



30 November 2016

The Hon. Gerry Kandelaars MLC
Chair
Crime and Public Integrity Policy Committee
Parliament House
North Terrace
ADELAIDE SA 5000

Dear Chair and Committee Members

Report of the Hon. Kevin Duggan AM QC on review of exercise of powers – 2015/2016

I refer to the report of a review of the operations of my office and the Office for Public Integrity prepared by Mr Duggan and tabled in Parliament on 29 November 2016.

The purpose of this letter is twofold. The first is to bring to the Committee's attention two statistical errors contained within the report and the second is to respond to the recommendations made in the report.

Error in Statistics

Shortly after Mr Duggan finalised his report, I was made aware that an error had been identified in respect of statistics related to one particular investigation.

A routine audit of a closed investigation identified that three notices issued under section 29A of the *Independent Commissioner Against Corruption Act 2012* ('the Act') and two summonses issued under clause 4, Schedule 2 of the Act were not recorded in that part of our case management system that is relied upon to draw statistical information. Accordingly, those notices and summonses were not brought to Mr Duggan's attention during his inspection. In the case of the two summonses, one summons was never served because the information sought was voluntarily provided, while the other summons was revoked prior to the conduct of an examination.

Upon becoming aware of the anomaly, I advised Mr Duggan. Mr Duggan subsequently attended my office and reviewed the notices and summonses. I understand that Mr Duggan was satisfied that the powers were exercised appropriately.

The failure to record the notices and summonses in the appropriate way is unacceptable and remedial action has been taken to minimise the prospects of such an error occurring in the future. The episode is a good illustration of the value of routine auditing, which is a practice embedded in our operations.

Recommendations made in Report

Mr Duggan makes two recommendations to which I wish to respond. A third recommendation, relating to the reviewer's capacity to receive and inquire into complaints against me or a member of my staff, has been addressed in the *Independent Commissioner Against Corruption (Miscellaneous) Amendment Act 2016* and I need not comment on it further.


Mr Duggan has recommended that the Standard Operating Procedure on arrests be amended to provide information about the arrest powers retained by police officers who have been seconded to my office as investigators, and information about internal practices applied where an arrest is contemplated or carried out.

Mr Duggan has also recommended that information provided to a person summonsed to appear at an examination (or a hearing where I am exercising the powers of an inquiry agency) ought to be made more user friendly and deal with the matters outlined in Mr Duggan's report on page 19.

I have considered the recommendations and I am open to making amendments as suggested. To that end I have asked my staff to begin work on draft amendments that would address the matters raised by Mr Duggan.

I would be pleased to provide further information as the Committee might require.

Yours sincerely



The Hon. Bruce Lander QC
INDEPENDENT COMMISSIONER AGAINST CORRUPTION