



BY THE HON. BRUCE LANDER QC INDEPENDENT COMMISSIONER AGAINST CORRUPTION

5 February 2018

Oakden Investigation

I make this public statement having satisfied myself that it is in the public interest to do so.

In May 2017 I announced to the Parliamentary Crime and Public Integrity Policy Committee that I had decided to exercise the powers of the South Australian Ombudsman to conduct an investigation into potential serious or systemic maladministration in public administration associated with the Oakden Older Persons Mental Health Service.

I indicated at that time that I hoped to complete my investigation within six months.

When I appeared before the Crime and Public Integrity Policy Committee in October 2017 I advised the Committee that due to the significant volume of evidence collected I would not be able to complete my investigation before the end of the year.

A critical part of an investigation of this kind is to give all individuals whose interests might be affected by the investigation the opportunity to provide evidence and make submissions. During that process three persons with an interest in my investigation made submissions to the effect that I was not empowered to prepare and publish a report that might identify a person without that person's consent.

If those submissions were accepted there would have been no utility in continuing the investigation because in the absence of a person's consent any report prepared in consequence of the investigation would have had to be sufficiently vague so as not to identify him or her. The report would not be comprehensible.

Because of the importance of the issue I decided to pause my consideration of the evidence and deal with the issue as a preliminary point which would allow all parties to understand my position on the matter and my reasoning, and to allow parties to bring a challenge in the Supreme Court to my determination if they wished to do so.

PUBLIC STATEMENT



I therefore proceeded to consider all of the submissions I received on the point.

On Friday 2 February 2018 I published to the parties my determination. I have concluded that I am empowered to prepare and publish a report that would name a person and that I am not obliged to obtain the person's consent before doing so.

I have now been advised by each of the persons who raised the point, that they have abandoned, withdrawn or no longer make the submission and that they will not be challenging my determination.

This matter has necessarily resulted in a delay in bringing the investigation to an end. While this has been a distraction those persons were entitled to make submissions and it was appropriate that the matter be determined.

Having determined the matter I will now proceed to finalise my investigation.

The collection of evidence is complete.

All interested parties have been given the opportunity to make submissions and have done so.

I am now writing my final report.

I have decided that it is in the public interest that my final report is published and I intend to do so. I intend to annex to my final report a copy of my determination on the preliminary point that I referred to earlier.

I hope to publish my final report on or before Wednesday 28 February 2018.