



Independent Commissioner Against Corruption and Office for Public Integrity **2019-20 Annual Report**

Independent Commissioner Against Corruption
and Office for Public Integrity
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To:

Speaker of the House of Assembly

President of the Legislative Council

This annual report will be presented to Parliament to meet the statutory reporting requirements of section 45 of the *Independent Commissioner Against Corruption Act 2012* (SA).

Included is my report on the number and general nature of sanctions imposed under the *Police Complaints and Discipline Act 2016* (SA), as required by section 31 of that Act.

This report is verified to be accurate for the purposes of annual reporting to the Parliament of South Australia.

Submitted by:

A handwritten signature in black ink that reads "Bruce Lander". The signature is written in a cursive style with a large, prominent initial 'B'.

The Honourable Bruce Lander QC
Independent Commissioner Against Corruption

1 September 2020

To:

The Honourable Vickie Chapman MP
Deputy Premier
Attorney-General

This annual report will be presented to Parliament to meet the statutory reporting requirements of section 12(1) of the *Public Sector Act 2009* (SA) and the requirements of Premier and Cabinet Circular *PC013 Annual Reporting*.

This report is verified to be accurate for the purposes of annual reporting to the Parliament of South Australia.

Submitted by:

A handwritten signature in black ink that reads "Bruce Lander". The signature is written in a cursive style with a large, looped initial 'B'.

The Honourable Bruce Lander QC
Independent Commissioner Against Corruption

1 September 2020

From the Commissioner



This is the final annual report that I will prepare as the Independent Commissioner Against Corruption on the operations of my office and the Office for Public Integrity (OPI). This report has been prepared earlier than previous years to accommodate the end of my term. Audited financial statements will follow after the tabling of this report.

I have continued to adopt, where relevant, the template as prescribed by Premier and Cabinet Circular 13 'Annual reporting requirements'. This report details the corporate and operational information that is required by the *Independent Commissioner Against Corruption Act 2012* (ICAC Act) and the *Police Complaints and Discipline Act 2016* (PCD Act).

I have published on the Independent Commissioner Against Corruption (ICAC) website a separate report entitled '*Looking Back*' which addresses my views and observations that I have made during my term in relation to some of the conduct and practices in public administration within South Australia.

This report shows that in the reporting period there has been a small increase in the number of complaints and reports about public administration and a significant increase in the number of complaints and reports about South Australia Police (SA Police) made to the OPI.

All reports made to the OPI under the ICAC Act in respect of alleged corruption, misconduct or maladministration, may constitute appropriate disclosures of public administration information and are dealt with in accordance with the *Public Interest Disclosures Act 2018* (PID Act).

There have been some practical challenges and uncertainties in relation to the application of the PID Act amongst those in the public and local government sectors. The Attorney-General may request the Commissioner, in accordance with section 7(3) of the ICAC Act, to review the PID Act and make recommendations for the amendment of the scheme. The Attorney-General has indicated that it is premature to request such a review at this time.

This year I commenced 25 new corruption investigations and referred a further 44 matters to SA Police for investigation. I have referred six matters to the Office of the Director of Public Prosecutions (ODPP) for the ODPP to consider whether the persons investigated should be prosecuted. The ODPP determined to commence a prosecution in four of those matters, and an additional matter which had been referred in the 2018-19 reporting period.

My offices' education program now includes an online course on Conflicts of Interest. The education program has continued to be embraced by stakeholders. This year we have facilitated the delivery of 90 education events including seminars, workshops and presentations to an audience of more than 3,400 people. Face to face education programs were placed on hold from 16 March to the end of the financial year due to the coronavirus pandemic. It is pleasing to note that during this time public sector officers engaged with our online learning programs.

This financial year has welcomed over 120,600 visitors to the ICAC website, which is double the number in the previous year. The website continues to provide those visitors with information about the role and activities of the ICAC and OPI in the form of public statements, investigation and research reports, education resources and videos.

During the reporting period the Deputy Independent Commissioner Against Corruption completed an evaluation of the practices, policies and procedures of the City of Playford and commenced an evaluation of the practices, policies and procedures of the Department for Correction Services.

I would like to thank the Deputy Commissioner, Mr Michael Riches for his support and assistance during the reporting period and beyond. I wish to publically acknowledge Mr Riches' efforts in managing the office's response to the onset of the pandemic which showed great leadership.

I thank the whole of the management team for their leadership and all of my staff and the staff of the OPI for their continued support, assistance, dedication and hard work. All of the staff have demonstrated their commitment to the values of the office and the OPI in response to the coronavirus pandemic. They are to be congratulated in meeting the demands of their roles during these challenging times.

A handwritten signature in black ink that reads "Bruce Lander". The signature is written in a cursive, flowing style.

The Honourable Bruce Lander QC
Independent Commissioner Against Corruption

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Overview: about the agency

Strategic focus

The Independent Commissioner Against Corruption (ICAC) and the Office for Public Integrity (OPI) are established by the *Independent Commissioner Against Corruption Act 2012* (ICAC Act). The ICAC Act defines the objectives and functions of both offices with further functions given to the OPI under the *Police Complaints and Discipline Act 2016* (PCD Act). These legislative functions form the basis of the ICAC and OPI Strategic Plan 2017-20 which is available on the ICAC website: https://icac.sa.gov.au/system/files/ICAC_OPI_Strategic_Plan_2017-2020.pdf

Purpose

To preserve and promote integrity in public administration through proactive prevention and educational initiatives, the investigation of corruption in public administration, and the investigation or referral of misconduct or maladministration in public administration.

Vision

Good governance, accountability, integrity and ethical decision making throughout public administration for the benefit of all South Australians.

Values

The ICAC / OPI values are:

Independence

- We conduct ourselves and make decisions according to law and without fear or favour

Accountability

- We are responsible for our actions and decisions. We use our resources responsibly. We scrutinise ourselves as vigorously as we scrutinise others

Integrity

- We are fair and unbiased in all our dealings. We are honest, trustworthy, reliable and fearless in fulfilling our duties

Respect

- We treat everyone with respect, fairness and courtesy. We take our powers and responsibilities seriously

Excellence

- We lead by example and demonstrate best practice. We continuously strive to improve our capabilities, skills and knowledge. We are committed to professionalism and service

Collaboration

- We practice and encourage the sharing of knowledge and ideas. We actively seek the contribution and perspectives of others. We work together to achieve best outcomes

Functions and objectives

ICAC functions

Section 7(1) and (3) of the ICAC Act sets out the functions of the Commissioner's office:

- (1) There is to be an Independent Commissioner Against Corruption with the following functions:
 - (a) to identify corruption in public administration and to –
 - (i) investigate and refer it for prosecution; or
 - (ii) refer it to a law enforcement agency for investigation and prosecution;
 - (b) to assist inquiry agencies and public authorities to identify and deal with misconduct and maladministration in public administration;
 - (c) to refer complaints and reports to inquiry agencies, public authorities and public officers and to give directions or guidance to public authorities in dealing with misconduct and maladministration in public administration, as the Commissioner considers appropriate;
 - (ca) to identify serious or systemic misconduct or maladministration in public administration;
 - (cb) to exercise the powers of an inquiry agency in dealing with serious or systemic maladministration in public administration if satisfied that it is in the public interest to do so;
 - (cc) to exercise the powers of an inquiry agency in dealing with serious or systemic misconduct in public administration if the Commissioner is satisfied that the matter must be dealt with in connection with a matter the subject of an investigation of a kind referred to in paragraph (a)(i) or a matter being dealt with in accordance with paragraph (cb);
 - (d) to evaluate the practices, policies and procedures of inquiry agencies and public authorities with a view to advancing comprehensive and effective systems for preventing or minimising corruption, misconduct and maladministration in public administration;
 - (e) to conduct or facilitate the conduct of educational programs designed to prevent or minimise corruption, misconduct and maladministration in public administration;
 - (f) to perform other functions conferred on the Commissioner by this or any other Act.

...

- (3) The Attorney-General may request the Commissioner to review a legislative scheme related to public administration and to make recommendations to the Attorney-General for the amendment or repeal of the scheme.

OPI functions

Section 17 of the ICAC Act sets out the functions of the OPI:

There is to be an Office for Public Integrity with the following functions:

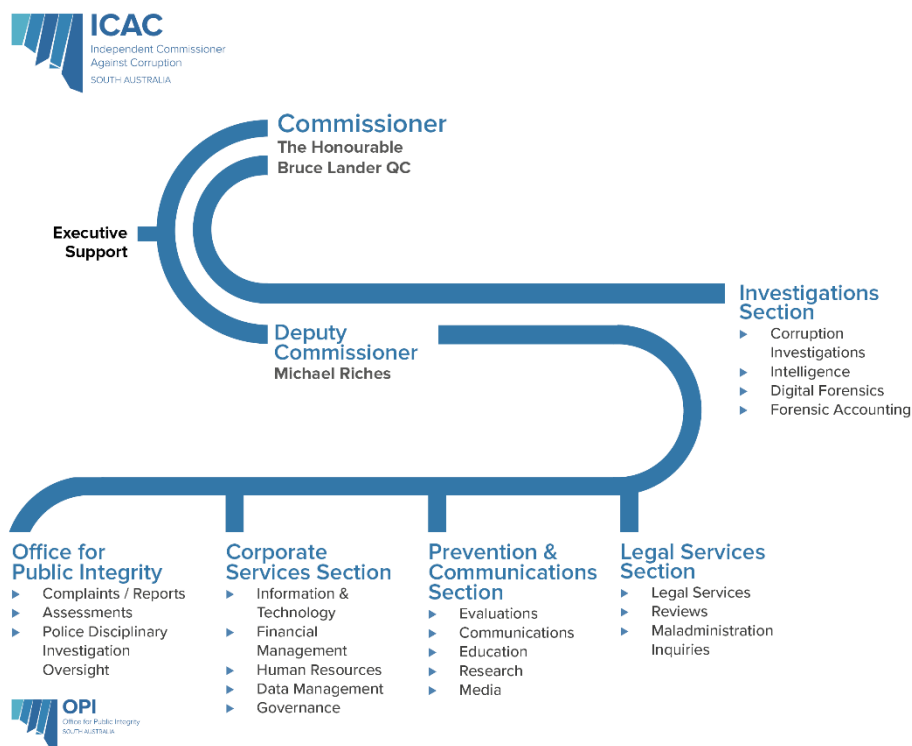
- (a) to receive and assess complaints about public administration from members of the public;
- (b) to receive and assess reports about corruption, misconduct and maladministration in public administration from inquiry agencies, public authorities and public officers;
- (c) to refer complaints and reports to inquiry agencies, public authorities and public officers in circumstances approved by the Commissioner or make recommendations to the Commissioner in relation to complaints and reports;
- (d) to give directions or guidance to public authorities in circumstances approved by the Commissioner;
- (e) to perform any other functions assigned to the Office by the Commissioner or another Act.

The OPI also has functions prescribed by section 8 of the PCD Act:

The functions of the OPI under that Act are –

- (a) to oversee the assessment and investigation of complaints and reports relating to designated officers; and
- (b) to oversee the operation and enforcement of this Act; and
- (c) to refer certain complaints and reports to the ICAC in accordance with this Act and the *Independent Commissioner Against Corruption Act 2012*; and
- (d) such other functions as assigned to the OPI under this Act.

Organisational structure



Changes to the agency

During 2019-20 the following changes to ICAC's structure were made:

- The Education and Communications Section was renamed the Prevention and Communications Section and the evaluation function was moved into that section.
- A temporary Program Director role was established to lead a number of key strategic projects.

ICAC / OPI management team

Deputy Independent Commissioner Against Corruption

Michael Riches

The Deputy Commissioner is appointed in accordance with section 9 of the ICAC Act and is responsible for assisting the ICAC as directed by the ICAC.

Director Investigations

Andrew Baker

The Director Investigations oversees the Investigations Section and provides critical advice and recommendations on operational matters to the ICAC. The Director Investigations sets the direction and priorities of investigations with other law enforcement agencies to ensure the quality and integrity of investigation outcomes.

Director Office for Public Integrity

Emily Lyons

The Director OPI leads and directs the strategic direction and operational performance of the OPI to ensure the effective and efficient discharge of legislative functions. The Director has a discretion to give directions to SA Police in respect of SA Police disciplinary investigations and acts as an escalation point for complex or highly sensitive complaints, reports or assessments about public administration.

Acting Director Corporate Services

Fiona Gowen

The Director Corporate Services leads the corporate service operations of the ICAC and OPI including governance, financial management, human resources, information and technology, and data management.

Director Prevention and Communications

Tracy Riddiford

The Director Prevention and Communications leads the Prevention and Communications Section in the development and delivery of prevention and communication programs and functions, including evaluations, education and prevention driven research.

Director Legal Services

Rod Jensen

The Director Legal Services leads and manages the Legal Services Section in the provision of legal advice relating to the statutory functions of the ICAC and the OPI. The Director Legal Services manages and undertakes investigations involving the ICAC's exercise of powers of an inquiry agency, and exercises functions delegated by the ICAC under the ICAC Act.

Program Director

Vicki Tomlinson

The Program Director led the delivery of strategic projects including accommodation fit-out and technology related capital investments. The Program Director was a short term position which ceased on 30 June 2020.

Legislation administered by the agency

The ICAC administers the following legislation:

Independent Commissioner Against Corruption Act 2012

The ICAC and the OPI have additional functions under the PCD Act.

A significant body of work was undertaken in the 2019-20 financial year in relation to the introduction of the *Public Interest Disclosure Act 2018* (PID Act). Thirteen responsible officer training sessions were conducted in metropolitan and regional areas. This mandatory training assists public officers appointed as responsible officers under the PID Act to undertake their role.

The OPI is a relevant authority for the purposes of the PID Act and can therefore receive and must assess disclosures of public interest information.

All reports made to the OPI under the ICAC Act in respect of alleged corruption, misconduct or maladministration may constitute appropriate disclosures of public administration information and are dealt with in accordance with the PID Act. The OPI received 762 such reports during the reporting period.

The OPI also received one complaint under the ICAC Act which was treated as a disclosure under the PID Act because it concerned an appropriate disclosure of environmental and health information.

Any person to whom an appropriate disclosure is made under the PID Act is obliged to provide the OPI with information regarding the disclosure. The OPI received 68 such notifications during the reporting period. A person who takes action in relation to an appropriate disclosure under the PID Act must also provide the OPI with information relating to the outcome of that action. The OPI received 35 such notifications during the reporting period.

Other related agencies

Judicial Conduct Commissioner

Staff from the office of the ICAC and OPI support the Independent Commissioner Against Corruption (the Commissioner) in his capacity as Judicial Conduct Commissioner appointed under the *Judicial Conduct Commissioner Act 2015* (JCC Act).

ICAC / OPI performance

Performance at a glance

The ICAC Act defines the objectives and functions of both the ICAC and the OPI. The ICAC and the OPI has additional functions under the PCD Act.

ICAC / OPI contribution to whole of Government objectives

Not applicable.

Agency specific objectives and performance

See [Reporting required under any other act or regulation.](#)

Corporate performance summary

During the reporting period the organisation's workforce has remained steady in number of persons, positions and full-time equivalent employee (FTE) numbers.

Total number of employees (as at June 30)¹	Current year 2019-20	Past year 2018-19	Change (+ / -)
Persons ²	75	75	0
FTEs	70.3	70.1	+0.2

¹ The Commissioner and the Deputy Commissioner have been included in the above tally but they are not employees of the ICAC.

² Persons figures include casual employees whereas FTE figures do not.

Recruitment and separations

Recruitment continued to be a significant activity throughout the reporting period.

Number of persons	Current year 2019-20	Past year 2018-19	Change (+ / -)
Recruited to the agency	16	28	-12
Separated from the agency	16	15	+1

Turnover

Employee turnover has slightly reduced during the reporting period compared to previous periods. Although employee turnover may be considered high, the ICAC continues to attract talented employees who are determined on career progression. Five employees who commenced in this reporting period have previously been employed by the ICAC and have returned.

Employee turnover	Current year 2019-20	Past year 2018-19
Persons ¹	21.3%	21.7%
FTEs	24.4%	25.0%

¹ Persons figures include casual employees whereas FTEs figures do not.

Leave management

Sick leave and special leave with pay per FTE have increased compared with the previous reporting periods.

Leave type (average days per FTE)	Current year 2019-20	Past year 2018-19
Sick leave per FTE	6.2	4.7
Family leave per FTE	1.2	1.4
Special leave with pay per FTE	1.0	0.5

Equal opportunity programs

The ICAC is an equal opportunity employer and is committed to diversity and inclusion. During 2019-20 a gender equality action plan was commenced with deliverables set for this reporting period and 2020-21.

A disability access and inclusion framework evolved from a disability discrimination maturity assessment. The framework addresses access in relation to recruitment and employment as one of three pillars toward access and inclusion.

The ICAC's recruitment policy ensures the recruitment panel is as diverse as possible to ensure unbiased consideration of applicants. Recruitment panel members undertake training in recognising and managing unconscious bias.

Each applicant is encouraged to share any accessibility requirements to ensure adequate support and/or adjustments may be accommodated. The information is used to ensure a person with disability can be accommodated throughout recruitment, placement, on-boarding and ongoing employment.

An integral part of the ICAC's on-boarding process is for a qualified occupational therapist to undertake an assessment of the work required compared with an employee's accessibility requirements to ensure every possible adjustment, equipment or flexibility is provided.

Employment opportunity programs

	Performance
Employment opportunity programs	The ICAC is a small agency with mostly specialist roles. As such ICAC has not been in a position to offer employment opportunity programs during this reporting period.
Flexible working	An important facilitator of equal access and opportunity is the ICAC's continued commitment to flexible working arrangements.

Agency performance management and development systems

Performance management and development system	Performance
Performance and potential review	86% of fully inducted employees completed a documented performance and potential review in November 2019. ¹
Performance and potential review discussion	87% of fully inducted employees completed a performance and potential review discussion in May 2020. ²
Mentoring program	12 employees (17% of full-time equivalent employees) participated in the ICAC's mentoring program during 2019-20 as either a mentor or a mentee.
Learning and Development Committee	0.61% of total salary expenditure was committed to providing training and development programs through the Learning and Development Committee and the Health and Wellbeing Committee during 2019-20.

¹ A small number of employees elected not to participate in the documented performance and potential review as they were either casual employees or separating employees. Five employees were on extended leave and were not available to participate.

² A small number of employees elected not to participate in performance and potential review discussions as they were either casual employees or separating employees. Three employees were on extended leave and were not available to participate. Two employees were seconded to SA Health and were not available to participate.

Data for previous years is available at: <https://data.sa.gov.au/data/dataset/icac-and-opi-annual-report-data-workforce-statistics>

Work health, safety and return to work programs

Program name	Performance
Work health and safety / return to work programs	There has been no requirement for a work health and safety and / or return to work program during 2019-20 to address significant agency risks.
Employee Assistance Program	The Employee Assistance Program continued to provide support to employees and their immediate families with informal and strictly confidential short-term counselling services.
Mental health	The Health and Wellbeing Committee and the Learning and Development Committee are committed to providing sessions intended to increase awareness and understanding of mental health in the workplace including the provision of resilience training and mindfulness training during 2019-20.

Workplace injury claims	Current year 2019-20	Past year 2018-19	% Change (+ / -)
Total new workplace injury claims	0	0 ¹	0
Fatalities	0	0	0
Seriously injured workers*	0	0	0
Significant injuries (where lost time exceeds a working week, expressed as frequency rate per 1000 FTE)	0	0	0

* number of claimants assessed during the reporting period as having a whole person impairment of 30% or more under the *Return to Work Act 2014 (Part 2 Division 5)*

¹ There were two work health and safety incidents requiring corrective action and one resulting in injury that required medical treatment during 2018-19. Total gross workers compensation expenditure for the period was \$128.00 which was for medical treatment.

Work health and safety regulations	Current year 2019-20	Past year 2018-19	% Change (+ / -)
Number of notifiable incidents (<i>Work Health and Safety Act 2012, Part 3</i>)	0	0	0
Number of provisional improvement, improvement and prohibition notices (<i>Work Health and Safety Act 2012 Sections 90, 191 and 195</i>)	0	0	0

Return to work costs**	Current year 2019-20	Past year 2018-19	% Change (+ / -)
Total gross workers compensation expenditure (\$)	0	\$128.00	-100%
Income support payments – gross (\$)	0	0	0

**before third party recovery

Data for previous years is available at: <https://data.sa.gov.au/data/dataset/icac-and-opi-annual-report-data-work-health-and-safety-and-return-to-work-performance>

Executive employment in the agency

Executive classification	Number of executives as at 30 June 2020	Number of executives based on actual remuneration
CONAGD ¹	2	2
SAES1 ²	4	3
INV4 ³	1	1
INV3 ⁴	3	3
INV2 ⁵	0	1
LEC5 ⁶	2	2
Total	12	12

¹ While the Commissioner and the Deputy Commissioner have been included in the above tally, they are not employees of the ICAC.

² Director OPI, Director Corporate Services, Director Prevention and Communications, and Director Legal Services.

³ Director Investigations.

⁴ Investigations Team Leaders.

⁵ Senior Investigator. The receipt of a lump sum payment for long service leave increased actual remuneration to the executive classification.

⁶ Senior Legal Officers.

Executive classification is based on a total remuneration package value in excess of \$154,000 per annum.

Data for previous years is available at: <https://data.sa.gov.au/data/dataset/icac-and-opi-annual-report-data-executive-employment-in-the-agency>

The [Office of the Commissioner for Public Sector Employment](#) has a [workforce information](#) page that provides further information on the breakdown of executive gender, salary and tenure by agency.

Financial performance

Financial performance at a glance

The following is a brief summary of the overall financial position of the agency. The information is unaudited. At the time of printing this Annual Report the ICAC / OPI audited Financial Statements were not available.

The ICAC / OPI audited Financial Statements will be published in a separate report.

Statement of Comprehensive Income	2019-20 Budget \$000s	2019-20 Actual \$000s	Variation \$000s	Past year 2018-19 Actual \$000s
Total Income	19,601	19,615	(14)	13,791
Total expenses	19,601	15,387	4,148	13,698
Net Result	0	4,228	(4,228)	93
Total Comprehensive Result	0	4,228	(4,228)¹	93

Statement of Financial Position	2019-20 Budget \$000s	2019-20 Actual \$000s	Variation \$000s	Past year 2018-19 Actual \$000s
Current assets	5,711	11,588	(5,877)	6,346
Non-current assets	8,849	3,575	5,274	4,185
Total assets	14,560	15,163	(603)	10,531
Current liabilities	1,955	2,507	(522)	1,955
Non-current liabilities	1,689	1,547	142	1,695
Total liabilities	3,644	4,054	(410)	3,650
Net assets	10,916	11,109	(193)	6,881
Equity	10,916	11,109	(193)	6,881

¹ The variance of \$4.228 million in the statement of comprehensive income is primarily a result of capital funding allocated for accommodation fit-out (including public hearings) and ICT corporate infrastructure refresh not being fully expensed.

Funding of \$2.626 million allocated for public hearings is unspent capital funds due to the project not proceeding.

The Commissioner has requested to carry forward remaining unspent capital funds for accommodation fit-out and ICT corporate infrastructure refresh.

Consultants disclosure

The following is a summary of external consultants engaged by the agency, the nature of work undertaken, and the actual payments made for the work undertaken during the financial year.

Consultancies with a contract value below \$10,000 each

Consultancies	Purpose	\$ Actual payment
PKF Adelaide	Procurement process audit	\$8,000.00
PKF Adelaide	Procurement process audit	\$6,000.00
Rider Levett Bucknall SA Pty Ltd	Cost management services	\$4,000.00
System Solutions Engineering Pty Ltd	Engineering services	\$5,500.00
System Solutions Engineering Pty Ltd	Engineering services	\$2,475.00
System Solutions Engineering Pty Ltd	Engineering services	\$500.00
The A & G Materne Family Trust and C & C Pennino Family Trust	Architectural services	\$2,840.00
The A & G Materne Family Trust and C & C Pennino Family Trust	Architectural services	\$1,476.00
Wendy Fewsdale (Info-Osmosis)	Records management audit	\$5,600.00
	Total	\$36,391.00

The information above is extracted from ICAC's unaudited draft Financial Statements 2019-20.

Consultancies with a contract value above \$10,000 each

Consultancies	Purpose	\$ Actual payment
ISDefence Pty Ltd	Protective security maturity assessment	\$23,000.00
NEC Australia Pty Ltd	ICT corporate infrastructure network refresh design	\$54,898.97
	Total	\$77,898.97

The information above is extracted from ICAC’s unaudited draft Financial Statements 2019-20.

Data for previous years is available at: <https://data.sa.gov.au/data/dataset/icac-and-opi-annual-report-data-consultants-disclosure>

See also the [Consolidated Financial Report of the Department of Treasury and Finance](#) for total value of consultancy contracts across the South Australian Public Sector.

Legal services disclosure

The following is a summary of legal services engaged by the agency, the nature of work undertaken, and the actual payments made for the work undertaken during the financial year.

Legal services with a contract value below \$10,000 each

Legal services	Purpose	\$ Actual payment
Adam Kimber SC, Barrister	Corruption investigation	\$9,082.00
Crown Solicitor's Office	Corruption investigation	\$2,683.60
Crown Solicitor's Office	Human resource management	\$2,013.10
Crown Solicitor's Office	Human resource management	\$226.40
Crown Solicitor's Office	Corruption investigation	\$25.60
Craig Stevens (Authentic Workplace Relations)	Human resource management	\$2,233.60
Damian O'Leary, Barrister	Corruption investigation	\$8,098.00
Damian O'Leary, Barrister	Corruption investigation	\$1,684.80
EMA Lawyers Pty Ltd	Work Health and Safety Policy	\$2,206.10
EMA Lawyers Pty Ltd	Human resource management	\$1,466.20
Robert Whittington QC, Barrister	Corruption investigation	\$8,875.00
Timothy Game SC, Barrister	Corruption investigation	\$5,700.00
	Total	\$44,294.40

The information above is extracted from ICAC's unaudited draft Financial Statements 2019-20.

Legal services with a contract value above \$10,000 each

Legal services	Purpose	\$ Actual payment
Adam Kimber SC, Barrister	Corruption investigation	\$12,980.00
Adam Kimber SC, Barrister	Maladministration investigation	\$42,550.50
Crown Solicitor's Office	Maladministration investigation	\$61,789.90
Damian O'Leary, Barrister	Corruption investigation	\$14,250.00
Mark Livesey QC, Barrister	Maladministration investigation	\$74,025.00
Mark Livesey QC, Barrister	Maladministration investigation	\$55,800.00
Robert Whittington QC, Barrister	Maladministration investigation	\$37,285.00
Robert Whittington QC, Barrister	Corruption investigation	\$15,460.00
	Total	\$314,140.40

The information above is extracted from ICAC's unaudited draft Financial Statements 2019-20.

Data for previous years is available at: <https://data.sa.gov.au/data/dataset/icac-and-opi-annual-report-data-legal-services-disclosure>

Contractors disclosure

The following is a summary of external contractors engaged by the agency, the nature of work undertaken, and the actual payments made for work undertaken during the financial year.

Contractors with a contract value below \$10,000

Contractors	Purpose	\$ Actual payment
Dunn Transcripts Pty Ltd	Maladministration investigation	\$9,331.75
Dunn Transcripts Pty Ltd	Maladministration investigation	\$7,781.04
Dunn Transcripts Pty Ltd	Maladministration investigation	\$3,636.92
Dunn Transcripts Pty Ltd	Corruption investigation	\$3,035.29
Dunn Transcripts Pty Ltd	Corruption investigation	\$1,796.32
Hudson Global Resources (Aust) Pty Ltd	Temporary Finance Officer	\$3,095.29
ISDefence Pty Ltd	Protective security maturity support	\$3,675.00
Kirstie Wyatt	Desktop publishing services	\$2,522.63
Randstad Pty Ltd	Temporary Publishing Officer	\$5,810.67
The Trustee for Liquid Pacific Asset Consultants	Fit-out valuation	\$500.00
	Total	\$41,184.91

The information above is extracted from ICAC's unaudited draft Financial Statements 2019-20.

Contractors with a contract value above \$10,000 each

Contractors	Purpose	\$ Actual payment
David Reimers	Information technology support	\$19,623.00
DFP Recruitment Services Pty Ltd	Temporary Administration Officer	\$16,076.04
Modis Consulting Pty Ltd	Procurement support	\$42,123.00
Randstad Pty Ltd	Temporary Administration Officer	\$16,057.48
	Total	\$93,879.52

The information above is extracted from ICAC's unaudited draft Financial Statements 2019-20.

Data for previous years is available at: <https://data.sa.gov.au/data/dataset/icac-and-opi-annual-report-data-contractor-disclosure>

The details of South Australian Government-awarded contracts for goods, services, and works are displayed on the SA Tenders and Contracts website. [View the agency list of contracts](#).

The website also provides details of [across government contracts](#).

Risk management

Risk and audit at a glance

As an outcome of the results received from the 2018-19 Ernst & Young internal governance audit there has been a review and enhancement of work health safety and workplace conduct policies.

During 2019-20 a protective security maturity assessment was carried out by an independent security consultant ISDefence, continuing the ICAC's commitment to establishing and improving internal controls to manage the risks associated with security governance, cyber security, personnel security and physical security.

The result of the project resulted in a roadmap to ensure the ICAC is equipped to comply with the South Australian Government Protective Security Framework (SAPSF), South Australian Cyber Security Framework (SACSF), and South Australian Information Classification System (ICS).

The ICAC documented a risk appetite statement in 2019-20 as a means of identifying the ICAC's cyber security profile. The risk appetite statement also informed a review of ICAC's risk management framework which has identified opportunities for continuous improvement. This work commenced in 2019-20 and is expected to continue into 2020-21.

The improved risk management framework and the investment of work the ICAC undertook to develop business continuity frameworks provided a sound basis for a rapid and effective response to the pandemic coronavirus disease 2019 (COVID-19). A review of the governance and actions taken to minimise risk arising from the pandemic will be undertaken in 2020-21.

Fraud detected in the agency

Number of instances and nature of fraud detected in the agency: 0

NB: Fraud reported includes actual and reasonably suspected incidents of fraud.

Strategies implemented to control and prevent fraud

The ICAC's Unacceptable Conduct Control Policy is reviewed annually and provides the framework to minimise opportunities for unacceptable conduct and to maximise the potential for such conduct to be detected.

The Unacceptable Conduct Control Policy captures conduct that extends beyond 'fraud and corruption' to any conduct that involves corruption, misconduct or maladministration in public administration.

The ICAC has undertaken an unacceptable conduct risk assessment as part of its unacceptable conduct control plan. The risk assessment includes risks related to financial management and details controls that are in place to mitigate those risks.

The protective security maturity assessment undertaken in 2019-20 and the resultant risk management framework improvements have improved risk identification, assessment, controls and remediation. Other controls that effectively control and prevent fraud include centralised management of procurement, contract management plans for complex and/or high value agreements and an annual financial management compliance program.

Data for previous years is available at: <https://data.sa.gov.au/data/dataset/icac-and-opi-annual-report-data-fraud-detected-in-agency-disclosure>

Public interest disclosure

Number of occasions on which public interest information has been disclosed to a responsible officer of the agency under the *Public Interest Disclosure Act 2018*: 0

Data for previous years is available at: <https://data.sa.gov.au/data/dataset/icac-and-opi-annual-report-data-whistleblowers-disclosure>

Note: Disclosure of public interest information was previously reported under the *Whistleblowers Protection Act 1993* and repealed by the *Public Interest Disclosure Act 2018* on 1/7/2019.

Reporting required under any other Act or Regulation

Act or Regulation	Requirement
<i>Independent Commissioner Against Corruption Act 2012</i>	Section 45(2)(b)(i) Report the number and general nature of complaints and reports received by the Office.

The OPI is the public face of the ICAC's operations and is the starting point for all complaints and reports made under the ICAC Act. Complaints are made to the OPI by members of the public and reports are made by inquiry agencies, public authorities and public officers.

During the reporting period the OPI received and responded to 1,136 enquiries and 313 contacts in relation to matters which did not fall within the ICAC's jurisdiction.

In 2019-20 the OPI received 1,257 new complaints and reports under the ICAC Act.

Thirty one matters received were subsequently 'split' into matters to be dealt with under both the ICAC Act and the PCD Act. These matters have been counted in complaint and report figures under each Act.

Complaints and reports received under the ICAC Act	Current year 2019-20	Past year 2018-19	Change (+ / -)
Complaints	495 (39.4%)	487 (40%)	+8
Reports	762 (60.6%)	742 (60%)	+20
Total	1,257	1,229	+28

Of the 1,257 complaints and reports received under the ICAC Act, 86 were identified as duplicates (16 complaints and 70 reports). A duplicate matter relates to subject matter that has been raised on more than one occasion. The OPI ordinarily cross references duplicate complaints and reports and deals with them as a single matter.

There was a 2.3% increase in the total number of complaints and reports received under the ICAC Act during the reporting period.

Subject of complaints and reports received under the ICAC Act	Complaints 2019-20	Reports 2019-20	Total 2019-20
Ombudsman	2 (0.4%)	1 (0.1%)	3 (0.2%)
Local Government	89 (18.0%)	201 (26.4%)	290 (23.1%)
Member of Parliament	13 (2.6%)	9 (1.2%)	22 (1.8%)
Statutory Authority	105 (21.2%)	120 (15.7%)	225 (17.9%)
State Government	285 (57.6%)	429 (56.3%)	714 (56.8%)
Private / unknown	1 (0.2%)	2 (0.3%)	3 (0.2%)
Total	495	762	1,257

Rounding has been used in respect to statistical results. Accordingly not all tables and figures total 100%.

Complaints and reports were made to the OPI in a variety of ways:

Method of receipt of complaints and reports received under the ICAC Act	Current year 2019-20	%
Website	777	61.8
Telephone call	207	16.5
Email	139	11.1
Letter	92	7.3
In person	42	3.3
Total	1,257	100

General nature of complaints and reports received under the ICAC Act	Complaints 2019-20	Reports 2019-20	Total 2019-20
Alleged offence while not acting in capacity as public officer	1 (0.2%)	20 (2.6%)	21 (1.7%)
Conduct (other than criminal conduct) of a public officer while not acting in capacity as a public officer	2 (0.4%)	5 (0.7%)	7 (0.6%)
Conflict of interest - tender assessment / procurement / contract / vote / decision making	35 (7.1%)	92 (12.1%)	127 (10.1%)
Could not be ascertained	1 (0.2%)	0 (0.0%)	1 (0.1%)
Deception associated with employment / appointment to public office / coercion	5 (1.0%)	36 (4.7%)	41 (3.3%)
Environmental & Health	1 (0.2%)	0 (0.0%)	1 (0.1%)
Excessive force	1 (0.2%)	6 (0.8%)	7 (0.6%)
Failure to exercise power / make decision / carry out a function or inadequate exercise of power / inappropriate exercise of power / function	169 (34.1%)	68 (8.9%)	237 (18.9%)
Improper use of confidential information	18 (3.6%)	64 (8.4%)	82 (6.5%)
Inappropriate conduct / workplace bullying / harassment / failure to comply with policy / procedure	185 (37.4%)	293 (38.5%)	478 (38.0%)
Mismanagement in relation to the performance of official duties	37 (7.5%)	51 (6.7%)	88 (7.0%)
Misuse of public money / theft from the workplace	20 (4.0%)	67 (8.8%)	87 (6.9%)
Other criminal conduct while acting in capacity	20 (4.0%)	60 (7.9%)	80 (6.4%)
Total	495	762	1,257

Rounding has been used in respect to statistical results. Accordingly not all tables and figures total 100%.

Recontacts

Where a person recontacts the OPI because that person is dissatisfied with the decision made in relation to his or her complaint or report, that recontact is reviewed by the OPI and referred to the Commissioner or Deputy Commissioner for determination as to whether the complaint or report ought to be reassessed.

During the reporting period the OPI received 187 recontacts in relation to 157 complaints and reports. The OPI reviewed a further 20 recontacts which were received in the previous reporting period. Thirty one recontacts related to complaints or reports received under the PCD Act (seven of which were received in the previous financial year) and the remaining 176 recontacts concerned complaints or reports received under the ICAC Act (13 of which were received in the previous financial year).

As at 30 June 2020, 161 recontacts were reviewed (including 20 matters carried over from the previous reporting period). As a result 13 complaints and reports were reassessed and three new complaints and reports were created. A decision was made to take no further action in relation to the remaining recontacts.

There were 36 occasions where OPI determined to take no action on a recontact in the absence of a review. Such a review was not required because the recontact did not include any substantive information.

As at 30 June 2020 there were ten outstanding recontacts.

Assessments

During the reporting period the OPI assessed 1,159 complaints and reports under the ICAC Act comprising 1,896 separate issues. Of those complaints and reports 1,094 were received in the 2019-20 financial year and 65 were received in a previous year. This included 467 (40.3%) complaints and 692 (59.7%) reports.

As at 30 June 2020, 71 matters (31 complaints and 40 reports) received during the financial year were awaiting assessment. An additional six matters assessed by the OPI during the reporting period (two complaints and four reports) were awaiting a determination by the Commissioner or the Commissioner's delegate as to the action to be taken.

One of the OPI's key performance indicators is the registration and acknowledgement of complaints and reports within an average of two working days.

This financial year, complaints and reports were registered on average in less than one working day.

The length of time taken to assess a matter depends on a range of factors including:

- The number and complexity of the issues raised
- The volume and clarity of the information provided
- Whether further information was required from the complainant, reporter or an external agency and, if so, the time taken to receive that information
- Workload and staffing factors

The OPI strives to assess all complaints and reports in an average of 25 days. This financial year complaints and reports were assessed on average in 17.4 working days.

The OPI decided the action to be taken on a complaint or report on 544 occasions (46.9% of all assessment decisions). All other complaints and reports were assessed by the OPI and referred to the Commissioner or the Commissioners delegate for determination.

Where the OPI made a recommendation to the Commissioner or the Commissioners delegate, 85.9% of those recommendations were accepted, exceeding the Key Performance Indicator of 80% of all recommendations made by the OPI about a complaint or report being accepted by the Commissioner.

Own initiative

In addition to the 1,257 complaints and reports received under the ICAC Act during the reporting period, 15 matters were commenced by the Commissioner on the Commissioners own initiative. Ten of those matters progressed to a corruption investigation; one was assessed as raising 'some other issue' and referred to a public authority; three were assessed as raising a potential issue of misconduct or maladministration and referred to a public authority; and no further action was taken in respect of one matter.

No further action

The Commissioner or the OPI may determine to take no further action when a matter is assessed as:

- Trivial, vexatious or frivolous
- Having been dealt with by an inquiry agency or public authority and where there is no good reason to re-examine the matter
- There being other good reason for taking no further action.

During the reporting period 696 complaints and reports received under the ICAC Act and one matter commenced on the Commissioner's own initiative were determined as requiring no further action. A further 16 matters which were initially assessed as raising a potential issue of misconduct or maladministration were reassessed as requiring no further action following comments from the public authority or inquiry agency about the proposed referral.

No further action	Current year 2019-20	Past year 2018-19
Reports	324 (45.4%)	288 (41.8%)
Complaints	388 (54.4%)	400 (58.1%)
Own initiative	1 (0.1%)	1 (<0.1%)
Total	713	689¹

¹ This includes 18 matters which were initially assessed as raising a potential issue of misconduct or maladministration and were reassessed as requiring no further action following comments from the public authority or inquiry agency about the proposed referral.

Act or Regulation	Requirement
<i>Police Complaints and Discipline Act 2016</i>	Section 31(1) Report on the number and general nature of sanctions imposed under section 26 in relation to breaches of discipline in the preceding financial year.

The PCD Act allows for the making of a complaint or report about a designated officer in SA Police to either SA Police or the OPI.

Complaints and reports about the conduct of a South Australian Police officer can be made to a designated officer, a police public servant or to the OPI. A report under the PCD Act is made by a designated officer who reasonably suspects that another designated officer has engaged in conduct that constitutes corruption, misconduct or maladministration in public administration (a 'police report'). A complaint about the conduct of a designated officer may be made by or on behalf of an aggrieved person (a 'police complaint').

Where a complaint or report about police has been made directly to the OPI the matter will be reviewed to determine whether the issues raised ought to be referred to the Commissioner. All other complaints and reports are referred to the SA Police Internal Investigation Section (IIS). Complaints or reports made directly to SA Police are also referred to the IIS.

The IIS assesses all complaints and reports received and notifies the OPI of any matter assessed as raising a potential issue of corruption. The OPI reviews assessments undertaken by the IIS and is empowered to substitute its own assessment following a consultation process. The IIS is obliged to deal with the complaint or report in accordance with the OPI's substituted assessment.

Following an assessment by the IIS a complaint or report may be referred for investigation or management resolution by SA Police or may result in no further action being taken.

Where a complaint or report is investigated by SA Police, the OPI will oversee that investigation and is empowered to give directions as to the conduct of that investigation.

Where an officer has been found to have breached the applicable Code of Conduct, sanctions can be imposed by the Commissioner of Police. Neither the ICAC nor the OPI has any role in making findings in relation to a breach of discipline by a designated officer nor the sanctions imposed.

Complaints and reports

The PCD Act defines reports as being made by designated officers (i.e. police officers, police cadets and special constables) and complaints as being made by anyone other than a designated officer.

Between 1 July 2019 and 30 June 2020 the OPI received or registered 2,548 complaints and reports under the PCD Act: 1,821 matters received directly by the OPI and 739 matters received by the IIS. Four of those matters were later marked as duplicates.

The OPI received 85.2% of all complaints made under the PCD Act while SA Police received 97% of all reports made under the PCD Act.

Complaints and reports received under the PCD Act	Received by IIS 2019-20	Received by OPI 2019-20	Total
Complaints	313	1,806	2,119
Reports	416	13	429
Total	729	1,819	2,548

In the reporting period the OPI received police complaints and police reports in the following ways:

Method of receipt of complaints or reports under the PCD Act	Current year 2019-20	%
Website	755	29.6
Telephone call	661	25.9
Email	240	9.4
Letter	146	5.7
In person	17	0.7
Received by Internal Investigation Section	729	28.6
Total	2,548	99.9

Rounding has been used in respect to statistical results. Accordingly not all tables and figures total 100%.

General nature of complaints and reports received under the PCD Act	Complaints 2019-20	Reports 2019-20	Total 2019-20
Alleged offence while not acting in capacity as public officer	307 (14.5%)	41 (9.6%)	348 (13.7%)
Conduct (other than criminal conduct) of a public officer while not acting in capacity as a public officer	22 (1.0%)	18 (4.2%)	40 (1.6%)
Conflict of interest - tender assessment / procurement / contract / vote / decision making	14 (0.7%)	16 (3.7%)	30 (1.2%)
Could not be ascertained	- (0.0%)	- (0.0%)	- (0.0%)
Deception associated with employment / appointment to public office / coercion	6 (0.3%)	6 (1.4%)	12 (0.5%)
Excessive force	173 (8.2%)	15 (3.5%)	188 (7.4%)
Failure to exercise power / make decision / carry out a function or inadequate exercise of power / inappropriate exercise of power / function	859 (40.5%)	68 (15.9%)	927 (36.4%)
Improper use of confidential information	46 (2.2%)	35 (8.2%)	81 (3.2%)
Inappropriate conduct / workplace bullying / harassment / failure to comply with policy / procedure	608 (28.7%)	197 (45.9%)	805 (31.6%)
Mismanagement in relation to the performance of official duties	56 (2.6%)	19 (4.4%)	75 (2.9%)
Misuse of public money / theft from the workplace	4 (0.2%)	1 (0.2%)	5 (0.2%)
Other criminal conduct while acting in capacity	24 (1.1%)	13 (3.0%)	37 (1.5%)
Total	2,119	429	2,548

Rounding has been used in respect to statistical results. Accordingly not all tables and figures total 100%.

Protective Security Officers

The PCD Act amended the Protective Security Act 2007 to give the OPI the power to direct the Commissioner of Police or a resolution officer in relation to handling of breaches of the Code of Conduct for Protective Security Officers.

During the reporting period the OPI oversaw the handling of 12 matters concerning alleged breaches of the Code of Conduct for Protective Security Officers. The OPI did not issue any directions in relation to the handling of those matters.

Assessment reviews

The OPI reviewed 2,538 complaints and reports assessed by the IIS under section 14 of the PCD Act. This includes a number of complaints and reports carried over from the previous reporting period.

Complaints and reports reviewed under the PCD Act	Current year 2019-20	%
Police complaints	2,115	83.3
Police reports	423	16.7
Total	2,538	100

The OPI consulted with the IIS in respect of its assessment of a complaint or report on 118 occasions. Following consultation the OPI substituted its assessment for that of the IIS on three occasions. There were 47 occasions whereby the consultation process resulted in IIS amending its assessment without the need for the OPI to reassess the matter and substitute its assessment.

The OPI referred 24 complaints and reports to the Commissioner under section 29 of the PCD Act.

Oversight of conduct investigation

The OPI oversaw 157 conduct investigations commenced by SA Police between 1 July 2019 and 30 June 2020.

Section 27 of the PCD Act empowers the OPI to give directions to the Commissioner of Police, the IIS or a police officer assisting in an IIS investigation as the OPI thinks fit.

During the reporting period the OPI gave one direction under section 27 of the PCD Act. That direction was given to the IIS.

Sanctions imposed under the PCD Act

Section 31 of the PCD Act provides that the Commissioner must, before 30 September in each year, prepare a report on the number and general nature of sanctions imposed under section 26 of the PCD Act for breaches of discipline in the preceding financial year.

The requirement to prepare the report on sanctions does not extend to requiring the Commissioner to provide an opinion as to the appropriateness of any sanction or consistency across sanctions.

The following table of sanctions has been provided by SA Police. The table is in two sections and indicates under which regulations the sanctions were imposed.

Sanctions that may be imposed by the Commissioner of Police are found in those regulations that were in force at the time the breach of the Code of Conduct occurred. The Code of Conduct prescribed by Schedule 3 of the *Police Complaints and Discipline Regulations 2017* has been in effect since 4 September 2017 and is preceded by Codes of Conduct prescribed by the *Police Regulations 1999* and the *Police Regulations 2014*.

Officers may be sanctioned for breaches occurring under different regulations. It can take time for alleged breaches to be appropriately resolved and a sanction(s) applied.

1 July 2019 to 30 June 2020:

Officer No.	Breach of the Code of Conduct Police Regulations, 2014	Outcome
6	Reg 14 Conduct Prejudicial - Reflects Adversely	Fine
7	Reg 14 Conduct Prejudicial - Good Order & Discipline	Reduction in Rank / Penalty - Administrative Order
8	Reg 18 Conduct Public / SAPOL - Conduct towards Employee (three counts)	Reduction in Rank / Transfer

1 July 2019 to 30 June 2020:

Officer No.	Breach of the Code of Conduct Police Complaints and Discipline Regulations, 2017	Outcome
1	Clause 3 Conduct Prejudicial - Reflects Adversely (three counts) Clause 4 Performance of Orders / Duties - Failure to carry out a lawful order Clause 8 Conflict of Interest - Conflict of Interest	Fine / Recorded Reprimand / Transfer
2	Clause 10 Confidentiality of Information - Improper Release / Access (five counts)	Fine / Recorded Reprimand
3	Clause 10 Confidentiality of Information - Improper Release / Access (nine counts)	Fine / Recorded Reprimand / Penalty - Administrative Order
4	Clause 8 Conflict of Interest - Conflict of Interest Clause 10 Confidentiality of Information - Improper Release / Access	Fine / Recorded Reprimand
5	Clause 10 Confidentiality of Information - Improper Release / Access (seven counts)	Fine / Recorded Reprimand
8	Clause 4 Performance of Orders / Duties - Disobey Orders	Reduction in Rank / Transfer
9	Clause 4 Performance of Orders / Duties - Failure to carry out a lawful order Clause 7 Conduct Public/ SAPOL- Oppressive, offensive, abusive	Fine / Recorded Reprimand / Penalty - Administrative Order
10	Clause 4 Performance of Orders/ Duties - Failure to carry out a lawful order (16 counts)	Recorded Reprimand / Transfer
11	Clause 7 Conduct Public / SAPOL - Conduct towards Employee	Penalty - Suspension without Pay
12	Clause 7 Conduct Public / SAPOL - Oppressive, offensive, abusive	Transfer / Counselling

Officer No.	Breach of the Code of Conduct Police Complaints and Discipline Regulations, 2017 continued	Outcome
13	Clause 2 Honesty & Integrity - Falsehood / prevarication	Fine / Recorded Reprimand
14	Clause 4 Performance of Orders / Duties - Failure to carry out a lawful order	Fine / Recorded Reprimand / Transfer / Penalty - Administrative Order
15	Clause 9 Obtain benefit or advantage - Improperly seek / obtain benefit / advantage	Fine / Penalty - Administrative Order
16	Clause 5 Negligence - Neglect of Duty	Fine / Training and Education / Transfer / Penalty - Administrative Order
17	Criminal – Traffic	Fine / Recorded Reprimand / Penalty - Administrative Order
18	Clause 2 Honesty & Integrity - Falsehood / prevarication	Fine / Recorded Reprimand
19	Clause 10 Confidentiality of Information - Improper Disclosure of Information	Fine / Penalty - Administrative Order
20	Criminal – Traffic	Fine / Recorded Reprimand
21	Clause 10 Confidentiality of Information - Improper Release / Access	Fine / Recorded Reprimand

Act or Regulation	Requirement
<i>Independent Commissioner Against Corruption Act 2012</i>	Section 45(2)(b)(ii) Report the number and general nature of matters investigated by the Commissioner.

A primary object of the ICAC Act is to identify and investigate corruption in public administration.

The ICAC Act defines corruption in public administration to include a range of criminal offences committed by a public officer in his or her capacity as a public officer. A matter assessed as raising a potential issue of corruption in public administration can be investigated by the ICAC, referred to SA Police or another law enforcement agency, or investigated jointly with another law enforcement agency or public authority.

Corruption investigations are by definition criminal investigations. The purpose of such an investigation is to collect evidence and where appropriate, to refer the matter for prosecution.

During 2019-20 the ICAC commenced 25 new corruption investigations. Two of those investigations were commenced as a result of a complaint or report received in the previous financial year. No investigations were conducted as joint investigations with another agency.

General nature of investigations commenced during the financial year

General nature	Current year 2019-20	%
Abuse of power for personal or financial gain	14	56
Abuse of power re contract / tender / procurement	2	8
Assault	1	4
Theft / misappropriation / fraud / deception	6	24
Improper use and/or disclosure of information/systems	2	8
Total	25	100

There were 20 investigations commenced in a previous year which were continued during 2019-20.

Act or Regulation	Requirement
<i>Independent Commissioner Against Corruption Act 2012</i>	Section 45(2)(b)(iii) Report the number of warrants issued by the Commissioner and by judges of the Supreme Court.

The ICAC Act and other state and federal legislation invests the Commissioner and the Commissioner's investigators with a range of statutory powers that can be utilised to carry out corruption investigations. ICAC investigators, who are police officers undertaking a secondment to the ICAC, carry with them police powers, including general search warrants and the power of arrest.

The numbers of warrants issued by the ICAC and by Judges of the Supreme Court are:

Investigative powers	Current year 2019-20	Past year 2018-19	Change (+ / -)
Search warrants issued by the ICAC	0	0	0
Search warrants issued by a Judge of the Supreme Court	25	27	-2
General search warrant (ICAC investigators who are on secondment from SA Police)	0	0	0
Total warrants	25	27	-2

Act or Regulation	Requirement
<i>Independent Commissioner Against Corruption Act 2012</i>	Section 45(2)(b)(iv) Report the number of examinations conducted.

The number of examinations conducted during the 2019-20 financial year is:

Examinations	Current year 2019-20	Past year 2018-19	Change (+ / -)
Examinations	7 ¹	12	-5

¹ This figure does not include instances where evidence was taken from witnesses in exercise powers matters. Those are dealt with separately at page 56.

Act or Regulation	Requirement
<i>Independent Commissioner Against Corruption Act 2012</i>	Section 45(2)(b)(v) Report the extent to which investigations have resulted in prosecutions or disciplinary action.

Upon a review of evidence collected during the course of an investigation the ICAC will determine whether to refer a matter for prosecution. Where the ICAC considers there is insufficient evidence to refer the matter, the ICAC will either close the file or, where there may be evidence of misconduct or maladministration, the ICAC will consider whether to refer the matter to an inquiry agency (i.e. the Ombudsman) or a public authority. In some circumstances of potentially serious or systemic misconduct or maladministration, the ICAC can choose to investigate the matter.

While corruption investigations are often complex and can be protracted, every effort is made to meet performance benchmarks. One of those benchmarks is the completion of 70% of all corruption investigations within 12 months of allocation through to the file closure. File closure is considered to be the time that the Commissioner agrees with and accepts the investigator's final recommendation. That benchmark was met this year: 16 of the 22 corruption investigations (73%) closed during 2019-20 were completed within 12 months of allocation.

During 2019-20 six investigations were referred to the ODPP. The ODPP determined to commence a prosecution in respect of four of those matters, and an additional matter which had been referred in the previous reporting period. The ODPP made a decision not to prosecute one matter.

As at 30 June 2020 two matters referred in the 2019-20 financial year and one matter referred in the previous financial year were awaiting a determination by the ODPP.

During 2019-20 eight persons were charged with corruption offences while six matters before the courts were finalised. One matter was referred to a public authority to consider disciplinary action following a corruption investigation.

During 2019-20 five persons previously the subject of an ICAC corruption investigation and subsequent prosecution were sentenced by the courts.

Name	Sentencing date	Sentence
Yvonne Buza	9 July 2019	Sentenced to imprisonment for 27 months, with a non-parole period of 18 months. Term of imprisonment suspended upon entering into a bond in the sum of \$1,000 to be of good behaviour for a period of three years.
Veronica Theriault	3 December 2019	Sentenced to imprisonment for two years, one month and six days, with a non-parole period of 12 months.
Sharif Kradolfer	24 March 2020	Sentenced to imprisonment for six months. Term of imprisonment suspended upon entering into a bond in the sum of \$1,000 to be of good behaviour for a period of one year and six months.
Michael Asker	14 May 2020	Sentenced to imprisonment for two years, six months and 19 days, with a non-parole period of 15 months. Sentence to be served on home detention.
Michael King	19 June 2020	Convicted and ordered to pay a fine of \$5,000.

More information is available on the ICAC website –

<https://icac.sa.gov.au/prosecution-outcomes>

At the completion of every investigation a comprehensive internal debrief is conducted to identify opportunities to improve investigation processes. A key benchmark is to conduct investigation debriefs within 20 days of completion of the investigation. During 2019-20, 86% of investigation debriefs met this benchmark. Despite not meeting this benchmark debriefs occurred in 100% of the completed investigations. A small number of investigation debriefs did not occur within the benchmark period due to investigators' leave and complications resulting from the coronavirus pandemic.

Corruption investigations often uncover weaknesses in an agency's practices, policies and procedures. Where there is an opportunity to provide feedback and recommendations to the agency, the agency head is provided relevant information and on occasion, a face to face debrief with the Commissioner and the Commissioner's investigators.

Act or Regulation	Requirement
<i>Independent Commissioner Against Corruption Act 2012</i>	Section 45(2)(b)(vi) Report the number and general nature of matters referred for investigation to the Commissioner of Police or other law enforcement agency.

During the 2019-20 financial year the Commissioner referred two complaints, 39 reports and one own initiative matter to SA Police for investigation. A further two matters (both complaints) received under the PCD Act were assessed as raising a potential issue of corruption and were referred to SA Police for investigation.

The general nature of matters referred to SA Police for investigation for the 2019-20 financial year are:

General nature	Current year 2019-20	%
Abuse of power for personal or financial gain / Bribery	14	32
Assault	7	16
Theft / misappropriation / fraud / deception	13	30
Improper use or disclosure of information	1	2
Dishonest dealings with documents	5	11
Miscellaneous	1	2
Offences associated with the use, sale or supply of prescription and/or illicit drugs	3	7
Total	44	100

The Commissioner has been advised by SA Police that during 2019-20, 26 prosecutions and 14 disciplinary investigations were commenced following referral.

Act or Regulation	Requirement
<i>Independent Commissioner Against Corruption Act 2012</i>	Section 45(2)(b)(vii) Report the number and general nature of occasions on which public statements have been made by the Commissioner.

The Commissioner typically does not comment on operational matters. However, if the Commissioner feels it is in the public interest to do so the Commissioner has the discretion to issue a public statement. News and announcements in respect of non-operational matters are published by way of a media release.

The Commissioner issued ten public statements this financial year and ten media releases. ICAC staff engaged with the media on 145 occasions.

Act or Regulation	Requirement
<i>Independent Commissioner Against Corruption Act 2012</i>	Section 45(2)(b)(viii) Report the number and general nature of matters referred to an inquiry agency or public authority.

Where a matter is assessed as raising a potential issue of misconduct or maladministration in public administration the Commissioner or the OPI may either:

- Refer the matter to an inquiry agency
- Refer the matter to a public authority

During the reporting period 307 complaints and reports assessed as raising potential issues of misconduct and/or maladministration in public administration were referred to an inquiry agency or public authority for investigation.

Referral of matters to an inquiry agency

The ICAC Act defines an inquiry agency to be the South Australian Ombudsman, or any other person declared by regulation to be an inquiry agency. No persons are currently declared by regulation to be an inquiry agency. Neither the Commissioner nor the OPI can issue an inquiry agency with directions or guidance in respect of a referral.

The number of referrals to an inquiry agency for 2019-20:

Referral to inquiry agency (Ombudsman)	Current year 2019-20	Past year 2018-19	Change (+ / -)
Complaints	3	5	- 2
Reports	34	21	+ 13
Own initiative	1	0	+ 1
Total	38	26	+ 12

Of the complaints and reports referred to the Ombudsman six of the complaints and reports were referred together and related to issues in one local council.

The general nature of matters referred to an inquiry agency were:

General nature of matters referred to inquiry agency (Ombudsman)	Current year 2019-20	%
Conflict of interest	10	26.3
Failure to exercise / inadequate exercise or inappropriate exercise of power / mismanagement in relation to performance of official duties	9	23.7
Improper use of information	6	15.8
Misuse of public money	5	13.2
Inappropriate conduct / bullying and harassment / not complying with a policy or procedure	8	21.1
Total	38	100.1

Rounding has been used in respect to statistical results. Accordingly not all tables and figures total 100%.

Referral of matters to a public authority

The number of referrals to a public authority for 2019-20:

Referrals to public authority	Current year 2019-20	Past year 2018-19	Change (+ / -)
Complaints	29	32	- 3
Police report	1	1	0
Police complaint	0	1	- 1
Reports	238	315	- 77
Own initiative	1	3	- 2
Total	269	352	- 83

The general nature of matters referred to public authority for 2019-20:

General nature	Current year 2019-20	%
Conflict of interest	30	11.2
Deception associated with employment / appointment to public office / coercion	15	5.6
Failure to exercise / inadequate exercise or inappropriate exercise of power / mismanagement of performance of official functions	50	18.6
Improper use of information	30	11.2
Inappropriate conduct / bullying and harassment / not complying with a policy or procedure	97	36.1
Misuse of public money	18	6.7
Excessive force	3	1.1
Theft from the workplace	9	3.3
Other criminal conduct while acting in capacity	17	6.3
Total	269	100.1

Rounding has been used in respect to statistical results. Accordingly not all tables and figures total 100%.

‘Some other issue’ referrals

On occasion a complaint or report will raise issues that ought to be referred to an inquiry agency, public authority or public officer even though the complaint or report does not raise a potential issue of corruption, misconduct or maladministration in public administration. In such cases the Commissioner or the OPI can refer the matter as ‘some other issue’. During 2019-20 71 matters assessed as raising some other issue were referred to a public authority or public officer. Those matters comprised 42 complaints, 27 reports, one own initiative and one police complaint. A further three complaints assessed as raising some other issue were referred to the Ombudsman.

Act or Regulation	Requirement
<i>Independent Commissioner Against Corruption Act 2012</i>	Section 45(2)(b)(ix) Report the number and general nature of directions or guidance given in referring matters under the ICAC Act.

A matter assessed as raising a potential issue of misconduct or maladministration may be referred to a public authority. The Commissioner or the OPI can issue directions or guidance in respect of a referral.

Factors considered by the Commissioner or the OPI in deciding whether to issue directions or guidance include:

- Whether the alleged conduct is considered serious or systemic
- Whether there are questions as to the capability of the public authority to fully and properly conduct an investigation and take appropriate action
- Whether the alleged conduct involves a public officer in a senior position or the alleged conduct involves a decision with significant consequences for an individual or the community at large
- Where in all of the circumstances there are other good reasons to issue directions or guidance.

Of the 269 matters referred to a public authority during the financial year, 82 matters were referred to a public authority with directions. Those directions included a requirement that the public authority undertake an investigation and submit a report to the ICAC within a specific timeframe, outlining the investigation conducted and any action taken as a result of the investigation. The remaining 187 matters were referred to public authorities without any directions or guidance.

Where a referral to a public authority is accompanied by a direction to provide a report back to the ICAC, the Commissioner or the Commissioner's delegate will review the report in order to be satisfied that action was duly and properly taken. As part of the review process additional information or clarification may be sought from a public authority and feedback may be provided to the public authority in an effort to assist the public authority to improve its processes.

If the Commissioner is not satisfied that a public authority has duly and properly taken action in respect of a referral, the ICAC Act provides a mechanism for the Commissioner to express that dissatisfaction: first with the public authority, then with the Minister responsible for the public authority and finally by way of a report to both Houses of Parliament.

This financial year 129 reports were received from public authorities in respect of the action taken on a referral. Some reports were received in response to directions given in previous financial years. The Commissioner expressed dissatisfaction to a public authority that the public authority had duly and properly taken action in relation to 11 referrals. On each occasion the public authority undertook remedial action in relation to the referral.

The Commissioner sets a benchmark of an average of ten working days within which to review final reports received from public authorities on action taken on a referral. In 2019-20 the average time taken to review a report was 10.44 working days which takes into account 12 matters in which there was an administrative delay in finalising the review of the report.

Act or Regulation	Requirement
<i>Independent Commissioner Against Corruption Act 2012</i>	Section 45(2)(b)(x) Report the number and general nature of the occasions on which the Commissioner exercised the powers of an inquiry agency.

In some circumstances (as prescribed by the ICAC Act), the Commissioner can determine to exercise the powers of an inquiry agency to investigate potential issues of serious or systemic misconduct or maladministration.

During the 2019-20 financial year, the Commissioner decided to exercise the powers of the South Australian Ombudsman on two occasions:

- The first involved allegations of maladministration relating to a major procurement undertaken by a large government department
- The second involved allegations of maladministration and misconduct relating to the behaviour of a senior public officer within a statutory authority and the manner in which the statutory authority dealt with that behaviour

In addition, seven other investigations into potential issues of serious or systemic misconduct or maladministration were carried over from previous years.

Three misconduct or maladministration investigations were finalised in the 2019-20 financial year.

At present the only inquiry agency for the purposes of the ICAC Act is the Ombudsman. Consequently, when the Commissioner determines to exercise the powers of an inquiry agency the Commissioner exercises the powers of the Ombudsman as set out in the *Ombudsman Act 1972*. Pursuant to section 19 of the *Ombudsman Act*, those powers include the powers of a Royal Commission, which includes the power to take evidence. During the reporting period the Commissioner took evidence from of 23 witnesses exercising those powers.

Act or Regulation	Requirement
<i>Independent Commissioner Against Corruption Act 2012</i>	Section 45(2)(b)(xi) Report the number and general nature of requests for examinations of accounts by the Auditor-General.

No requests for examinations of accounts by the Auditor-General were made by the Commissioner in 2019-20.

Act or Regulation	Requirement
<i>Independent Commissioner Against Corruption Act 2012</i>	Section 45(2)(b)(xii) Report the number and general nature of recommendations made to an inquiry agency or public authority by the Commissioner.

In the course of the Deputy Commissioner's evaluation of the City of Playford 21 recommendations were made. The general nature of these recommendations related to:

- Policy life-cycle
- Records management
- Recruitment/performance management
- Procurement

A copy of the report titled 'Evaluation of the Practices, Policies & Procedures of the City of Playford Council' is available at¹

https://icac.sa.gov.au/system/files/Evaluation_of_the_City_of_Playford_0.pdf

¹ <https://icac.sa.gov.au/> > Evaluations & Reviews > Evaluation of the City of Playford > View the report

Act or Regulation	Requirement
<i>Independent Commissioner Against Corruption Act 2012</i>	Section 45(2)(b)(xiii) Report the number and general nature of reports made to the Attorney-General, President of the Legislative Council or Speaker of the House of Assembly.

The Commissioner did not express dissatisfaction to a Minister responsible for a public authority over the course of the 2019-20 financial year. No reports of dissatisfaction were made to Parliament.

Act or Regulation	Requirement
<i>Independent Commissioner Against Corruption Act 2012</i>	Section 45(2)(b)(xiv) Report a description of the activities carried out in relation to its evaluation and educational functions.

Evaluations function

Section 7(1)(d) of the ICAC Act provides that the Commissioner can evaluate the practices, policies and procedures of inquiry agencies and public authorities with a view to advancing comprehensive and effective systems for preventing or minimising corruption, misconduct and maladministration in public administration.

During the financial year one evaluation was undertaken by the Deputy Commissioner. On 27 November 2019 the report titled 'Evaluation of the Practices, Policies & Procedures of the City of Playford Council' was tabled in Parliament. A copy of that report is available at²

https://icac.sa.gov.au/system/files/Evaluation_of_the_City_of_Playford_0.pdf

On 3 February 2020 the Deputy Commissioner announced an evaluation of the practices, policies and procedures of the Department for Correctional Services. The scope of the evaluation available at³ <https://icac.sa.gov.au/evaluation/correctional-services>. The evaluation was suspended on 16 March 2020 in light of the coronavirus pandemic. The evaluation recommenced on 18 June 2020 and is expected to conclude in early 2021.

² <https://icac.sa.gov.au/> > Evaluations & Reviews > Evaluation of the City of Playford > View the report

³ <https://icac.sa.gov.au/> > Evaluations & Reviews > Evaluation of the Department for Correctional Services > View the report

Education function

Section 7(1)(e) provides that the Commissioner is to conduct or facilitate the conduct of educational programs designed to prevent or minimise corruption, misconduct and maladministration in South Australian public administration.

Presentations, seminars and workshops

The ICAC's prevention function is served by a combination of education and communication activities and initiatives delivered to public officers and the South Australian community.

Education sessions	Current year 2019-20	Past year 2018-19	% Change (+ / -)
Education sessions delivered	90 ¹	83	+8.4%
Attendees	3,436	3,060	+12.3%

¹ Due to the coronavirus pandemic education sessions scheduled from 16 March to 30 June 2020 were suspended. Thirteen ICAC Public Interest Disclosure Responsible Officer training sessions are included in the 2019-20 reporting period.

Education resources

The ICAC makes resources available to assist public officers, public authorities and members of the community to understand the importance of public integrity and oversight to proper public administration. Resources are accessible on the ICAC website and printed resources can be obtained from the Prevention and Communications Section. Other resources include videos which are hosted on the ICAC Vimeo channel (accessible from the ICAC website) and an online induction program for public officers, which explains the reporting obligations of public officers together with information about integrity issues.

During the 2019-20 financial year 1,455 individuals enrolled in the new ICAC Conflicts of Interest online course. This course aids public officers in the identification and management of conflicts of interest.

This financial year ICAC video resources were streamed on 31,966 occasions and 1,832 individuals registered for online training. Of the 369 online training participants who responded to a follow up survey, 94% said they would recommend the ICAC Induction for Public Officers course.

Communication and engagement

The Commissioner and the Commissioner's staff make themselves available to engage with stakeholders where possible and appropriate.

A range of other stakeholder engagement channels are used, most widely being the ICAC website.

Website	Current year 2019-20	Past year 2018-19	% Change (+ / -)
Website visitor	120,642	63,871	88.9
Webpages accessed	261,444	165,207	58.3

Section 48 of the ICAC Act prescribes material that must be available on the website. Where that material exists it is available.

Act or Regulation	Requirement
<i>Independent Commissioner Against Corruption Act 2012</i>	Section 45 (2)(c) Deal with any other matters stipulated by the regulations.

No matters to report.

Data for previous years is available at: <https://data.sa.gov.au/data/dataset/icac-and-opi-annual-report-data-reporting-required-by-any-other-act>

Public complaints

Oversight

Schedule 4 of the ICAC Act provides for the appointment of an independent reviewer who is responsible for an annual review of the exercise of powers, review of matters arising from relevant complaints and other reviews as contemplated by the schedule. The independent reviewer is required to present a report to the Attorney-General on or before 30 September each year setting out findings from an annual review of the exercise of powers.

The independent reviewer is the Hon. John Sulan QC.

In order to enable the independent reviewer to carry out his work, full and unfettered access is provided to all corporate systems and hardcopy material. Live remote access to systems was limited for a short period while the organisation amended its systems to cater to widespread working from home arrangements in response to the coronavirus pandemic.

Any person can make a relevant complaint to the independent reviewer. A 'relevant complaint' is defined in Schedule 4 of the ICAC Act to be:

A complaint made in accordance with any requirements prescribed by the regulations relating to an abuse of power, impropriety or other misconduct on the part of the Commissioner or employees of the Commissioner or of the Office [for Public Integrity].

Additionally, the operations of the ICAC and the OPI, and the ICAC Act, are also the subject of review by the Parliamentary Crime and Public Integrity Policy Committee. Other legislation provides for oversight of different aspects of the ICAC's operations by the Commonwealth Ombudsman, the Commonwealth Department of Home Affairs, the South Australian Attorney-General and the Auditor-General.

The ICAC and OPI invests a great deal of time and effort in ensuring it meets its many and varied compliance responsibilities.

Number of public complaints reported

The Commissioner, Deputy Commissioner and employees are subject to external oversight by the independent reviewer appointed under the ICAC Act. In 2019-20 all complaints made to the ICAC or the OPI regarding allegations of impropriety by the Commissioner, Deputy Commissioner or a staff member have been brought to the attention of the independent reviewer. Complaints may also be made directly to the independent reviewer. The number of complaints received will be reported by the independent reviewer.

Data for previous years is available at: <https://data.sa.gov.au/data/dataset/icac-and-opi-annual-report-data-public-complaints>

Appendix: Audited financial statements 2019-20

This report has been produced bearing in mind the Independent Commissioner Against Corruption the Honourable Bruce Lander QC's term in office will end on 1 September 2020. At the time of printing this Annual Report the ICAC / OPI audited Financial Statements were not available.

The ICAC / OPI audited Financial Statements will be published in a separate report.