

The Independent Commissioner Against Corruption (ICAC) – Fact Sheet

The Territory Government is creating an Independent Commissioner Against Corruption (ICAC) to investigate government corruption, and restore integrity and transparency to Government.

1 What is the ICAC?

The ICAC is a specialist investigator with a focus on government corruption. It investigates certain kinds of criminal offences that relate to government corruption, but also can investigate serious breaches of public trust that are not technically offences. In addition to the kinds of powers Police have, the ICAC has powers to enter government premises without warrants, and to compel any person to attend and give evidence. The ICAC will also administer a whistleblower protection scheme, which will allow it to protect important sources of information.

1.1.1 The primary impact of the ICAC will be on the public sector

The ICAC is tasked to primarily investigate the conduct of public officers and public bodies. Its jurisdiction concerns whether those entrusted with government power and resources are using that power and those resources appropriately. Government Departments, local councils, statutory authorities, Territory politicians, and judges can all be investigated by the ICAC.

1.1.2 The ICAC can look at private individuals and businesses in certain situations

The ICAC will also be able to investigate corrupt conduct where private businesses or individuals are contracted to perform government functions, or granted government money. Conduct such as bribing a public official or other criminal behaviour will be able to be investigated by the ICAC. Certain dishonest or criminal behaviour designed to obtain a personal benefit at the public's expense can also be investigated, such as collusive tendering, or preparing false or misleading information in order to obtain certain kinds of licenses, permits, or approvals.

Example: An application for a relevant planning approval by a developer contracted to build a government building includes an environmental impact statement that falsely claims an endangered species does not exist on the land. The developer further proposes to give the public officer considering the application \$100,000, which the public officer accepts in order to approve the development. The developer proceeds to falsify accounts during building to siphon off public moneys needed for the project to pay \$100,000 to the public officer and \$100,000 towards the developer's daughter's personal mortgage. ICAC could investigate the public officer for accepting the bribe, the developer for offering the bribe, and the developer for falsifying information to obtain the environmental approvals, and the developer for corruption by misappropriating public resources in carrying out the contract. Depending on her level of knowledge, the daughter may also be investigated for obtaining a benefit from the misappropriation of public resources.

1.1.3 Addressing corruption improves business confidence

A recent survey of Victorian Government suppliers by Victoria's Independent Broad-Based Anti-Corruption Commission (IBAC) found that 34% of Victorian government suppliers were 'discouraged from seeking a government contract because of their concerns about corruption'¹. The ICAC will give businesses the ability to report corruption in procurement and regulation under a strong whistleblower protection scheme, to a body with comprehensive investigation powers. Business and industry will be able to have confidence that they will be treated fairly and lawfully by government officials. Businesses that are doing the right thing can have greater confidence that other businesses will be deterred from improperly securing government contracts and approvals through inappropriate means.

¹ <http://www.ibac.vic.gov.au/docs/default-source/research-documents/survey-of-victorian-government-suppliers.pdf>