

6 February 2014

Mr Roger Bates
Via Email: rjrbs@hotmail.com

Dear Mr Bates

Re Your Complaint

I acknowledge receipt of your online complaint received by the Office for Public Integrity (OPI) on 30 January 2014. I confirm that the OPI will await further information from you regarding your complaint about SuperSA.

Please read this letter which sets out some of the functions of the OPI and the process that your complaint will follow.

The OPI is responsible for receiving complaints and reports about public administration on behalf of the Independent Commissioner Against Corruption (the Commissioner).

Assessment Process

Your complaint will be allocated to an Assessment Officer who will be responsible for your matter under my supervision. During the assessment process you may be recontacted by the officer to clarify issues or provide further information and documentation to assist the OPI. In certain instances the assessment officer may need to contact other agencies or persons to make enquiries in respect to work undertaken by them regarding your matter.

Having completed the assessment the OPI will make a recommendation to the Commissioner as to whether and by whom your matter should be investigated. However, the Commissioner is not bound by the recommendation.

If your matter is assessed as raising a potential issue of corruption in public administration, the Commissioner may decide to investigate the matter himself, or refer the matter to the South Australia Police, the Police Ombudsman or other law enforcement agency.

If your matter is assessed as raising a potential issue of misconduct or maladministration in public administration, the Commissioner may refer your matter to an inquiry agency (being the Ombudsman, the Police Ombudsman or the Commissioner for Public Sector Employment). Please note that in some serious cases, the Commissioner may choose to exercise the powers of the inquiry agency and investigate the matter himself.

Alternatively, the Commissioner may refer a matter that raises a potential issue of misconduct or maladministration in public administration to the appropriate public authority for investigation.

If the Commissioner does refer your matter to an inquiry agency or public authority, the Commissioner will issue directions or guidance to them. The directions or guidance will require the inquiry agency or public authority to report back to the Commissioner on the issues addressed, the findings made and actions taken.

You should understand that if your matter is assessed as misconduct or maladministration in public administration it is likely to be referred to an inquiry agency or public authority and not dealt with by the Commissioner.

In some instances following the assessment of a complaint or report, no action will be taken. This will occur for example, if the complaint or report does not raise a potential issue of corruption, misconduct or maladministration in public administration or if the matter has already been considered by an inquiry agency and there is no good reason to re-examine the matter.

All complaints and reports are treated seriously and will be carefully assessed. Wherever practicable, you will be informed of any action taken in respect of your complaint, but this may take some time. You may contact the OPI if you have additional information to provide about your complaint.

Reference Number

Your complaint has been given a reference number, which is recorded at the top of this letter. Your reference number should be retained and stored securely. You will need to quote this reference number if you contact the OPI about your complaint.

Confidentiality

You must be aware of the confidentiality requirements imposed by the *Independent Commissioner Against Corruption Act 2012 (the ICAC Act)*. You should keep confidential the fact that you have complained to the OPI. Please read the attached information sheet which provides the ICAC Act's obligations regarding confidentiality.

I hope this letter assists you to understand OPI's processes and the how your matter may be dealt with.

Yours faithfully

pp: 
Fraser W. Stroud

Manager
OFFICE FOR PUBLIC INTEGRITY

Encl.

Information Sheet

Confidentiality

You should keep information connected with your complaint/report confidential. A person must not, except as authorised by the Commissioner or a court hearing proceedings for an offence against the *Independent Commissioner Against Corruption Act 2012* (ICAC Act), publish or cause to be published:

- a) *information tending to suggest that a particular person is, has been, may be, or may have been, the subject of a complaint, report, assessment, investigation or referral under this Act; or*
- b) *information that might enable a person who has made a complaint or report under this Act to be identified or located; or*
- c) *the fact that a person has made or may be about to make a complaint or report under this Act; or*
- d) *information that might enable a person who has given or may be about to give information or other evidence under this Act to be identified or located; or*
- e) *the fact that a person has given or may be about to give information or other evidence under this Act; or*
- f) *any other information or evidence publication of which is prohibited by the Commissioner.*

If you are provided confidential information by the Commissioner, or the OPI, you must treat that information as confidential, unless you are informed in writing to the contrary (see section 54 of the ICAC Act).