

19 April 2017

Wayne Lines  
South Australian Ombudsman

*via hand delivery*

Dear Mr Lines

**Directions and Guidelines for South Australian Ombudsman issued pursuant to section 20 of the *Independent Commissioner Against Corruption Act 2012* ('ICAC Act')**

In an effort to streamline and simplify reporting obligations under the ICAC Act I have prepared new Directions and Guidelines documents. Those documents are directed towards public officers and SAPOL public officers. I **enclose** a copy of those documents for your information.

As you will see, I have removed from those documents the reporting obligations imposed upon inquiry agencies and public authorities.

I will no longer impose reporting obligations on public authorities because almost all public authorities are also public officers. Removing the reporting obligations on public authorities will not adversely affect the number and range of reports received.

I have removed the reporting directions imposed upon inquiry agencies from those documents to simplify those documents. Given there are presently only two inquiry agencies in this State I will address those reporting obligations by this letter, which I will publish on my website.

The purpose of this letter is to set out those reporting obligations.

Pursuant to section 20 of the ICAC Act, I give the following directions to the South Australian Ombudsman:

The Ombudsman **must** report to the OPI any matter that the Ombudsman reasonably suspects involves corruption in public administration, unless the Ombudsman knows that the matter has already been reported to the OPI.

The Ombudsman **must** report to the OPI any matter that the Ombudsman reasonably suspects involves serious or systemic misconduct in public administration, unless the Ombudsman knows that the matter has already been reported to the OPI.

The Ombudsman **must** report to the OPI any matter that the Ombudsman reasonably suspects involves serious or systemic maladministration in public administration, unless the Ombudsman knows that the matter has already been reported to the OPI.

The Ombudsman **must** report to the OPI any matter that the Ombudsman reasonably suspects involves misconduct or maladministration in public administration in the office of the Ombudsman.

The Ombudsman **may** report to the OPI any other matter that the Ombudsman considers appropriate.

Pursuant to section 20 of the ICAC Act, I provide the following guidelines in respect of reports made by the Ombudsman:

The report should be made as soon as practicable after the Ombudsman becomes aware that the matter is of a kind that must be reported.

The report should be made by the Ombudsman transferring the following information electronically:

- » report title;
- » a summary of the matters the subject of the report;
- » sensitivity;
- » complainant details;
- » respondent details;
- » how the matter was received;
- » who received the information;
- » the date the information was received;
- » when the alleged conduct occurred;
- » issues arising from the matter; and
- » actions (if any) taken or to be taken.

The Ombudsman should not include the complainant's details if section 7 of the Whistleblowers Protection Act 1993 applies and the complainant has not consented to the complainant's identity being divulged and the exception within the section does not apply.

The Ombudsman may request the OPI or the Commissioner to receive a report required to be made in accordance with these directions in some other form and if the OPI or Commissioner requests the Ombudsman to report in some other form the Ombudsman should report as requested.

You will note that the reporting directions are in identical terms to those previously issued.

If you have any questions about these directions and guidelines please do not hesitate to contact me.

Yours sincerely

The Hon. Bruce Lander QC

**INDEPENDENT COMMISSIONER AGAINST CORRUPTION**