



Information for witnesses

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Information for witnesses

Being involved as a witness in an Independent Commission Against Corruption (ICAC) investigation can be stressful.

This booklet explains the roles of ICAC, the investigation process, and how you can access information and support.

What does ICAC do?

ICAC is established under the *Independent Commission Against Corruption Act 2012 (SA)* (ICAC Act) to identify, investigate, prevent and minimise corruption in public administration.

Corruption in public administration refers to certain criminal offences involving public officers, including abuse of public office and bribery.

To perform our functions, we investigate allegations of corruption. We also help public authorities to protect themselves from corruption by delivering education programs and publishing reports on what we learn from our investigations and other activity.

For more information about the structure and functions of ICAC, visit: www.icac.sa.gov.au

How does ICAC conduct investigations?

Reports about potential corruption in public administration are made to the Office for Public Integrity (OPI). ICAC investigates allegations of corruption referred to us by OPI.

The purpose of an ICAC investigation is to discover the truth about what happened, not to prove that corruption took place.

To discover the truth, our investigators gather as much relevant evidence as possible.

Evidence is deemed relevant because it either proves or disproves an allegation of corruption.

An investigation may involve speaking to witnesses or obtaining relevant documents and other materials. Our investigators may also ask the person whose conduct is the subject of the allegation if they will participate in an interview.

ICAC has several powers to assist it in gathering information, including the power to obtain search warrants or to require a person to appear before ICAC and give evidence.

The flowchart included as **Appendix 1** of this booklet explains the process of an ICAC investigation from beginning to end.

Do I have to speak with ICAC?

No, you do not have to speak with ICAC officers unless you are served with a Notice or Summons. If that happens, you will be provided with further information about what you are required to do.

You are entitled to obtain legal advice about speaking with ICAC and to have a lawyer present when you do.

What happens at the end of an investigation?

If the investigation does not obtain sufficient evidence to refer the matter for prosecution, the matter will be closed.

If the investigation does obtain evidence suggesting a criminal offence has occurred, the matter will usually be referred to South Australia Police who will decide whether charges should be laid.

In some cases, ICAC may refer a matter to a public authority for other action, including disciplinary proceedings.

ICAC may also publicly report on what it discovers in its investigations.

Only in very limited circumstances can a person who is the subject of a corruption investigation be identified in a public report.

If your conduct has been the subject of an investigation, in most cases, you will be informed of that fact – including if the matter is closed.

How long does an investigation take?

How long an investigation takes varies greatly and depends on the size and complexity of the matter being investigated, the number of people involved, and the amount and type of evidence gathered.

If the matter is referred by ICAC to South Australia Police or a public authority for them to consider criminal or disciplinary proceedings, that agency will also take

time to consider the material to determine and undertake the appropriate course of action.

You can seek an update about the progress of any investigation you have been involved in by contacting the investigator you dealt with or ICAC's Witness Welfare Officer.

Who is a witness?

ICAC helps witnesses involved in its investigations to access support.

For the purposes of providing such assistance, ICAC considers a witness to be:

- A person whose conduct is the subject of the allegations being investigated
- Someone who has provided information to the investigation (including in an interview or affidavit)
- A person who is otherwise impacted by ICAC's functions and powers.

Why do witnesses need support?

Being a witness can be stressful. The investigation may run for a long time and may impact day-to-day life.

While everyone's experience is different, you may experience:

- Anxiety, worry or fear
- Difficulty concentrating and sleeping
- Feelings of shame and embarrassment
- Difficulty coping with uncertainty
- Withdrawal from other people and social situations.

It is important to look after your health and wellbeing during this time and ask for support if you need it.

Where can I get support?

There are support options available to you including:

1. ICAC Witness Welfare Officer (WVO)

The WVO can be a consistent point of contact during the investigation, offering:

- Information about ICAC processes and what to expect during an investigation
- Support at an interview or hearing
- Referrals to community-based support services or employee assistance providers where appropriate.

The WVO is not directly involved in the investigation, does not give legal advice or provide counselling.

The ICAC WVO can be contacted at: witnesssupport@icac.sa.gov.au (08) 8463 5191

2. Registered Health Providers

- General practitioner (GP)
- Workplace Employee Assistance Program (EAP) psychologist/mental health practitioner
- Psychologist or psychiatrist.

3. Crisis Support Services

If it is an emergency, please call 000.

- Mental Health Triage Services
13 14 65
For assistance in a mental health emergency, available 24 hours, seven days a week statewide in South Australia.
- 13Yarn (ATSI Crisis Support Line)
13 92 76
- Suicide Callback Service
1300 659 467
Free professional phone and online counselling for people living in Australia.

4. Legal Information and Support

- Legal Services Commission
Free Legal Helpline (1300 366 424)
Available for preliminary information, general advice and referrals.

Advice is usually restricted to basic legal rights and obligations.

If the legal issue is too complex or lengthy for a phone call, an appointment may be offered at a Legal Services Commission office or referral to other sources of assistance.

The Legal Services Commission Helpline is available weekdays between 9:00AM–4:30PM (excluding public holidays).

www.lsc.sa.gov.au

ICAC investigations and confidentiality

All ICAC investigations are strictly confidential.

Section 54 of the ICAC Act imposes strict limits on how information that is connected with, or relates to, an investigation can be disclosed.

These restrictions apply to anyone who has knowledge of the investigation, including a witness.

Failing to comply with these restrictions is a criminal offence, punishable by a fine of up to \$2500 or six months' imprisonment.

In what circumstances can I disclose information ?

Information about an investigation cannot be disclosed unless it meets one of the exceptions in section 54 (3) of the ICAC Act.

These exceptions include:

- Disclosing information for the purposes of the investigation (for example, to an investigator or Witness Welfare Officer)
- Obtaining medical or psychological assistance from:
 - A medical practitioner (i.e. GP, psychiatrist, specialist)
 - A psychologist (private psychologist or Employee Assistance Program (EAP))
 - Obtaining legal advice or legal representation for the purpose of determining whether there is an entitlement to indemnity for legal costs

- Advising your employer
- If the information relates to you, you may also disclose it to a close family member (including your spouse, parent, grandparent, sibling/s and children).

If you are uncertain about who you can speak to about an investigation, including to obtain support, you can speak to the investigator.

A person who receives information from you will also be subject to the restrictions in section 54.

What if I need to disclose information and it is not covered by an exception?

The Commissioner is able to grant you an authorisation to disclose information for purposes in addition to those set out in the exceptions.

If you need to disclose information connected with or relating to an investigation, and there is no exception in section 54 (3) permitting you to do so, please contact the investigator or Witness Welfare Officer who can arrange for you to make an application for an authorisation to disclose information.

Appendix 1: Process of an ICAC investigation

