

ICAC EXAMINATIONS PROCESS

WHAT TO EXPECT IN A CORRUPTION INVESTIGATION

One of the primary functions of the Independent Commissioner Against Corruption for South Australia (the ICAC) is to investigate allegations of corruption in public administration.

When conducting a corruption investigation, the ICAC can require a person to attend an examination to give evidence and produce documents or other things.

Maladministration and misconduct investigations occur less frequently, and involve different powers and examination processes.

The following information relates to examinations by the ICAC for **corruption investigations**.

WHERE DO ICAC EXAMINATIONS HAPPEN?

ICAC examinations generally take place in a hearing room located in the ICAC's premises at 55 Currie Street.

If you are required to attend for an examination, you will receive a document called a summons. The summons will tell you when you need to attend the ICAC for the examination and where you should go.

All examinations are recorded and retained by the ICAC.

WHAT TO EXPECT IN THE ROOM

ICAC examinations are conducted by an Examiner who is usually the ICAC. The Examiner sits on a bench which is elevated above the rest of the hearing room.

The Examiner is assisted by a person called Counsel Assisting the Examiner who is a lawyer engaged by the Examiner to assist them in the investigation. Counsel Assisting may be assisted by an investigator employed by the ICAC. Counsel Assisting and the investigator normally sit at a desk opposite you and any legal practitioner who is representing you in the examination.

If any other person who is not a member of staff of the ICAC is present at the examination, the Examiner will tell you and give you the opportunity to comment about the presence of that person.

At the start of the examination, the Examiner will require you to take an oath or affirmation. It is a criminal offence to refuse to take an oath or affirmation at an examination.

In the examination, you will be asked questions. Counsel Assisting is likely to ask you the majority of the questions. You may also be shown documents and asked questions about them. The Examiner may also ask you some questions. The question will be about matters which may assist the ICAC in the investigation that is being conducted.

Your lawyer will also get the opportunity to ask you some questions or, if you do not have a lawyer, you will be given the opportunity to tell the Examiner anything else you wish to. This will generally occur at the end of the examination.

If the Examiner requires you to answer a question, you must answer it. It is a criminal offence to refuse or fail to answer a question at an examination when required to do so by the Examiner. It is also a criminal offence to give evidence at an examination that you know is false or misleading in a material particular.

WHAT TO TAKE WITH YOU

If you are required to attend an examination, you will receive a document called a summons. This will be served on you by an officer of the ICAC. You can obtain legal advice about it if you wish to.

The summons sets out important information about the examination including what information you can disclose about the summons. You should read this information carefully. It is a criminal offence to tell someone that you have received a summons from the ICAC when you are not permitted to do so.

The summons might require you to produce certain documents or other things to the Examiner at the examination. If this is the case, the documents or things you are required to produce will be listed on the summons.

You are entitled to have your own lawyer representing you at an examination. It is good practice for your lawyer to contact the ICAC prior to the examination to advise the ICAC that they represent you.

If you have any questions about the summons or the examination, you can contact the ICAC officer who served you with the summons.

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



LEVEL 1, 55 CURRIE ST.
GPO BOX 11066
ADELAIDE SA 5001

The information contained in this document is of a general nature only and does not constitute legal advice.

FACTSHEET