

CHANGES TO THE ICAC ACT, DECEMBER 2016

UNDERSTANDING THE AMENDMENTS

The Independent Commissioner Against Corruption Act 2012 (ICAC Act) was amended on 16 December 2016.

This factsheet summarises the most significant changes.

The ICAC Act can be accessed via the ICAC website: www.icac.sa.gov.au

WHAT HAS CHANGED?

Functions of the OPI

The Office for Public Integrity (OPI) now has the ability to determine how a complaint should be dealt with.

It can now refer complaints and reports directly to inquiry agencies and public authorities, and give directions and guidance to public authorities, but only in circumstances approved by the Commissioner.

Oversight of inquiry agencies

South Australia's two inquiry agencies, the Ombudsman and the Police Ombudsman, are no longer required to report back to the Commissioner after a matter has been referred to them.

Search warrants

To facilitate joint investigations between ICAC and SAPOL, the Commissioner can now authorise a police officer, in addition to an investigator, to enter and search a place or vehicle occupied or owned by an inquiry agency, public authority or public officer.

Judges of the Supreme Court could previously only authorise private places or vehicles to be searched by an investigator. They are now able to authorise any place or vehicle be searched by an investigator or a police officer.

Reporting

The Commissioner is now able to report findings or recommendations to Parliament, as a result of completed investigations into matters raising potential issues of corruption, misconduct or maladministration in public administration.

Confidentiality

The confidentiality provision has been amended with the intention of clarifying its scope.

It is an offence to directly or indirectly disclose information relating to a matter, complaint, report, assessment or investigation.

The Act contains specific exceptions to this offence, including allowing the person who is the subject of information to disclose that information for the purpose of obtaining medical or psychological assistance, or to a close family member.

WHAT HASN'T CHANGED?

Reporting obligations

The reporting obligations for inquiry agencies, public authorities and public officers, contained in the Directions and Guidelines, have not changed.

Corruption, Misconduct and Maladministration

The definitions of corruption, misconduct and maladministration in public administration have not changed.

Confidentiality

Changes to the confidentiality provision are not intended to reduce the level of confidentiality, but to help clarify the circumstances in which information relating to ICAC matters can be disclosed.

A person who receives information that is connected to a matter that is the subject of a complaint, report, assessment, investigation, referral or evaluation under the ICAC Act must treat the information as confidential unless otherwise informed in writing by the Commissioner.

MORE INFORMATION



GENERAL ENQUIRIES
(08) 8463 5173
COMPLAINTS AND REPORTS
(08) 8207 1777
OR 1300 782 489
Cost of a local call for country callers



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FACTSHEET