Research Report

Longitudinal analysis of action taken on allegations made in reports

Michael Riches Independent Commissioner Against Corruption

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Foreword

Introduction

In February 2023 I published a research report entitled 'Longitudinal analysis of reports of suspected improper conduct'. That document provided detail about reports received by my office since its commencement in 2018.

This document addresses the action taken in respect of allegations contained within reports made to this office. It should be read in conjunction with the first research report.

In order to understand the data provided in this document, it is necessary to understand the process adopted by my office upon the receipt of a report alleging improper conduct.

Assessment process

Whether a report is made in accordance with mandatory reporting directions, or by way of a voluntary report, the information provided is subject to an assessment process.

That assessment process involves a number of steps, including:

- analysing the information against the jurisdictional limits enshrined in the Independent Commissioner Against Corruption Act 2017 (ICAC Act)
- determining whether the information provided relates to another report and, if so, what action was taken in respect of that other report
- assessing whether the information contained within the report might indicate improper conduct and, if so, the seriousness of the alleged improper conduct.

Having conducted the assessment process, a recommendation is made to a delegate or me, as to what action, if any, should be taken.

Options available to deal with reports

There are a number of options that can be taken in respect of reports of improper conduct. I will briefly describe each of those options.

Preliminary inquiry

Section 24 of the ICAC Act permits the conduct of preliminary inquiries. Preliminary inquiries can be undertaken for a number of reasons, including:

- to enable a more informed decision as to any action to be taken
- where a report includes a serious allegation, but lacks sufficient detail
- where it is suspected that a matter has already been dealt with by another entity.

Investigation

I may commence an investigation where I have, or am aware of, information that, if true, would tend to show that improper conduct has occurred, is occurring or is at risk of occurring.¹

In determining whether to investigate, I give consideration to a number of factors.

First, I must bear in mind the statutory objects, including that my role is intended to 'investigate the most serious, systemic and sensitive improper conduct' and 'ensure that other improper conduct is dealt with, either by an appropriate existing entity or, if the ICAC considers it appropriate, by the ICAC'3.

Second, I am obliged to consider the public interest and act in the public interest.⁴ In considering the public interest, I am guided by the helpful criteria listed in Schedule 1 of the ICAC Act.

Third, I must give consideration to the availability of resources. Put simply, it would not be in the public interest for me to commence an investigation knowing I do not have the resources to enable that investigation to be undertaken effectively and efficiently.

Only a small percentage of reports become the subject of investigation. That is a consistent trend among anti-corruption agencies throughout Australia.

Where I do conduct an investigation, a range of powers are enlivened under the ICAC Act and other legislation to advance that investigation.

Referral

The ICAC Act operates on the premise that alleged improper conduct will be dealt with by other entities unless serious, systemic or sensitive.

I can refer a report of improper conduct to a referral entity. ⁵ Referral entities include other statutory office holders such as the Northern Territory Ombudsman, public bodies such as government departments or local councils, and some federal agencies.

When making a referral, my delegate or I can determine whether to refer the matter with directions or without directions. Where a referral is made with directions, the most common direction to give is to require the referral entity to report back on the action taken. In this way, my office can monitor the manner in which the referral is addressed. A direction to report back may be issued where the allegation relates to relatively senior public officers, where the allegation might be indicative of more widespread behaviour, or where there is concern about the public bodies' willingness, or capacity, to properly address the matter.

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¹ ICAC Act, section 31(1).

² Ibid, section 3(e)(i).

³ Ibid, section 3(e)(ii).

⁴ Ibid, section 20.

⁵ Ibid, section 25.

⁶ Ibid, section 28 (the ability to give directions is limited in some circumstances, such as where a referral is made to an *independent entity*).

No further action

In the majority of cases, no further action is taken in respect of a report. Again, that is a consistent trend amongst anti-corruption agencies around Australia.

The decision to take no further action is often made because the report does not disclose improper conduct as defined in the ICAC Act, relates to an entity that falls outside my jurisdiction, or involves an allegation that has already been dealt with by this office or another body. Some reports will be incomprehensible or so vague as to make it impossible to ascertain what is being reported. Anonymous reports will sometimes lack sufficient detail to enable a proper assessment and, in the absence of contact information, it is impossible to obtain further information from the reporter.

Notwithstanding that action might not be taken on a particular report, numerous reports about the same agency, or part of an agency, may lead to a review under section 23 of the ICAC Act, or other scrutiny of actions within that agency or part of the agency.

Understanding the data

The tables in this report refer to allegations, as opposed to reports. That is because one report may contain multiple allegations, and the manner in which each of those allegations is addressed may differ.

Occasionally, a different approach may be taken in respect of an allegation. As an example, a matter might be referred to a referral entity, but upon further inquiry conducted by the referral entity, it may become clear that the alleged conduct may be more serious than first thought. In such cases, I may determine to conduct my own investigation. In that case, the allegation will have been dealt with by way of both referral and investigation. Alternatively, a decision might have been taken to take no action on a matter, but upon the receipt of further information, it might be determined to instead refer the matter to an appropriate referral entity.

Similarly, one allegation might be referred to more than one entity.

For that reason, the actions taken will almost always exceed the number of reports received.

It has been the practice in this office to record the taking of no further action after some other action has been taken. For example, where a matter was referred, and a report back was received, a further entry might be recorded in our case management system that no further action was then taken. With those occasions in mind, our case management system states that the total number of occasions on which no further action was taken was 41 in 2018, 394 in 2019, 398 in 2020, 392 in 2021 and 254 in 2022. A great deal of work has been undertaken to filter that data to ensure that only occasions where no further action was taken at the outset is captured. That filtered data is represented in Table 1 and provides a more realistic appreciation of the number of times no further action at all was taken in respect of an allegation.

Explaining some discrepancies

According to Table 1, the total number of allegations referred to a referral entity in 2019 was 78, whereas the total in Table 2 is 77. That is because one allegation was referred twice to the same agency, once without directions and then again with directions.

Similarly, Table 1 shows the total number of allegations referred to a referral entity in 2021 to be 93, whereas in Table 2 it is 91. That is a consequence of 2 separate allegations each being referred to 2 separate referral directions.

A brief snapshot

Figure 1 provides a visual representation on the action taken on allegations made in reports to my office. Over the reporting period, no further action was taken on around 60% of allegations received. In 2018, around 16% of allegations were the subject of investigation, and that percentage has tapered off to around 5% for 2022.

Referrals to other agencies has steadily increased over the period, starting at 14% in 2018 and peaking at 22% in 2021 and 2022.



Figure 1: Action taken on allegations

As with the first research report, care must be taken when attempting to draw any conclusions from data contained in this document. This document does not reveal the extent of improper conduct in any particular public body. Rather, it offers an insight into the operations of my office.

I thank Eric Vo of my office for his work in compiling the data for this report.

Michael Riches

Independent Commissioner Against Corruption

Overview

Table 1: Action taken on allegations grouped by sector of subject entity and year allegation received

			Number of alleg	ations and action tak	en	
Year	2018 ¹	2019	2020	2021	2022	Total
Total number of allegations	49	464	459	423	338	1733
Northern Territory Government sector	35	308	283	284	244	1154
No further action	16	177	166	173	136	658
Refer - with further direction	6	48	65	52	47	218
Preliminary inquiry	11	42	43	37	15	148
Investigate	5	49	21	14	11	100
Refer - without further direction	-	2	1	18	45	66
Local government sector	4	40	45	48	33	170
No further action	3	20	18	29	15	85
Refer - with further direction	-	19	13	5	10	47
Preliminary inquiry	-	1	-	4	-	5
Investigate	1	6	16	8	-	31
Refer - without further direction	-	-	-	5	8	13
Tertiary education institutions ²	1	2	16	9	10	38
No further action	-	-	13	6	4	23
Refer - with further direction	-	1	-	2	3	6
Preliminary inquiry	-	-	-	-	-	-
Investigate	1	2	3	-	1	7
Refer - without further direction	-	-	-	1	3	4
Member of the Legislative Assembly	1	6	16	6	6	35
No further action	1	3	13	4	4	25
Refer - with further direction	-	-	1	-	1	2
Preliminary inquiry	-	3	3	-	1	7
Investigate	-	-	-	2	-	2
Refer - without further direction	-	-	-	-	-	-
Other ³	8	108	99	76	45	336
No further action	6	82	80	62	29	259
Refer - with further direction	1	7	4	7	6	25
Preliminary inquiry	-	8	5	6	1	20
Investigate	1	13	11	1	4	30
Refer - without further direction	_	1	1	3	10	15

 ²⁰¹⁸ is part-year – reports started to be received by the OICAC from 30 November 2018.
Tertiary Education Institutions means the Charles Darwin University and the Batchelor Institute of Indigenous Tertiary Education.
Other means an entity that is a public officer or public body but not of the kind that fits one of the other categories in the table. Examples include contractors, courts, statutory boards and committees, and organisations that receive public money.

Table 2: Public bodies to which allegations of improper conduct have been referred

		Numb	er of allegations ab	out which a referral	was made	
	2018 ¹	2019	2020	2021	2022	Total
Sector of referred body / referred to organisation	7	77	85	91	133	393
Northern Territory Government sector	6	59	76	78	110	329
Northern Territory Police, Fire and Emergency Services	1	7	9	23	18	58
Department of Health	1	9	12	14	18	54
Department of the Attorney-General and Justice	3	10	10	9	12	44
Department of Education	-	7	9	11	15	42
Department of the Chief Minister and Cabinet	-	3	15	8	11	37
Department of Infrastructure, Planning and Logistics	-	4	6	7	7	24
Department of Corporate and Digital Development	-	7	1	2	6	16
Department of Territory Families, Housing and Communities	-	1	6	2	7	16
Department of Industry, Tourism and Trade	-	4	1	3	4	12
Ombudsman NT	-	-	-	1	9	10
Department of Local Government, Housing and Community Development ²	1	3	2	-	-	6
Department of Environment, Parks and Water Security	-	2	-	-	2	4
Office of the Commissioner for Public Employment	-	1	1	-	-	2
Power and Water Corporation	-	-	2	-	-	2
Territory Generation	-	1	-	1	-	2
Northern Territory Electoral Commission	-	-	2	-	-	2
Jacana Energy	-	-	-	-	1	1
Department of the Legislative Assembly	-	-	1	-	-	1
Local Government Sector		16	3	2	10	31
City of Darwin	-	1	-	-	5	6
Victoria Daly Regional Council	-	5	-	-	-	5
Tiwi Islands Regional Council	-	4	1	-	-	5
Alice Springs Town Council	-	-	1	-	2	3
Barkly Regional Council	-	-	-	1	2	3
City of Palmerston Council	-	2	1	-	-	3
MacDonnell Regional Council	-	1	-	1	-	2
Litchfield Council	-	-	-	-	1	1
Central Desert Regional Council	-	1	-	-	-	1
Roper Gulf Regional Council	-	1	-	-	-	1
Katherine Town Council	-	1	-	-	-	1
Tertiary Education Institutions ³	-	1	-	2	6	9
Batchelor Institute of Indigenous Tertiary Education	-	1	-	1	4	6
Charles Darwin University	-	-	-	1	2	3
Member of the Legislative Assembly	-	-	-	5	2	7
Other ⁴	1	1	6	4	5	17

 ²⁰¹⁸ is part-year – reports started to be received by the OICAC from 30 November 2018.
This department has ceased to exist and has been subsumed by the Department of Territory Families, Housing and Communities
Tertiary Education Institutions means the Charles Darwin University and the Batchelor Institute of Indigenous Tertiary Education.
Other means an entity that is a public officer or public body but not of the kind that fits one of the other categories in the table. Examples include contractors, courts, statutory boards and committees, and organisations that receive public money.

Northern Territory Government agencies

Table 3: Action taken in respect of allegations relating to the Northern Territory Police, Fire and Emergency Services (NTPFES)

Northern Territory Police Fire and Emergency Services

	2018	2019	2020	2021	2022	Total
Number of allegations	10	56	64	82	51	263
No further action	10	52	56	70	45	233
Refer - with further direction	1	6	8	4	4	23
Preliminary inquiry	2	10	4	12	2	30
Investigate	-	3	7	10	1	21
Refer - without further direction	-	1	1	9	5	16

Table 4: Action taken in respect of allegations relating to the Department of Health (DOH)

Department of Health

	2018	2019	2020	2021	2022	Total
Number of allegations	3	47	44	55	48	197
No further action	3	42	40	54	37	176
Refer - with further direction	1	9	11	14	12	47
Preliminary inquiry	1	3	6	7	2	19
Investigate	-	3	3	-	4	10
Refer - without further direction	-	-	-	3	8	11

Table 5: Action taken in respect of allegations relating to the Department of Attorney-General and Justice (DAGJ)

Department of the Attorney-General and Justice

	2018	2019	2020	2021	2022	Total
Number of allegations	7	45	47	25	43	167
No further action	6	37	42	24	25	134
Refer - with further direction	3	9	14	7	2	35
Preliminary inquiry	3	8	5	3	-	19
Investigate	1	8	1	-	1	11
Refer - without further direction	-	-	-	1	17	18

Table 6: Action taken in respect of allegations relating to the Department of Infrastructure, Planning and Logistics (DIPL)

Department of Infrastructure, Planning and Logistics

	2018	2019	2020	2021	2022	Total
Number of allegations	6	37	22	28	18	111
No further action	2	26	21	25	13	87
Refer - with further direction	-	3	6	7	7	23
Preliminary inquiry	2	4	3	3	4	16
Investigate	4	12	2	2	1	21
Refer - without further direction	-	1	-	2	1	4

Table 7: Action taken in respect of allegations relating to the Department of Education (DoE)

Department of Education

	2018	2019	2020	2021	2022	Total
Number of allegations	1	26	19	24	25	95
No further action	1	16	19	23	19	78
Refer - with further direction	-	7	10	10	10	37
Preliminary inquiry	-	2	3	1	-	6
Investigate	-	10	-	-	1	11
Refer - without further direction	-	-	-	1	6	7

Table 8: Action taken in respect of allegations relating to the Department of Industry, Tourism and Trade (DITT)

Department of Industry, Tourism and Trade

	2018	2019	2020	2021	2022	Total
Number of allegations	1	29	15	14	10	69
No further action	1	26	10	13	9	59
Refer - with further direction	-	4	1	4	2	11
Preliminary inquiry	1	11	6	2	4	24
Investigate	-	3	-	2	-	5
Refer - without further direction	-	-	-	-	1	1

Table 9: Action taken in respect of allegations relating to the Department of Territory Families, Housing and Communities (DTFHAC)

Department of Territory Families, Housing and Communities

	2018	2019	2020	2021	2022	Total
Number of allegations	2	14	17	12	12	57
No further action	2	13	16	11	10	52
Refer - with further direction	-	-	6	2	3	11
Preliminary inquiry	1	-	4	3	1	9
Investigate	-	1	1	-	-	2
Refer - without further direction	-	-	-	-	2	2

Table 10: Action taken in respect of allegations relating to the Department of Corporate and Digital Development (DCDD)

Department of Corporate and Digital Development

	2018	2019	2020	2021	2022	Total
Number of allegations		5	19	15	16	55
No further action		5	16	14	11	46
Refer - with further direction		4	2	1	2	9
Preliminary inquiry		-	6	3	1	10
Investigate		-	3	-	2	5
Refer - without further direction		-	-	1	4	5

Table 11: Action taken in respect of allegations relating to the Department of the Chief Minister and Cabinet (DCMC)

Department of the Chief Minister and Cabinet

	2018	2019	2020	2021	2022	Total
Number of allegations	1	5	7	12	6	31
No further action	1	4	7	12	5	29
Refer - with further direction	-	1	2	2	1	6
Preliminary inquiry	-	-	1	2	-	3
Investigate	-	1	-	-	-	1
Refer - without further direction	-	-	-	-	1	1

Table 12: Action taken in respect of allegations relating to the Power and Water Corporation (PAWC)

Power and Water Corporation

	2018^	2019	2020	2021	2022	Total
Number of allegations	-	10	8	5	3	26
No further action	-	5	7	5	3	20
Refer - with further direction	-	-	3	-	-	3
Preliminary inquiry	-	2	-	1	-	3
Investigate	-	5	1	-	-	6

Table 13: Action taken in respect of allegations relating to the Department of Local Government, Housing and Community Development (DLGHCD)

Department of Local Government, Housing and Community Development

	2018	2019	2020	2021	2022	Total
Number of allegations	-	10	8	5	3	26
No further action	-	5	7	5	3	20
Refer - with further direction	-	-	3	-	-	3
Preliminary inquiry	-	2	-	1	-	3
Investigate	-	5	1	-	-	6

Note: DLGHC is no longer an active department. Table 13 shows historical reporting data that has not been reallocated to current agencies.

Table 14: Action taken in respect of allegations relating to the Department of the Legislative Assembly (DLA)

Department of the Legislative Assembly

	2018	2019	2020	2021	2022	Total
Number of allegations	-	5	4	2	3	14
No further action	-	5	2	2	2	11
Refer - with further direction	-	-	1	-	-	1
Preliminary inquiry	-	1	1	-	-	2
Investigate	-	-	2	-	1	3
Refer - without further direction	_	-	-	1		1

Table 15: Action taken in respect of allegations relating to the Department of Environment, Parks and Water Security (DEPAWS)

Department of Environment, Parks and Water Security

	2018	2019	2020	2021	2022	Total
Number of allegations	-	4	3	-	5	12
No further action Refer - with further direction	-	3 2	3 -	- -	5 2	11 4
Preliminary inquiry	-	-	1	-	1	2
Investigate	-	1	-	-	-	1

Other Northern Territory Government agencies

Other Northern Territory Government agencies that have been the subject of 10 or less allegations have not been included.

Local government sector

Table 16: Action taken in respect of allegations relating to Tiwi Islands Regional Council

Tiwi Islands Regional Council

	2018	2019	2020	2021	2022	Total
Number of allegations	=	4	19	2	3	28
No further action	-		6	2	-	8
Refer - with further direction	-	4	2	-	-	6
Refer - without further direction	-	-	-	-	3	3
Investigate	-	4	14	-	_	18

Table 17: Action taken in respect of allegations relating to City of Darwin

City of Darwin

	2018	2019	2020	2021	2022	Total
Number of allegations	2	4	5	9	6	26
No further action	2	4	4	9	5	24
Refer - with further direction	-	1	1	1	5	8
Refer - without further direction	-	-	-	-	1	1
Investigate	-	-	1	-	-	1

Table 18: Action taken in respect of allegations relating to Roper Gulf Regional Council

Roper Gulf Regional Council

	2018	2019	2020	2021	2022	Total
Number of allegations	=	4	9	2	8	23
No further action	-	4	9	1	7	21
Refer - with further direction	-	1	8	-	1	10
Refer - without further direction	-	-	-	2	-	2

Table 19: Action taken in respect of allegations relating to Alice Springs Town Council

Alice Springs Town Council

	2018	2019	2020	2021	2022	Total
Number of allegations	1	1	4	4	4	14
No further action	1	-	4	4	2	11
Refer - with further direction	-	-	-	2	2	4
Refer - without further direction	-	-	1	1	-	2
Investigate	-	1	-	-	-	1

Table 20: Action taken in respect of allegations relating to Barkly Regional Council

Barkly Regional Council

	2018	2019	2020	2021	2022	Total
Number of allegations	-	-	2	4	5	11
No Further Action	-	-	2	4	4	10
Refer - with further direction	-	-	-	1	2	3
Refer - without further direction	-	-	-	-	1	1

Table 21: Action taken in respect of allegations relating to West Daly Regional Council

West Daly Regional Council

	2018	2019	2020	2021	2022	Total
Number of allegations	-	1	1	9	-	11
No further action	-	1	-	5	-	6
Refer - with further direction	-	1	-	-	-	1
Investigate	-	1	1	4	-	6

Table 22: Action taken in respect of allegations relating to City of Palmerston Council

City of Palmerston Council

	2018	2019	2020	2021	2022	Total
Number of allegations	1	9	1	-	-	11
No further action	-	9	1	-	-	10
Refer - with further direction	-	2	1	-	-	3
Refer - without further direction	-	-	-	-	-	-
Investigate	1	-	-	-	-	1

Table 23: Action taken in respect of allegations relating to West Arnhem Regional Council

West Arnhem Regional Council

	2018	2019	2020	2021	2022	Total
Number of allegations	-	-	1	7	1	9
No further action	-	-	1	7	-	8
Preliminary inquiry		-	-	3	-	3
Refer - without further direction		-	-	-	1	1
Investigate	-	-	_	4	_	4

Table 24: Action taken in respect of allegations relating to Central Desert Regional Council

Central Desert Regional Council

	2018^	2019	2020	2021	2022	Total
Number of allegations	-	5	-	4	-	9
No further action	-	5	-	4	-	9
Refer - with further direction	-	3	-	1	-	4
Refer - without further direction	-	-	-	1	-	1

Table 25: Action taken in respect of allegations relating to Litchfield Council

Litchfield Council

	2018	2019	2020	2021	2022	Total
Number of allegations	-	2	-	3	3	8
No further action	-	2	-	3	2	7
Refer - with further direction	-	-	-	-	2	2
Preliminary inquiry	-	-	-	1	-	1

Table 26: Action taken in respect of allegations relating to Victoria Daly Regional Council

Victoria Daly Regional Council

	2018	2019	2020	2021	2022	Total
Number of allegations	-	5	1	-	1	7
No further action	-	5	1	-	1	7
Refer - with further direction	-	5	-	-	-	5
Preliminary inquiry	-	1	-	-	-	1

Table 27: Action taken in respect of allegations relating to East Arnhem Regional Council

East Arnhem Regional Council

	2018	2019	2020	2021	2022	Total
Number of allegations	=	1	1	2	1	5
No further action	-	1	1	2	1	5

Table 28: Action taken in respect of allegations relating to Katherine Town Council

Katherine Town Council

	2018	2019	2020	2021	2022	Total
Number of allegations	-	3	1	-	-	4
No further action	-	3	1	-	-	4
Refer - with further direction	-	1		-	-	1

Table 29: Action taken in respect of allegations relating to MacDonnell Regional Council

MacDonnell Regional Council

	2018	2019	2020	2021	2022	Total
Number of allegations	-	1	-	2	-	3
No further action	_	1	-	2	-	3
Refer - with further direction	-	1	-	1	-	2

Table 30: Action taken in respect of allegations relating to Wagait Shire Council

Wagait Shire Council

	2018	2019	2020	2021	2022	Total
Number of allegations	-	-	-	-	-	1
No further action	-	-	-	-	1	1

Tertiary education institutions

Table 31: Action taken in respect of allegations relating to Charles Darwin University

Charles Darwin University

	2018	2019	2020	2021	2022	Total
Number of allegations	-	-	13	5	5	23
No further action	-	-	13	5	3	21
Refer - with further direction	-	-	-	1	-	1
Refer - without further direction	-	-	-	-	2	2

Table 32: Action taken in respect of allegations relating to Batchelor Institute of Indigenous Tertiary Education Batchelor Institute of Indigenous Tertiary Education (BIITE)

	2018	2019	2020	2021	2022	Total
Number of allegations	1	2	3	4	5	15
No further action	-	-	-	3	3	6
Refer - with further direction	-	1	-	1	3	5
Refer - without further direction	-	-	-	1	1	2
Investigate	1	2	3	-	1	7

While no further action was taken in respect of some allegations relating to BIITE, a review of the practices, policies and procedures of that entity was conducted in accordance with section 23 of the ICAC Act.

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