

Public Statement

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Statement by Emma Townsend

Commissioner, Independent Commission Against Corruption

STRENGTHENING SA'S INTEGRITY

- Six months in, Commissioner Emma Townsend is looking to the future -

Last week marked six months since I commenced my term as Commissioner.

In that time, I have met with many of my colleagues in the South Australian public sector. It is clear to me that the South Australian public sector and local government are comprised of dedicated and hardworking public officers. They provide an exemplary and critical service to our community. It is an honour to be able to support them in the important work of serving the South Australian public – and it important for those people to know that the Independent Commission Against Corruption (ICAC) is here provide them with guidance and assistance.

Of course, there will always be a proportion of public officers who are alleged to have not conducted their duties in an honest or exemplary manner, sometimes to the point where an allegation of criminal conduct is made. Where that occurs, ICAC will conduct a thorough but fair investigation. Since I commenced in February, I have commenced and continued several significant and complex corruption investigations. These investigations have highlighted many of the emerging and enduring corruption risks and challenges that confront our sector.

In summary, these risks appear when a personal interest is served above that of the public whole, and one's position is inappropriately used to achieve that. Some of the risks and challenges I often see are:

- The improper use of powers entrusted to public officers to advance their own private interests, or the interests of their associates, instead of the community's interests;
- The disclosure and exploitation of confidential information for personal gain; and
- Undisclosed or unmanaged conflicts of interests leading to both of the above.

These are issues that I, along with the Commission's dedicated staff, intend to address, head-on. We will do this through further development of prevention initiatives and stronger engagement with agencies across the public sector and local government.

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Corruption prevention priorities

Over the next six months I intend to focus on three key topics for the purpose of preventing and minimising corruption. These are:

- Firstly, the importance of building a culture where people are confident to make a report;
- Secondly, ethical decision making in the public sector; and
- Thirdly, conflicts of interest and how to manage them.

These are areas which I consider pose significant risks if not managed appropriately, and where I consider the Commission can have an impact by providing valuable support to the public sector. While we will not focus exclusively on these areas, they will be priorities.

1. Building a strong reporting culture

A strong reporting culture is an important safeguard against corruption. Research shows that organisations with strong reporting cultures are less likely to experience improper conduct. Such a culture allows issues to be reported early, considered quickly and addressed properly. A high volume of reports about an agency can actually be a reflection of a healthy organisation. It is also reflective of a workplace environment where staff feel safe and secure in raising genuine issues of concern. The converse is also true.

One of my first priorities as Commissioner will be to ensure all public sector agencies are thinking about how they are creating and sustaining a culture which encourages the reporting not only of mistakes but also suspected improper conduct. In the coming months, ICAC intends to examine ways we can assist public sector agencies in this effort. As part of this work, we will review the adequacy and effectiveness of existing arrangements designed to encourage, support, and protect whistleblowers.

2. Ethical decision making in the public sector

Every day, public officers make decisions which impact our community and the lives of individuals in it. In doing so, public officers are exercising power and control over public resources which have been entrusted to them by the community and which must, therefore, be exercised honestly, impartially, and in the public interest.

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It is critical that public officers have the support and structures in place to help them discharge this fundamental duty, particularly where its proper discharge could be jeopardised by time constraints, incomplete information, improper pressure or competing private interests.

The Commission will develop resources to support public officers in making ethical decisions in accordance with their obligations. We will also focus on helping agencies embed organisational culture and leadership practices which promote and sustain ethical decision making across the public sector.

3. Dealing with conflicts of interest

At the heart of many allegations of corruption is a poorly managed conflict of interest. The existence of a conflict of interest is not of itself improper. Almost all public officers will, at some stage in their career, encounter a conflict of interest. However, when a conflicting personal or private interest arises, it is critical that the conflict is identified and properly declared. Once declared, the responsible public sector agency must put in place adequate measures to protect any risk to the public interest.

All of this can involve difficult and complicated questions. ICAC will develop resources to assist public officers and those who supervise them to resolve these challenging issues. We will also consider what arrangements agencies should have in place to assist their employees and leaders to comply with these important obligations.

Whistleblower Project

Lastly, I am pleased to announce that as part of our efforts to promote strong reporting cultures, ICAC will undertake a project to examine the adequacy and efficacy of the arrangements currently in place in South Australia to encourage, support and protect those who provide information about suspected wrongdoing, sometimes referred to as “whistleblowers”.

Some of the key questions we intend to consider as part of this work include:

- How effective is the Public Interest Disclosure Act 2018 (SA) and are the protections it provides adequate and workable?
- What, if any, additional measures should public sector agencies have in place to encourage the reporting of information and to support and protect those that report?

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- Should potential whistleblowers be provided with greater certainty, that statutory protections will apply to them, before they report?
- Are current arrangements for protecting whistleblowers fit for purpose, or is a revised approach needed?

The Commission will commence this project by publishing a discussion paper and making a call for submissions, and we will also hold a public forum. We will report our findings to Parliament.

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For media enquiries please contact 0428 389 493 or media@icac.sa.gov.au

The publication of this information has been authorised by the Commissioner under section 54 *Independent Commission Against Corruption Act 2012 (SA)*.