

South Australia: Independent Commissioner Against Corruption Bill

May 2012

On 2 May 2012 the South Australian Premier Jay Weatherill introduced a Bill to create an Independent Commissioner Against Corruption (ICAC) and an Office of Public Integrity. Premier Weatherill's media release is available [here](#).

The role of the ICAC will be to identify and investigate serious or systemic corruption in the public administration; and to prevent corruption, misconduct and maladministration in the public administration. The ICAC will also serve as an educator assisting government departments and agencies with evaluation of policies and procedures.

The Independent Commissioner Against Corruption

If the legislation is passed un-amended through Parliament it will give the new body significant powers to gather evidence and compel witnesses to answer questions. A fine of \$20,000 or four years imprisonment will be the maximum penalty for providing false or misleading evidence during an examination.

Significantly, this legislation enables an examiner to make the arrangements necessary to avoid prejudice to the safety of a person giving evidence, and to protect the person from intimidation or harassment.

Investigators appointed by ICAC will hold search powers under a warrant:

- to access personal details;
- to search people, place and vehicles; and
- to use listening and surveillance devices.

The Office of Public Integrity

The proposed legislation will also establish the Office of Public Integrity (OPI) which will process complaints about public administration ranging from misconduct to serious corruption. Where a complaint is assessed as involving an allegation of corruption, the OPI must refer it to the ICAC. The OPI will not be responsible for resolving complaints and reports, this function will remain with the various inquiry agencies and public authorities.

Neither ICAC nor OPI will be able to lay charges or commence prosecution, however, they will make recommendations to South Australia Police and the Director of Public Prosecutions about the matters they believe should be prosecuted.

**Accountability**

Due to the significant powers to be vested in the ICAC, the Bill includes a number of measures to ensure as much accountability and transparency as possible. At the end of every financial year the Attorney-General will appoint a reviewer to conduct a review of the exercise of the powers of the ICAC during the financial year. A new Parliamentary Committee, the Crime and Corruption Committee, will be established to examine the annual reports of the ICAC, as well as to explore with the ICAC any matters of policy arising from reports and make recommendations in response to reports.

Next step

The Bill was introduced into the Lower House on 2 May, and is yet to pass either house. It is expected that this will occur, and the ICAC is expected to be up and fully functioning by 1 July 2012.

To see the Attorney-General's fact sheet on the ICAC Bill, click [here](#).

To see the Independent Commissioner Against Corruption Bill, click [here](#).