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PARLIAMENT OF NEW SOUTH WALES
COMMITTEE ON THE ICAC
GENERAL MEETING WITH THE COMMISSIONER
OF THE ICAC

30 NOVEMBER 2001

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Committee Membership

Legislative Council

The Hon J Hatzistergos MLC The Hon D Oldfield MLC The Hon G Pearce MLC

Chairperson

Legislative Assembly

Mr J Price MP Mr M Brown MP Mr A Fraser MP

Vice-Chairperson

Mr K Hickey MP Dr E A Kernohan MP Mr G Martin MP

Ms A Megarrity MP Mr M Richardson MP

Secretariat

Ms H Minnican - Committee Manager Mr S Frappell - Project Officer

Ms H Parker - Committee Officer Ms N O'Connor - Assistant Committee Officer

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Mr FRASER: Before you do, just one question, I suppose, in relation to political affiliation: You stated earlier that if someone had a direct affiliation or direct conflict of interest you would remove them. It would appear that Mr Poulton has reviewed a file having had past affiliation. Would you regard that as a direct affiliation or not?

Ms MOSS: No, in the sense that he did not do the investigation. In fact he did not do the report. Other people had by that time completed the report. He was asked to review it, totally from the perspective of corruption prevention, as previous directors of corruption prevention have been asked to review reports, so that indeed was the practice. The practice was that when reports were completed it would then be looked at by the heads of the appropriate branches, one being corruption prevention. I mean obviously investigations look at it because they have been involved in the investigation all the way through, but in that particular matter, if he were directly involved, no, he would not be allowed to look at it.

Mr RICHARDSON: What about Mr Stephen Murray? How much involvement did he have with those two reports?

Ms MOSS: From my recollection, Tripodi was a matter which Mr Murray was not involved in. Mr Murray reviewed Cecil Hills.

Mr RICHARDSON: Can you tell the Committee whether he has previously been a member of a political party?

CHAIR: Are we suggesting here that there has been some political contamination of these reports?

Mr MARTIN: He is just looking for a headline.

CHAIR: Is that what we are suggesting, that there is some political contamination of these reports? I think it is important.

Mr RICHARDSON: I am just asking questions; I have not made an allegation.

Ms MOSS: The implication--

Mr FRASER: My interest is purely the fact that I think, as the ICAC tends to be used as a political tool and has done from its inception, we must take the utmost care to ensure that political issues are sterilised from political interference on any level.

CHAIR: I just want to be clear as to where this is going in terms of our jurisdiction. Are we suggesting that there is political contamination of the reports?

The Hon. DAVID OLDFIELD: I would have thought it was information gathering before one suggests that.

Mr RICHARDSON: I have not made any allegation.

CHAIR: Well, is that the issue? Where does it fall within our function? How does it fall within our function?

Mr RICHARDSON: Well, I would have thought that the objectivity of the ICAC reports fell well and truly within—

CHAIR: Well, that is what the question is going to. Are you suggesting that there has been political contamination? Is that the issue? If it is, that is fine, if that is what you want to explore. I just want to know.

Mr RICHARDSON: I have not made that allegation.

The Hon. GREGORY PEARCE: Mr Chairman, isn't it appropriate for him to ask his questions? I do not think you are entitled to ask him to explain to you why he wants to ask the questions. I think he is entitled to ask his questions.

CHAIR: I will allow it to go on, but only for a short moment.

Ms MOSS: If I can just say that from my knowledge of all the matters which have been handled within the Commission, they have been handled to my knowledge totally impartially and that goes for all parties. We have had matters before us concerning members of Parliament of all shades and they have been dealt with impartially.

The Hon. DAVID OLDFIELD: I am sorry, I did not hear the answer to the question Mr Richardson asked of Mr Murray.

Ms MOSS: Mr Murray does not want to disclose it.

The Hon. DAVID OLDFIELD: That means yes.

Mr PRICE: This is nothing more than an attack on the integrity of the witnesses appearing before this Committee.

Ms MEGARRITY: It means Mr Murray does not want to disclose it.

Ms MOSS: Mr Murray is presently not a member of any--

The Hon. DAVID OLDFIELD: No comment means yes.

Ms MOSS: Mr Murray would like to be sworn in to give evidence.

CHAIR: No, I am not going to ask questions of people's personal things.

Mr HICKEY: I agree with the Member for Maitland.

Mr PRICE: We are not here to discuss individuals.

Ms MOSS: I am quite disturbed that there are implications being made on the professionalism of individual members of my staff.

CHAIR: I am going to close the meeting down to go into private session and just resolve this issue and then after we have determined how it is going to resolve then we might determine how it gets back in.

(Evidence continued in camera)