

Reference number: 2013/000196



30 October 2013

Mr Roger Bates

BY EMAIL: rgbts@hotmail.com

Dear Mr Bates

Re Your complaint

I refer to your complaint received by the Office for Public Integrity ('OPI') on 12 September 2013.

Your complaint raises the following issues:

1. South Australia Police ('SAPOL') covering up the murder of Geoffrey Bowen;
2. SAPOL officers stealing documents and cannabis from you during a search of your residential property in 1992;
3. SAPOL officers committing perjury during your trial for possession of cannabis;
4. Correctional Services Officers inflicting psychological and physical abuse upon you during your time at Yatala Labour Prison;
5. Police Complaints Authority failing to acknowledge receipt of your documents in 1993 or talk to you about the complaint that you had raised;
6. Internal Investigations Section of SAPOL failing to inform you that the OPI and the Independent Commissioner Against Corruption were commencing;
7. Police Commissioner Hyde failing to respond to your complaints appropriately;
8. Fake records of Australian newspapers being published and sold as genuine newspapers by State Records;
9. State Bank of South Australia being improperly involved in the Marino Rocks Development; and
10. South Australian politicians being aware of the United Kingdom News Corporation scandal and failing to act.

In assessing your complaint, all of the evidence you provided to the OPI was read and carefully considered.

However, no further action will be taken for the following reasons:

1. in relation to issue 1, this matter was the subject of an extensive investigation and the decision not to prosecute was at the discretion of the Director of Public Prosecutions. There is no evidence to suggest any corruption, misconduct or maladministration on the part of any SAPOL officers;
2. in relation to issue 2, there is other good reason why no action should be taken in relation to the two issues raised in your complaint:
 - a. your allegation of theft of documents by SAPOL officers has previously been dealt with by the Police Ombudsman in 1992 at which time it was found that your complaint could not be substantiated; and
 - b. your allegation of theft of cannabis by SAPOL officers was not previously raised in your original complaint to the Police Ombudsman and you were later charged with the possession of cannabis. Given the passage of time since the alleged conduct, and that the possession of cannabis was illegal, there is nothing to suggest the removal of cannabis was improper;
3. in relation to issue 3, the transcript provided by you does not suggest any corruption, misconduct or maladministration by SAPOL officers. Further, the appropriate forum to challenge the evidence of the SAPOL officers was before the judicial officer at your trial;
4. in relation to issue 4, there is no evidence to support your allegation that Correctional Services Officers inflicted psychological and physical abuse upon you during your time at the Yatala Labour Prison. It is noted that you previously complained to Sue Vardon of the Department of Correctional Services who stated that she found no evidence to support your allegations. As such, there is other good reason why no action should be taken;
5. in relation to issue 5, the Police Ombudsman does appear to have responded to each of your complaints. Further, in 1993 you made a complaint to the Police Ombudsman relating to police officers giving evidence in Court at your trial at which time you were directed to attack the reliability of police evidence in Court. As such, there is other good reason why no action should be taken;
6. in relation to issue 6, your allegation does not raise a potential issue of corruption, misconduct or maladministration in public administration;
7. in relation to issue 7, there is no material provided by you which suggests any potential issue of corruption, misconduct or maladministration by Police Commissioner Hyde;
8. in relation to issue 8, there is no evidence which suggests that fake records of newspapers are being sold by State Records. It is noted that State Records have advised that no newspapers are kept by or sold to members of the public. As such, there is other good reason why no action should be taken;
9. in relation to issue 9, this office notes that this issue has previously been raised by you with the South Australian Treasurer in the late 1990's. As noted at that time, you have provided no tangible evidence to support your allegation that the State Bank was improperly involved in the Marino Rocks Development. As such, there is other good reason why no action should be taken; and

10. in relation to issue 10, there is no evidence to support your allegation that South Australian politicians were aware of the United Kingdom News Corporation scandal and failed to act. Indeed, you have not provided any particulars about what actions you believe they had the power to take and should have taken.

Where it has been observed that there is no evidence in support of the allegation, then it follows that the matter does not raise a potential issue of corruption, misconduct or maladministration.

Yours faithfully



Patricia Christie
Chief Executive Officer
INDEPENDENT COMMISSIONER AGAINST CORRUPTION