



LEGISLATIVE COUNCIL

PORTFOLIO COMMITTEES

## **BUDGET ESTIMATES 2024-2025**

### **Supplementary questions**

Portfolio Committee No. 1 – Premier and Finance

**NSW Independent  
Commission Against Corruption (ICAC)**

Hearing: Wednesday 28 August 2024

**Answers due by: 5pm Wednesday 25 September 2024**

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## BUDGET ESTIMATES 2024-2025

### SUPPLEMENTARY QUESTIONS

<b>Questions from Hon Mark Latham MLC</b>
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- (1) Given that nobody in the NSW Parliament believes that Tim Crakanthorp is a corrupt individual and ICAC thought his matter was so minor as to not warrant a public inquiry, isn't this another example of ICAC needing to create wrongdoing to justify its own role?
- (2) Other than being naïve and clumsy as a new Minister, what did Mr Crakanthorp do wrong? What professional property valuation reports did ICAC use in finding pecuniary benefit to Mr Crakanthorp?
- (3) Why did ICAC fail to apply a reasonable test to Mr Crakanthorp's state of mind as the Member for Newcastle: that is, he was heavily committed as a decent local MP to the development of the much-needed Newcastle Regional Sports Complex and without clear evidence of this work affecting the value of family-held properties in the general vicinity, it would be a betrayal of his electorate not to work hard on the sports project?
- (4) In light of the Crakanthorp decision, does ICAC now believe that MPs should not fulfill their election promises to achieve facility upgrades for their electorates because they are related to someone in the general vicinity who owns property and it remains unlikely the property value would be affected by the facility upgrade? Have we now got to the point where ICAC has made the regular, community-minded work of MPs impractical?
- (5) Does ICAC recognise that Mr Crakanthorp accepted its findings under sufferance, that it was the only practical way for him to clear the slate and start his political career afresh? What is the alternative in challenging ICAC, other than a Supreme Court case?
- (6) Can ICAC guarantee that, due to the excessive length of time taken with its reports (such as with John Sidoti), no other MP will be in a situation where the process is the punishment, that they are stood down for so long that resumption of their political career becomes impossible?
- (7) Has ICAC ever commenced an inquiry which has become publicly known but then ended the inquiry due to a lack of evidence or some other changed circumstance? What are the details?

- (8) Is there a problem of institutional pride at ICAC whereby having started an inquiry it can't admit to closing it down, effectively clearing the individual it inquired into? Having started an inquiry, does ICAC always need to find some form of wrongdoing, no matter how minor?
- (9) In looking at the ICAC Act, a public authority can be defined as "an auditable entity within the meaning of the Government Sector Audit Act 1983". How do the new Follow the Dollar laws for the Auditor General, introduced in 2022, change the scope of the public authorities which can be subject to ICAC investigation? Can ICAC now investigate:
- (a) A public authority within the theoretical scope of the Follow the Dollar laws; or
  - (b) Does the Auditor General have to first conduct an actual audit of the public authority under the Follow the Dollar laws for it to then come under the jurisdiction of ICAC?
- (10) What communications has ICAC had regarding (9) above with the NSW Auditor General? What has been the outcome?

<b>Questions from Hon Chris Rath MLC (on behalf of the Opposition)</b>
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**Independent Commission Against Corruption – Local Procurement Content Rules**

- (11) What criteria or guidelines should the NSW Government consider before embarking on local procurement content rules so as to mitigate potential conflicts and corruption?

**Independent Commission Against Corruption – Election Commitments from Opposition**

- (12) Does ICAC have any power of oversight or enforcement against potential corruption with respect to election commitments from an Opposition party during an election campaign?
- (13) As members of an Opposition are not yet ministers, what probity is there around the administration of funding commitments and promises that are then to be implemented should the Opposition become the Government?