

# Public Statement

10 November 2022

## **Statement by the Hon. Ann Vanstone KC Commissioner, Independent Commission Against Corruption**

On Wednesday 9 November 2022, the Director of Public Prosecutions abandoned the prosecution of Mr John Hanlon, a person investigated by the then Independent Commissioner Against Corruption, the Honourable Bruce Lander KC.

I am on annual leave, but I am aware of claims made by Mr Hanlon's defence counsel that ICAC investigators acted improperly during the investigation and withheld evidence. I intend to return to work tomorrow so that I can respond to the Attorney-General's request for a briefing about the matter. I have already asked my Deputy to commence work on that.

I know little of this matter as the investigation commenced in May 2018. And the brief of evidence relating to this matter was delivered to the Director of Public Prosecutions in November 2019. I took up my position in September 2020.

However, I intend to find out about it. I will oversee a review of the investigation and of the conduct of those involved in it. Then I will give the report of the review to the ICAC's Reviewer, the Honourable John Sulan KC, and discuss it with him. If it is appropriate to report publicly on what I find, then I shall.

What I can say now is this:

1. The ICAC does not determine what matters should be prosecuted or how they should be prosecuted. Nor does the ICAC prosecute.
2. It is for the Director of Public Prosecutions, as a matter of his independent discretion, to determine whether to lay charges and what charges to lay. He makes that decision having regard to whether there are reasonable prospects of conviction and whether a prosecution is in the public interest.

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3. The decisions to charge Mr Hanlon originally and to later file an ex officio information against him in the District Court were not made by me. Nor did I have any input into them. The Director of Public Prosecutions announced his decision to charge Mr Hanlon on 29 January 2020.
4. I have been told by my Director of Investigations that the contentious call charge records were not withheld from the Director of Public Prosecutions. They were given to his officers in June 2020.
5. It is not apparent to me that any ICAC investigator acted unlawfully, but I shall investigate that allegation.
6. My understanding is that the prosecution was abandoned when prosecutors failed to secure an adjournment for the purpose of making arrangements for key witnesses residing in Germany to give evidence.
7. The Commission plays no role in arranging for witnesses to appear in court.

I am interested to understand more about the number and nature of complaints made about Mr Hanlon and the assessment of those complaints as potential corruption in public administration. I will examine the decision to commence the investigation and the conduct and length of that investigation. I will also examine the brief of evidence that was provided to the DPP.

I would have no objection to any independent examination of the Commission, if that is the wish of the Government.

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