

TERMS OF REFERENCE

OAKDEN MALADMINISTRATION INVESTIGATION

The Independent Commissioner Against Corruption (Commissioner) will inquire into:

- 1) Whether appropriate mechanisms were in place from 2007 to receive complaints and reports about the quality of care provided to patients at the Oakden Older Persons Mental Health facility (the facility);
- 2) Whether since 2007, information (including by way of complaints or reports) concerning sub-optimal care of patients at the facility (relevant information) was brought to the attention of senior staff at the facility, staff of the Northern Adelaide Local Health Network (or its predecessors), executive staff of the Department for Health and Ageing, a statutory office holder or any Minister of the Crown and, if so:
 - a. when that relevant information was communicated;
 - b. to whom the relevant information was communicated;
 - c. what action was taken by whom as a result of the receipt of the relevant information; and
 - d. if action was taken;
 - i. when that action was taken;
 - ii. who took the action;
 - iii. whether the action was taken in a timely and appropriate manner; or
 - e. if no action was taken:
 - i. the person or persons who decided not to take action;
 - ii. the reason or reasons for that decision;
 - iii. the reasonableness of the decision.

- 3) If relevant information was not brought to the attention of any person mentioned above:
 - a. the person or persons who failed to communicate the relevant information;
 - b. the reason or reasons why the relevant information was not communicated;
 - c. the reasonableness of the decision.

- 4) Whether any person took steps to actively disguise and/or amend relevant information to protect individuals or government entities from reputational harm and/or to avoid or delay the timely and accurate disclosure of relevant information about the facility to senior staff, staff of the Northern Adelaide Local Health Network (or its predecessors), executive staff of the Department for Health and Ageing, a statutory office holder or any Minister of the Crown;

with a view to determining whether any public officer as defined in the *Independent Commissioner Against Corruption Act 2012* engaged in conduct which involved substantial mismanagement in or in relation to the performance of official functions, thereby constituting maladministration in public administration.

The Commissioner may amend these Terms of Reference as a consequence of information or evidence received during the course of the investigation.