



Factsheet

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What is an Examination?

An examination is an investigation tool available to the Independent Commission Against Corruption for investigations into alleged corruption in public administration. The purpose of an examination is to gather evidence.

Examinations are conducted in accordance with Schedule 2 of the *Independent Commission Against Corruption Act 2012*.

A person required to attend an examination is called a witness. If you are required to attend you will receive a document called a summons, which will set out important information about the examination including anything you might be required to produce. It will also explain what can and cannot be disclosed about the examination.

Where do Examinations happen?

Examinations generally take place in a hearing room at the Commission's premises.

What to expect in the room

The Commission's examinations are conducted by an Examiner who is usually the Commissioner. The Examiner sits on a bench which is elevated above the rest of the room.

The Examiner is assisted by a lawyer called Counsel Assisting and other Commission staff who are supporting the investigation.

Counsel Assisting and Commission staff will sit at a desk opposite the witness giving evidence and any legal practitioner representing them.

Occasionally there might be another person present who has been authorised by the Examiner to appear. The Examiner will explain these circumstances and give the witness the opportunity to comment.

There may also be a person present who is transcribing the examination.

It is a criminal offence to refuse or fail to answer a question or to knowingly give false or misleading evidence.

What happens in an Examination?

At the start of an examination the witness is required to take an oath or affirmation.

The witness will be asked questions by Counsel Assisting and the Examiner. They may be shown documents and other things and be asked questions about them.

For the purpose of an examination during a corruption investigation, the witness must answer all questions that the Examiner requires them to answer. It is a criminal offence to refuse or fail to answer a question or to knowingly give false or misleading evidence.

If the witness has a lawyer, they will be given the opportunity to ask the witness questions.

All examinations are audio and video recorded and conducted in private.

What happens after an Examination?

Evidence gathered in a corruption examination will assist the Commission in determining the direction of the investigation.

If the investigation reveals evidence of corruption in public administration, the Commission may refer the matter to a law enforcement agency, such as the South Australia Police, for further investigation and potential prosecution.

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