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9 October 2023

The Hon Kyam Maher MLC  
Attorney-General

By email: [attorneygeneral@sa.gov.au](mailto:attorneygeneral@sa.gov.au)

Dear Attorney

### **Request for a review of the integrity scheme**

In his Annual Report, Mr Strickland SC, the Inspector of the Commission, Office for Public Integrity and the Ombudsman reported on his experience working with the *Independent Commission Against Corruption Act 2012* (SA), the *Police Complaints and Discipline Act 2016* (SA), the *Ombudsman Act 1972* (SA) and related legislation.

Mr Strickland said at p.35:

In my opinion, the legislative scheme in which the integrity agencies operate within South Australia is fraught with inconsistencies, obstacles, and anomalies. The legislation makes it more difficult for me to perform my role. More significantly, it impacts each agency's ability to ensure the integrity of public administration in this state.

Significantly, the Inspector reported that he considers "a broad review of the integrity laws is necessary" and that "significant change is required to the integrity laws in this State if the intention is to have an effective public integrity scheme".

The Inspector did not himself conduct a review of the legislative scheme because it was "not a task he [has] been requested to perform".

The Commission, the Office for Public Integrity and the Ombudsman share the Inspector's concerns. There are some small differences between the agencies about parts of the scheme which would benefit from amendment. However, we are united in our view that an independent and substantive review of the legislative scheme is needed to address the anomalies, obstacles, inconsistencies and omissions which affect and impede the important work our agencies perform and the services we are able to provide to the South Australian community.

Accordingly, we write to respectfully make a joint request that pursuant to cl 2(1)(c) of sch 4 of the *Independent Commission Against Corruption Act 2012* (SA) you request the Inspector to conduct a review of the legislative scheme governing the integrity bodies in South Australia, namely, *Independent Commission Against Corruption Act 2012* (SA), the *Police Complaints and Discipline Act 2016* (SA) (in so far as it relates to the operations and functions of the OPI), the *Ombudsman Act 1972* (SA) and the *Public Interest Disclosures Act 2016* (SA).

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We observe that it is an opportune time for such a review. On 7 October 2023 it will be 2 years since the most recent ICAC Act amendments commenced and 1 October 2023 marked ten years since the Commission and OPI commenced their operations.

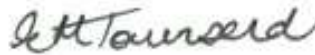
We also note that during any such review Mr Strickland SC could seek submissions from relevant stakeholders and interest groups such as, for example, the Law Society, Local Government Association or other groups or organisations which interact with our agencies or represent those that are affected by their functions. We consider this would be of benefit to the community and would be likely to result in improvements to the integrity scheme.

In the interests of transparency, we may publish this letter on our respective websites.

Yours sincerely



The Hon Ann Vanstone KC  
**Commissioner**



Emma Townsend  
**Director, OPI**



Wayne Lines  
**Ombudsman SA**