesn't. Those findings stand.

Mr RICHARDSON — Yes.

Ms LATHAM — And the findings in fact were based on conduct that was different from the conduct that was the subject of the prosecution, so he was found corrupt on a number of bases, but the prosecution was only in relation to the public interest disclosure offence, and the other problem, if course, is that we make findings on the balance of probabilities. If a person is acquitted it's because they haven't reached the criminal standard of proof.

MR WALDON — And invariably the evidence before the Commission will be different to the evidence that's before the criminal courts.

Ms LATHAM — Because of the privilege that applies to any of the answers that they give here in the Commission. They're not available to be used in prosecutions.

Mr RICHARDSON — Yes. Thank you.

The CHAIR — And we're nearly coming to an end. Just a very quick question. In regards to your investigators, what sort of investigators do you have? Are they retired New South Wales police officers? Are they from other states? Are they people that have just been fed up with a policing organisation and have joined ICAC?

Ms LATHAM — Some of them are ex-police. Not all of them.

Mr WALDON — Fairly few actually.

Ms LATHAM — We don't, as a rule, second from the police force. And we don't, as a rule, have anyone here that would be, for example, coming to us and then going back to the police force even if it was for the process of wanting to, you know, try something different. The few who are ex-police were police a long, long time ago and most of them left the police force in circumstances where, for example, they became investigators in a similar body like attached to a Royal Commission or — —

Mr RICHARDSON — Okay.

Ms LATHAM — — attached to another kind of investigative function like ASIC or one of those. So I mean you've hit upon a particular resource, human resources issue for us, and I suspect for IBAC as well. Finding a sufficient number of people with that investigative expertise is a real challenge, and it's a particular skill set, and finding them and getting them

to work for you for any length of time, because it's a — you know, they're working intensively there's a lot of burn out there tends to mean that you — you know, I suspect that agencies like ours across the country are kind of constantly looking at each other's agency for, you know, fresh blood because the skill set, as I said, is so confined and I think that that is a real challenge. And the other thing, of course, is that all of those people have to remain really up-to-date in terms of investigative processes. They have to be very smart around gathering evidence and following leads. One of the things that we discussed at the Perth meeting is that all these agencies are now saying that we live in a dark world, i.e., no-one uses phones any more, and it's kind of ironic because we're finding that we all have to go back to basic investigative processes instead of just having listening device warrants on everyone because no-one is talking on the phones, and if they are, they're talking on encrypted phones, or they're just using burners. They, you know, use them and throw them away. So it's just becoming increasingly difficult to get to the bottom of some of these things.

The CHAIR — So, Roy, will you follow up those numbers for Tim? The question he had.

Ms LATHAM — Yes.

MR RICHARDSON — Just the break down on section 10 inquiries and then what comes forward for investigation.

Mr WALDON — So section 10, section 11, and how many of those are — —

Mr RICHARDSON — Go forwards actually. Yes. And how many, as a break down, come forward to then an actual inquiry and that actually meet that threshold for inquiry.

Ms LATHAM — You mean, like a preliminary investigation or further — —

Mr RICHARDSON — Yes, both. Yes. So — yes.

Ms LATHAM — So preliminary and then how many get to a public inquiry.

Mr RICHARDSON — Yes, that's right. That's right. So how many are coming — and my main focus is more on the public service and our work in Victoria about the protected disclosures so — and whether there's that culture to, you know, foster that coming forward, so — —

Mr WALDON — So just to clarify, are you interested in how many section 10 and section 11 reports were public interest disclosures and, of those, how many ended up being investigated?

Mr RICHARDSON — That's right.

Mr WALDON — Yes.

Mr RICHARDSON — Yes. Thank you. Thanks Roy.

The CHAIR — That's okay, Roy?

Mr WALDON — Yes, yes.

The CHAIR — All right. Commissioner — —

Mr WALDON — Thank you.

The CHAIR — Mr Waldon, we thank you very much for your time.

Mr RICHARDSON — Thank you so much

The CHAIR — It's absolutely outstanding. It's — we were up here for a couple of days and that's a great way to start off.

MR RICHARDSON — Definitely. Thank you.

The CHAIR — To get that sort of information together. Very appreciative.

Ms LATHAM — Well, I'm glad to see that you're actually getting a range of views because — —

The CHAIR — Yes. A Wide range of views.

Mr RICHARSON — We're off to the inspectorate now.

Mr RAMSAY — We're being inspected next (indistinct).

Ms LATHAM — Good luck.

Mr WALDON — We have a couple of copies of the annual report if anyone would like one?

Ms LATHAM — Would you like to take one?

Mr RICHARDSON — Yes. Thank you.

Mr RAMSAY — Thank you.

Ms LATHAM — I'll just get Roy to show you. I've just got to dash off.

Mr RICHARDSON — Thank you very much.

Ms LATHAM — Thank you.

Mr RAMSAY — Thank you, Commissioner.

MR RICHARDSON — Thank you, Commissioner.

Committee adjourned.