



CHELTENHAM PARK RESIDENTS ASSOCIATION INC

PO BOX 5154 ALBERTON SA 5014

Hon Bruce Lander QC
Independent Commissioner Against Corruption
via email: www.icac.sa.gov.au

27 March 2015

Dear Sir,

RE: Review of Legislative Schemes

As per your published invitation (*The Advertiser*, 25/2/15), the Cheltenham Park Residents Association (CPRA) makes the following submissions regarding your review of the legislative schemes governing the oversight and management of complaints and reports about public administration in South Australia.

About CPRA

CPRA was formed in 2004 as the Cheltenham Park Residents Group at the instigation of the Member for Cheltenham (now Premier) Hon Jay Weatherill, in response to the South Australian Jockey Club's decision to dispose of Cheltenham Park Racecourse. CPRA was incorporated on 29 October 2007 and, as per its Constitution, continues to advocate on civic and environmental affairs in Cheltenham and neighbouring areas.

In the course of its activities, CPRA has had dealings with the State Ombudsman, Police Ombudsman and the Office for Public Integrity.

Delay and Duplication

As indicated in the Review of Legislative Schemes Discussion Paper, prolonged delays in resolving complaints and the duplication of work across agencies are two of the main issues this review hopes to address.

From CPRA's experience, and from the Annual Report extracts quoted in the Discussion Paper, there is a glaring necessity for more resources in the Offices of the State Ombudsman and Police Ombudsman to deal with their workloads. It erodes public confidence in the complaints process if matters take an inordinate length of time to reach a conclusion. The Police Ombudsman in particular appears to be struggling in this regard.

CPRA submits that one way to alleviate the Police Ombudsman's workload is to take FOI external reviews away from that office. CPRA also submits that FOI external reviews where

the originating “agency” involved is the Police Minister (as opposed to SAPOL) would be more appropriately dealt with by the State Ombudsman rather than the Police Ombudsman.

In regards to duplication across the various integrity agencies, CPRA submits that matters which have already been dealt with in part by one agency should *not* be referred to another agency.

A case in point is where a lengthy and complex matter which had been with the State Ombudsman for some time, and had been considered at length by the Ombudsman in conjunction with other related matters, was eventually referred to OPI when the ICAC legislation was introduced. Not only did this result in a duplication of work, it resulted in two different opinions being formed on a particular issue on which the decision to investigate or not investigate turned.

It seriously erodes confidence in the process and denies justice to complainants when different conclusions are reached between one integrity agency and another.

Secrecy

CPRA joins the community’s calls for a relaxation of the ICAC legislation’s strict confidentiality clauses. South Australia’s ICAC is the most secretive in the nation – an ironic overkill in the state where there is “no evidence” of systematic corruption.

Even writing this submission has been difficult bearing in mind the blanket suppression imposed by section 56. The Act’s default position of secrecy in relation to each and every matter that goes to ICAC would be akin to each and every matter before the state courts having an automatic suppression order in place. In regards to confidentiality, ICAC should operate like the courts system where matters are open to the public unless a case for suppression is made.

Code of Conduct for MPs

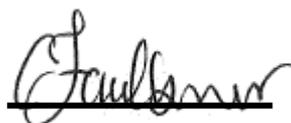
CPRA submits that this review of the ICAC legislation provides an opportunity to insert the long-awaited Code of Conduct for Members of Parliament. Or rather, an opportunity to *reinsert* the Code of Conduct after it was deleted from the ICAC Bill in the Legislative Council.

Considering the first motion to introduce a Code of Conduct for Members of Parliament dates back to 1994, including it in the current legislative review should be a priority.

Yours faithfully,



Trevor White
Chairman [REDACTED]



Carol Faulkner
Executive Committee Member [REDACTED]