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WHERE IS THE INTEGRITY LINE?

Research tells us that the vast majority of people are disinclined to steal money from their social club chocolate box. However, they might occasionally help themselves to a chocolate. Are these two actions different?

Taking a \$2 chocolate from the social club chocolate box without paying for it is dishonest at best and stealing a worst. However, many people would not necessarily see this type of conduct as stealing.

How many chocolates would a person need to take before it would be perceived as stealing and be popularly understood as a problem? Where is the integrity line and who decides where that line is?

Concepts of right and wrong are culturally constructed. Each organisation and sometimes units and departments within an organisation, have their own culture and micro cultures that determine how people conduct themselves and what is deemed as acceptable and unacceptable conduct. These standards are often arbitrary and applied inconsistently.

Helping yourself to the occasional free chocolate, a little bit of stationary, or knocking off 15 minutes early without declaring it on your timesheet, are the types of things that in some environments go unnoticed or without comment.

The perceived insignificance of this type of conduct may not demand that we examine our personal integrity when we partake in such activities. However, accepting an integrity line that starts anywhere other than zero acceptance of dishonest conduct, can have significant unintended consequences.

If ten people take a chocolate every week for an entire year, the social club has effectively had over \$1000 stolen from it. If each of the 104,000 people who are employed in the public sector take home a ream of paper a year, \$780,000 worth of public funds simply disappear. If those same public sector employees misrepresent their working hours by 15 minutes a week on their timesheet, the public purse could be out of pocket by over \$54 million dollars a year. No one involved in these perceived 'minor' transgressions would have intended to be part of a syndicate that stole money from the social club or the public sector, but that is what has happened.

The most effective way of eradicating this type of conduct is through building workplace integrity. An ethical and professional workplace, where standards and values are known, understood and demonstrated will assist in guarding your organisation against improper conduct.



THE NORTHERN TERRITORY ICAC

It has been reported that South Australian Independent Commissioner Against Corruption, the Hon. Bruce Lander QC has been offered and has conditionally accepted the role of Northern Territory anti-corruption Commissioner.

The Northern Territory does not currently have an anti-corruption agency. What they do have is a report from the Hon. Brian Martin QC on his inquiry into the establishment of an independent anti-corruption body for the Northern Territory.

Mr Martin's report proposes an anti-corruption agency based on the South Australian model and has recommended that Mr Lander be appointed Commissioner on a part time basis for two years.

Mr Martin's recommendation was made after he raised the idea with Mr Lander. At the time Mr Lander expressed that he would be open to the idea on the condition it was endorsed by the South Australian government.

At present there is no Northern Territory ICAC, there has been no Bill introduced into the Northern Territory Parliament to propose an ICAC, there is no endorsement from the South Australian Government for Commissioner Lander to jointly act as the South Australia and Northern Territory ICAC, there has been no offer of a position of Commissioner to Mr Lander from the Northern Territory government, therefore there has been no acceptance, conditional or otherwise.

Should the Northern Territory government proceed according to Mr Martin's recommendations and Mr Lander has the capacity at the time, both he and the South Australian government will consider any propositions made at that time.



The Northern Territory Parliament

EDUCATION UPDATE

The capacity to conduct thorough and timely internal investigations is essential to preserving the integrity of an organisation. The ICAC workshop 'What happened? How to conduct an internal investigation' offers useful tools that can be used to ensure an internal investigation is properly planned, is targeted towards determining the truth and carried out fairly. We are currently receiving applications for a workshop for Local Government employees. The scheduled workshop for State Government public sector employees is currently full. Another workshop will be scheduled shortly. You are welcome to register your interest by [emailing](#) the education team.

The Commissioner will deliver an ICAC awareness seminar for public officers on Wednesday 28 September in the CBD. This session is open to all public officers in South Australia. You can register to attend via the [ICAC website](#).

The Commissioner is also scheduled to visit Port Lincoln the first week in October, where he will deliver a session for elected members of local government on Thursday 6 October and another session for public officers on Friday 7 October. You can register for these events via the [website](#) also.

The Commissioner is participating in the Open State Forum 'Watchdogs and Whistleblowers' on 19 October. Both the Attorney-General and the Commissioner

will look at South Australian integrity and anti-corruption measures and provide context of why they exist, what can go wrong and what systems should be in place to ensure institutional integrity. [Register here](#).

If you cannot attend any of the Commissioner's seminars, you are welcome to [view the ICAC induction video](#) or complete the [online learning course](#) 'ICAC induction for Public Officers'.

If you would like a member of the Commissioner's education team to visit your agency to explain the role and functions of the office, please email us at education@icac.sa.gov.au.



FACT OR FICTION

EVERYTHING REPORTED TO THE OFFICE FOR PUBLIC INTEGRITY (OPI) WILL BE INVESTIGATED?

The act of submitting a complaint or report to the OPI does not automatically spark an ICAC investigation.

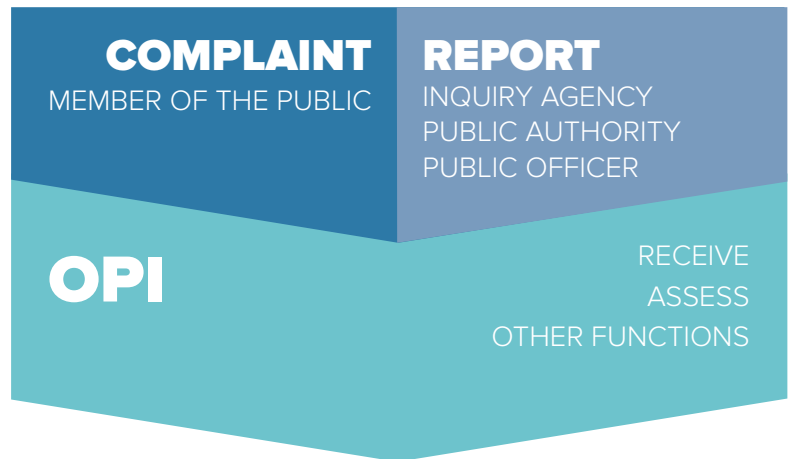
Since the Commissioner's office and the OPI commenced in September 2013, over 3000 complaints and reports have been received by the OPI. The vast majority of these complaints and reports do not go on to become corruption investigations.

Once a complaint or report has been received by the OPI, it will conduct an assessment and make a recommendation to the Commissioner as to how the matter might be dealt with.

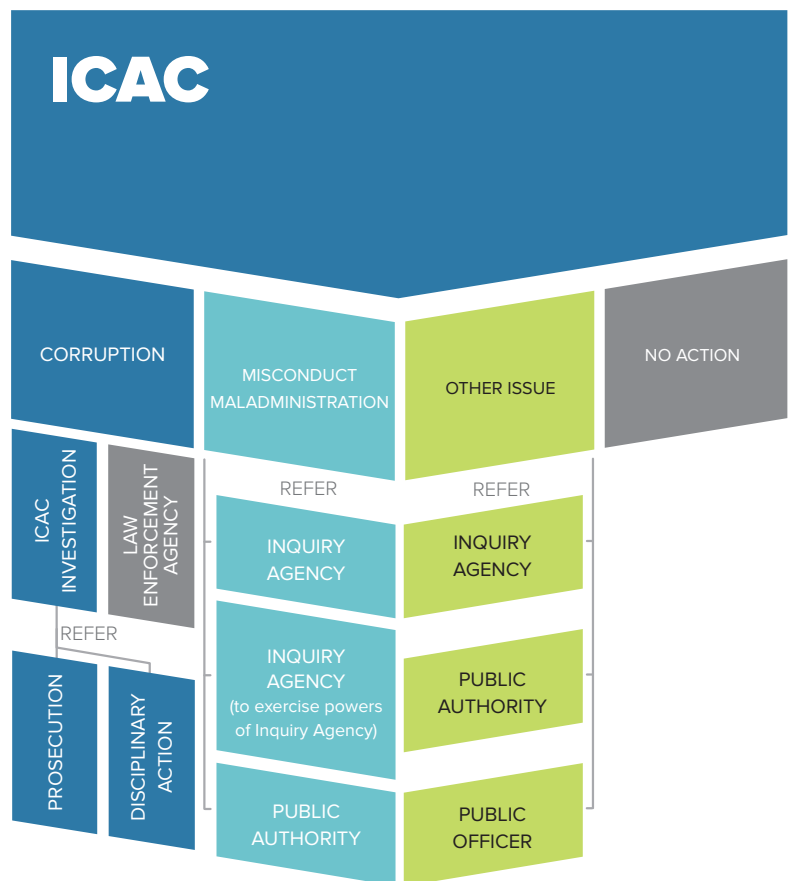
If the Commissioner thinks the complaint or report does raise a potential issue of corruption he may have his office conduct an investigation, or he may refer the matter to the Police or another law enforcement agency for investigation.

If the Commissioner is of the opinion that the complaint or report raises a potential issue of misconduct or maladministration the Commissioner will usually refer the matter to an inquiry agency or public authority for investigation. However, he may on occasion choose to investigate the matter himself by exercising the powers of an inquiry agency. The Commissioner uses this power sparingly.

The Commissioner may also choose to take no further action with regard to a complaint or report. He can do this if he thinks the matter is trivial, vexatious or frivolous or if it has been previously dealt with by an inquiry agency or public authority and there is no reason to re-examine it or there is other good reason why no action should be taken in respect of the matter.



RECOMMEND



PROSECUTION UPDATE

In June 2016 the Commissioner released a public statement regarding charges laid against a 36 year old Modbury woman employed by the public sector. This matter is now before the courts.

There are currently 17 people before the courts facing charges that have resulted from an investigation by the ICAC or a joint investigation between ICAC and SAPOL. One of those people is currently awaiting sentencing.



WHO DECIDES THE SANCTION?

The ICAC is a law enforcement agency and the Commissioner is its Chief Investigator. Other than the decision to refer a matter to the Director of Public Prosecution (DPP), the Commissioner does not make decisions about whether or not a person will be charged, for what they will be prosecuted, or what penalty they may incur if found guilty of a criminal offence.

The DPP is an independent office. They determine whether to lay charges, drop charges or enter into a plea arrangement with a person. The Judiciary is also independent and they determine what sanction will be imposed upon a person who has been found guilty of a criminal offence.

The ICAC does not play a role in determining how a matter referred to the DPP is subsequently dealt with by the DPP and the Courts.



JUDICIAL CONDUCT COMMISSIONER

On 11 August 2016, the Attorney-General announced that the South Australian Independent Commissioner Against Corruption, the Hon. Bruce Lander QC, has also been appointed the Judicial Conduct Commissioner.

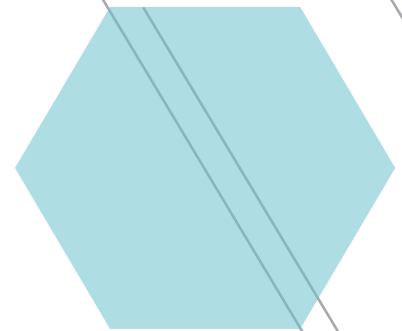
“I am very pleased to have been appointed to this position. I believe it is important that the community have an independent avenue for making complaints about the conduct of members of the Judiciary” said Commissioner Lander.

“This is not about examining the decisions of Judges and Magistrates; this is about the professional conduct of serving Judges and Magistrates. Members of the Judiciary, like other public office holders, are expected to conduct themselves professionally. For the most part I am sure that they do. However, in circumstances where they do not meet acceptable professional standards, there should be an independent person who can address that conduct.

“Of course, if I believe the conduct complained of is of the type that is captured by the ICAC Act, then I will ask the Office for Public Integrity to assess it and then I will deal with it according to the provisions of that Act.”

“I do not expect to be overly burdened by the additional responsibility of this role” said the Commissioner.

The Judicial Conduct Commissioner appointment is for the period that Mr Lander remains as the ICAC. It is expected that the office will commence later this year.



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IN THIS NEWSLETTER MUST NOT BE UNDERSTOOD
TO CONSTITUTE LEGAL ADVICE.

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