

# CHANGES TO THE ICAC ACT, APRIL 2017

## UNDERSTANDING THE AMENDMENTS

On 1 April 2017, additional legislative changes to the *Independent Commissioner Against Corruption Act 2012* (ICAC Act) came into effect.

These amendments follow those made in December 2016. This factsheet summarises the most recent changes.

The ICAC Act can be accessed via the ICAC website: [www.icac.sa.gov.au](http://www.icac.sa.gov.au)

### WHAT HAS CHANGED?

#### Definition of 'Serious or Systemic'

The ICAC Act has always required public officers to report any matter that is reasonably suspected to be 'serious or systemic' misconduct or maladministration in public administration.

However, the Act did not provide any guidance on what might constitute serious or systemic misconduct and maladministration.

Section 4(2) of the ICAC Act now provides that misconduct and maladministration will be taken to be serious or systemic if it is of 'such a significant nature that it would undermine public confidence in the relevant public authority, or in public administration generally' and it has significant implications for the relevant public authority or public administration generally, rather than just for the individual public officer concerned.'

#### Directions and Guidance: Inquiry Agencies

When a matter of misconduct or maladministration is referred to an inquiry agency, the Commissioner no longer has the ability to give directions and guidance to the inquiry agency regarding the referral.

#### Exercising the Powers of an Inquiry Agency

The Commissioner retains the ability to 'exercise the powers of an inquiry agency' to investigate misconduct or maladministration that is considered to be 'serious or systemic'.

To exercise the powers of an inquiry agency to investigate serious or systemic **maladministration**, the Commissioner must be satisfied that it is in the public interest for him to do so.

To exercise the powers of an inquiry to investigate serious or systemic **misconduct**, the matter must be being dealt with in connection with an investigation into corruption, or serious or systemic maladministration.

### WHAT HASN'T CHANGED?

#### Reporting obligations

The reporting obligations for all inquiry agencies, public authorities and public officers, contained in the Directions and Guidelines, have not changed.

#### Definitions of Corruption, Misconduct and Maladministration

The definitions of corruption, misconduct and maladministration in public administration have not changed.

### MORE INFORMATION

☎ GENERAL ENQUIRIES  
(08) 8463 5173  
COMPLAINTS AND REPORTS  
(08) 8207 1777  
OR 1300 782 489  
*Cost of a local call for country callers*

📡 [WWW.ICAC.SA.GOV.AU](http://WWW.ICAC.SA.GOV.AU)

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# FACTSHEET