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# Investigation Report

## Operation Jupiter

Allegations of improper conduct by public officers in the lead up to the 2020 NT General Election

Speaker  
- Lambley  
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Section 50(1) of the *Independent Commissioner Against Corruption Act 2017*.

February 2025

Office of the  
Independent  
Commissioner  
Against  
Corruption NT





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## Introduction

- [1] On 8 February 2021, the Independent Commissioner Against Corruption (**ICAC**) received a report containing two allegations which subsequently, on 8 December 2021, gave rise to an investigation pursuant to section 31 of the *Independent Commissioner Against Corruption Act 2017* (NT) (**the ICAC Act**)
- [2] The report made two allegations. The first was that the Chief Minister and staff in the Office of the Chief Minister (**OCM**) had misused taxpayer resources in the months prior to the NT election on 22 August 2020 (**Allegation 1**). The second allegation was that, during the caretaker period the Chief Minister and several members of the OCM staff travelled on taxpayer funded charter flights to a number of remote aboriginal communities to engage in political campaign activity (**Allegation 2**).
- [3] In November 2021, pursuant to s 25(1) of the ICAC Act, the ICAC referred Allegation 1 to the Chief Minister for action, directing that the Chief Minister report back to him within 90 days as to the action taken. Allegation 1 suggested that three named officers employed in the OCM may have engaged in unsatisfactory conduct by using NT Government resources to produce and distribute Labor party campaign materials in potential breach of the *Public Service Employment and Management Act 1993* (NT) (**PSEMA**) and the *Code of Conduct for Northern Territory Public Servants* (**NTPS Code of Conduct**)
- [4] In December 2021, the ICAC decided to commence an investigation in relation to Allegation 2.
- [5] In February 2022, the then Chief Minister informed the ICAC of the outcome of the referral of Allegation 1. The Chief Minister observed (correctly) that the three named persons were ministerial staff employed under the *Contracts Act 1978* (NT) and their standards of behaviour are governed by the *Code of Conduct for Ministerial Officers*. They were not public servants subject to PSEMA or the NTPS Code of Conduct. The Chief Minister nevertheless considered the allegations in light of the requirements of the *Code of Conduct for Ministerial Officers*, concluding that none of the three officers the subject of the allegation had acted inconsistently with their proper functions. He did however observe that an email relating to Allegation 1 revealed conduct on the part of an officer (who was not one of the three the subject of the allegation) that did not meet the spirit of the *Code of Conduct for Ministerial Officers*.
- [6] In reaching his conclusion, the Chief Minister stated:

*There is a clear expectation, and this is communicated to staff regularly, that any work done for a political party (and not for the government) is done outside of work hours, or while on leave, or while using time in lieu and not using government resources.*

*This is especially highlighted during the caretaker period and during by-election periods... it is not unexpected that in the lead up to an election, that media and the communications team within a political office may have to deal with more direct political content, including responding to questions from journalists of a political nature and being*

*asked to respond to the election policies of other political parties. It is the standard of this office that this is worked through appropriately when developing government messaging.*

- [7] By May 2022 the ICAC had conducted a number of examinations of witnesses and having reflected on the evidence received decided to expand his investigation to include Allegation 1 notwithstanding the Chief Minister's response.
- [8] The investigation then proceeded into 2023 with the ICAC receiving evidence of 20 witnesses and some 650 items of evidence, a substantial amount of which related to Allegation 1. At the conclusion of the evidence gathering, Counsel Assisting prepared comprehensive submissions which were circulated to witnesses. Some witnesses provided responsive submissions and the process of extending procedural fairness continued in the early months of 2024.
- [9] In May 2024, the ICAC submitted a report pursuant to s50 of the ICAC Act to the Speaker of the Legislative Assembly in relation to Allegation 2, that being a report in relation to the conduct of MLAs. He foreshadowed that a second report would be submitted to the Chief Minister on the basis that the Chief Minister is the appropriate responsible authority for the purposes of s 50(7) of the ICAC Act being
- (i) *an entity having authority to deal with one or more matters relating to improper conduct the subject of the investigation to which the report relates; or*
  - (ii) *an entity whose functions include making future decisions in the public interest that may be better informed by receipt of the investigation report.*
- [10] In the May 2024 report, the ICAC foreshadowed an intention to provide a second report to the Chief Minister by 30 June 2024. The ICAC subsequently became unavailable to complete the second report. As a result, by instruments of appointment and delegation each dated 23 September 2024, I was appointed as an authorised officer in accordance with s 131(1) of the ICAC Act and delegated under s125(1) of the ICAC Act all the powers and functions given to the ICAC in Divisions 5, 6, and 7 of Part 3, all the powers and functions under Division 4 and the power to make a declaration in accordance with s94. With those authorities and powers, I was engaged to review all of the evidence obtained and submissions made in the investigation and to provide this report in relation to allegation 1.

## The nature of Allegation 1

- [11] Although the allegation contained in the report received on 8 February 2021 which gave rise to the investigations referred to the conduct of three named officers and was confined to a particular event, the expansion of the investigation in May 2022 was brought about by a wider concern about the use of government resources for political campaign purposes within the OCM.

- [12] The evidence that led to the expansion of the investigation suggested that there may have been improper use of public resources to produce campaign and electoral material for the Australian Labor Party Northern Territory and that ministerial staff were engaged in party political work during work hours in the weeks leading up to the August 2020 Northern Territory election.
- [13] The evidence gathered in the course of the investigation establishes clearly that, prior to the 2020 NT election, officers within the OCM did engage in campaign activities for Labor NT and on occasions utilised NT government resources for that purpose within usual office hours. The circumstances in which that occurred are examined later in this report.

## The statutory context and constraints of this report

- [14] This report is made pursuant to s50(1) of the ICAC Act. The report may contain such information as I consider appropriate in relation to the subject matter of the investigation and may include findings as to whether any person has engaged in improper conduct.<sup>1</sup> Such a finding is not a finding that a person is guilty of or has committed any offence or breach of discipline.<sup>2</sup>
- [15] The report may contain recommendations in relation to preventing or dealing with improper conduct if I consider the recommendations are within the functions of the body to which the report is made to implement or progress<sup>3</sup>. The report must provide information to assist the recipient of the report to understand why the recommendations have been made and what they are intended to achieve.
- [16] The constraints on naming or identifying a person in relation to a matter that amounts to no more than misconduct or unsatisfactory conduct which apply to a report to the Speaker or Deputy Speaker<sup>4</sup> do not apply to a report such as this made to a responsible authority as defined by s50(7)(a). Those constraints do apply to any published report<sup>5</sup>. Similarly, the constraints on inclusion in a report of material that would not be admissible in civil or criminal proceedings because of s82 of the ICAC Act do not apply to this report unless it were to be published under s50A. Notwithstanding those provisions, given that for reasons that will be explained, I do not consider that any finding of improper conduct should be made in this report, I do not consider it necessary or appropriate to name persons in order to achieve the objective identified in s56 of the ICAC Act.

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<sup>1</sup> ICAC Act s50(3)(a)

<sup>2</sup> ICAC Act s50(5)

<sup>3</sup> ICAC Act s56

<sup>4</sup> ICAC Act s50(6A)

<sup>5</sup> ICAC Act s50A

## The organizational structure of the OCM in 2020

- [17] Prior to the 2020 election the OCM was comprised of approximately 80 staff of whom about 35 were employed within the Chief Minister's office itself (CMO). The CMO consisted of the Chief of Staff to the Chief Minister, the Deputy Chief of Staff, the Director of Communications and other officers who reported to the Deputy Chief of Staff.
- [18] The Chief of Staff's role was to manage the OCM and to oversee the entire complement of staff within the OCM.
- [19] The Deputy Chief of Staff commenced in that position in approximately August 2019. Prior to that he held an executive director role within the Northern Territory public service and previously had experience working in political offices in the NT and elsewhere for approximately 18 years. The Deputy Chief of Staff had general oversight of the communications functions of the OCM, including the digital unit, with the Director of Communications exercising day-to-day oversight. He also served as a conduit between the Chief Minister and NT Labor.
- [20] Another senior member of staff commenced in the OCM in September 2016 as an advisor looking after protocol, receptions and organising community cabinet trips. She held a number of roles in the 2020 election campaign on a volunteer basis including as coordinator or director of the Communication Action Network and also materials director for the campaign.
- [21] Within the CMO was a communications team which was composed of a number of press secretaries reporting to their various ministers and the digital unit. The digital unit was composed of four ministerial staffers. The team was headed by the director of the digital unit (the Digital Unit Director). She reported to the Chief Minister, the Deputy Chief of Staff, the Director of Communications or the Chief of Staff depending on the nature of the task.
- [22] Reporting to the Digital Unit Director were three communications and engagement officers, each of whom had a specific role within the unit based on their technical skills and experience. One was primarily responsible for the creation and development of graphical material using computer programmes such as Photoshop. Another was primarily responsible for video filming and photography. The third provided administrative support to the unit.

## Conduct rules for ministerial officers

- [23] During the course of the investigation the ICAC received two different versions of ministerial codes for staff. Although one document related to ministerial staff (the Ministerial Staff Code of Conduct (**Staff Code of Conduct**) dated 15 May 2017) and the other to ministerial officers (the Code of Conduct for Ministerial Officers (**Code for Ministerial Officers**) dated August 2020), the two documents were similar in respect of their content and purpose. In relation to constraints on the use of government resources for party political campaign purposes, they reflect a position which witnesses who gave evidence at the investigation accepted as being well understood.
- [24] The purpose of the Staff Code of Conduct was to stipulate the basic level of conduct expected of ministerial staff. Ministerial staff were defined in the document as ministerial officers, Department Liaison Officers and staff of the Leader of the Opposition. The Staff Code of Conduct set out the framework for ethical conduct and ethical decision making by a public official and the principles and values to which a ministerial staff member's work performance and personal conduct must be directed.
- [25] Clause 6.2 of the Staff Code of Conduct provided:
- In performing official duties, a ministerial staff member shall:*
- *use public resources in an effective and accountable manner;*
  - *accept and value their duty to manage public resources effectively, efficiently and economically;*
  - *ensure that resources are not wasted, abused or used improperly or extravagantly;*
  - *seek to achieve high standards of public administration;*
  - *continuously improve performance;*
  - *manage information as openly as practicable within the legal framework.*<sup>6</sup>
- [26] Following cl 6.2 are set out a list of required standards of conduct which include “*Not use official resources for party political purposes. Avoid anything which might reasonably lead to criticism that people paid from public funds are being used for party political purposes.*”
- [27] The Code for Ministerial Officers set out the standards expected of ministerial officers in the performance of their duties. It applied to all staff working for a minister of the NT. Ministerial officers were required to agree to act in the public interest and abide by ethical principles to use

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<sup>6</sup> Item 425 cl 6.2



public resources in a proper manner with due economy and not subject those resources to wasteful or extravagant use. The document stipulated that ministerial officers were accountable for the use of public resources in relation to their duties and must:

- *not use public resources, or allow such resources to be used by others, for personal advantage or benefit;*
- *not use official resources for party political purposes;*
- *be scrupulous in ensuring the legitimacy and accuracy of any claims they make on the public purse;*
- *ensure they are used with appropriate efficiency and economy in the conduct of public business.*

[28] Evidence of different witnesses varied as to the extent of their awareness of either the existence or the terms of the Code for Ministerial Officers. However, a number of witnesses gave evidence to the effect that it was regularly communicated to ministerial officers by the Deputy Chief of Staff and the Chief of Staff that any work done by them for a political party was to take place either outside of work hours, using time in lieu arrangements or annual leave or during lunch breaks.

[29] One of the Communications Officers could not remember whether there was a code of conduct for ministerial staff but said that it was communicated to him that work done for a political party was to be done outside work hours. He said that that was communicated by a senior officer to him and others at a forum early in the 2020 campaign, but he felt that “this was a little bit of a cover – trying to cover their own backs’.

[30] Another said that when he started in the role he signed a code of conduct and that it was communicated to him that any work done for a political party was to be done outside work hours. He said that that message was communicated from upper management although he was unable to recall particular details of that communication.

[31] When she commenced her employment at the OCM another member of the communications team could not recall being given any guidance as to the Code for Ministerial Officers or a hard copy of it but she assumed it would have been part of her contract. In an affidavit subsequently lodged by that member, she confirmed that she had received a copy of the Staff Code of Conduct as an attachment to her contract. There was evidence that the requirement that work done within the Communications for a political party was to be done outside working hours, while on leave, or while using time in lieu was communicated to her at a brief meeting with the Deputy Chief of Staff. Although the evidence was unclear as to when that particular meeting took place but the evidence suggested that it was pretty close to the August 2020 election and involved the whole of the fifth floor.

[32] Evidence to the same effect was given by a number of other officers.

[33] None of the witnesses who gave evidence could recall any direction issued to ministerial officers that work done on behalf of a political party was not to involve the use of government resources. However it was something all witnesses called to give evidence understood would be improper.

## Campaign activities by ministerial officers in the OCM

[34] Throughout the investigation, ministerial officers who gave evidence were taken to emails and documents that appeared to relate to party political activities undertaken by those officers during the lead up to the election. In many of those cases the activities could be seen to have been undertaken in normal office hours; in other words in a time period when the officer concerned was being paid from the public purse. A common response to the suggestion that undertaking those activities in office hours was contrary to the code of conduct was met with the response that all of the officers were working very long hours, including time before or after normal working hours or on weekends, or was done during lunch or other breaks in the working day. Thus it was contended that full working hours were being achieved on proper government activities so that party political work was occupying time over and above a full time load and was thus effectively in the officer's own time.

[35] In light of the passage of time between the activities concerned and the giving of evidence in late 2022, and in the absence of any time recording or other records of the day to day activities of the officers, it is not open to be satisfied to the required standard that any particular activities amounted to improper conduct

[36] There was however evidence to support a conclusion that the requirements of the Staff Code of Conduct and the Ministerial Officers Code of Conduct were given insufficient regard in the lead up to the 2020 election and the proper role of ministerial officers was somewhat blurred. An example of that can be seen from a document prepared by The Digital Unit Director in January 2020, entitled "Chief Minister's digital plan 2020 election".

[37] The evidence was clear that the purpose of the document was to provide some guidance for the communications team as to what they were doing and how they were doing it. what everyone's responsibilities were and who they could talk to if they needed guidance. It was specifically prepared in relation to the upcoming election in August of 2020.

[38] After noting the number of Facebook followers and steps proposed to improve the reach and effectiveness of Facebook posts, the digital plan set out the responsibilities and daily expectations of the digital team members as follows:

- The Digital Unit Director - overall strategy, key projects, liaising with Ministers officers, website overview, People Story Series, content creation where required.

- [The graphic design member] - graphic design, campaign requirements, updating planning calendar, EO work as required.
- [The administrative member] - content finding (news articles, photos etc) opposition research and monitoring, policy working document, EO work as required.
- [The video recording member] - events filming and editing, people story series, boundless possible business stories, animation policy videos, other content.

[39] Daily expectations were listed as follows:

- workflow will be managed through Slack [a social media messaging platform utilised by the Digital Unit]. If you cannot meet COB deadlines, please let [the Digital Unit Director] know with at least one hours' notice.
- [the graphic design member] - Graphics have been created for the campaign and for the Chief's page (POS/NEG). Material needs are met. Contribution to posts where possible.
- [The administrative member] - Morning Post sent to me for approval by 9:00 AM (can be asking, photo or post, monitoring report is sent to the Director by 12:00 PM every Monday. Policy spreadsheet is updated daily.
- [The video recording member] - The day's events have been filmed video has been edited and sent to relevant advisors.

[40] The plan required all team members to participate in content planning and creation for Facebook with at least three posts per day being morning, lunch and evening. Weekend content was to be planned out where possible by the 3:30pm meeting on Friday. It concluded with suggestions as to what to do if a member became "bored" being:

- Work on building our categorised photo library
- go find an amazing territory story we can film and tell
- make a graphic/animation video based on one of our key achievements and the Policy Spreadsheet
- find a pretty/inspiring photo on Instagram/FB we can repost
- door knock

[41] Despite the evidence that the digital plan was specifically prepared for the 2020 election, it illustrates the overlap in what might be considered proper communication activities on behalf of the government and activities on behalf of the political party that holds government. That difficult distinction was illustrated by the evidence of a senior member of ministerial staff in the OCM in relation to the digital plan. That witness asserted that many of the responsibilities and expectations listed in the document fell within proper government communications. To the extent that the tasks identified were clearly campaign related, he contended that the document

had to be read in the context that it was well understood that campaign activities could only be undertaken outside of normal working hours. I will return to the question of that overlap later in this report.

- [42] A further example of work being done and resources applied for Labor Party campaign purposes is the preparation of candidate videos by the digital team. There was uncontroverted evidence that in the lead up to the 2020 election the video recording member was involved in producing photographs and videos for the purposes of the political campaign. He was involved in preparation of campaign videos bearing Labor Party logos by both filming footage to be used and using archival footage that he had shot. He would then copy and paste text provided to him by the Digital Unit Director. Preparation of a video of that nature would take him about two hours and was done during work time
- [43] Another example of campaign activities by the digital group relates to the production of NT Labor Party policies. The ICAC obtained an exchange of emails sent in late July 2020 between the Chief Minister's policy adviser and the administrative member of the digital team. Those emails demonstrate that the digital team was engaged in digital formatting of policy documents<sup>7</sup>. An email from The Digital Unit Director to four officers within the OCM including the Director of Communications, the Chief Minister's policy officer and the administrative member of the digital group commences by saying "We now have to have all circa 50 policies designed and on the Territory Labor website by 10 August". It then sets out a process that the parties to the email should follow to meet that deadline<sup>8</sup>. Clearly this is party political campaign work being undertaken, at least in part during working hours, by the digital unit.
- [44] There were other examples of campaign work being undertaken within the OCM in the months leading up to the 2020 election. It is not necessary to canvass more examples for the purposes of this report.
- [45] That conclusion must in fairness be viewed in the context of the work commitments of those concerned in the months leading up to the election. It was contended by a number of witnesses that they were required in the ordinary course of their regular government work to attend to tasks after normal office hours and on weekends. Their contracts required that they work a 37.5 hour week. In practice they worked much longer hours. That can readily be accepted as true given the nature of the roles that they played. The extent to which, if at all, undertaking campaign work resulted in less than 37.5 hours a week being devoted to proper government work is impossible to say on the evidence.

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<sup>7</sup> Master list 220 -225

<sup>8</sup> Master list 226

## The nature of the role of ministerial officers

- [46] As the then Chief Minister pointed out in his response to the referral by the ICAC in relation to Allegation 1, ministerial officers are not members of the public service governed by the PSEMA or the NTPS Code of Conduct. Rather they are engaged under *Contracts Act 1978 (NT)* with their employment terminating at the end of the term of government in which they are engaged.
- [47] In his February 2022 response to the referral of Allegation 1, the then Chief Minister said:
- The objects of the PSEMA include, amongst other elements:” *to provide for an apolitical public sector that is efficient and effective in servicing the government, the legislative assembly and the people of the Northern Territory*”. Although the principles of effective and efficient government servicing the people of the Northern Territory are shared values for this public body, by virtue of their appointment to a political office, ministerial staff are not apolitical and serve a different function to the public service - which is why the employment of ministerial staff is not regulated under this legislation.
- [48] That contention was elaborated upon by the former Chief Minister in supplementary submissions provided in March 2024. Those submissions referred to academic observations that the role of ministerial staff “*has been formalised and institutionalised into the role of the partisan ministerial adviser, as distinct from the impartial public service. In practice the line between the roles is blurred, with ministerial advisers sometimes... being involved in policy implementation*” and that since the Hawke government, Ministerial officers have been “*more policy oriented and politically engaged than their predecessors. Their roles were multifarious and included policy advice, liaison with the public service, troubleshooting, general office administration, personally assisting the minister, dealing with the press, speech writing, political party work, and handling electoral matters*”<sup>9</sup>
- [49] The blurred line between what is party political activity or campaigning and what is proper government function has emerged in other States in investigations of allegations that electoral or ministerial officers have engaged in the former while being paid on the public purse. Most recently the Crime and Corruption Commission in Western Australia published a report which found that electoral officers had performed campaign work during normal office hours. As in this investigation, the officers concerned asserted that the time spent on campaign activities was made up for by undertaking normal government duties outside of the normal working day. In the absence of any time recording or other form of verification the CCC was unable to conclude that there was any improper conduct. The absence of a time recording system capable of verifying the hours of proper electoral work done by electoral officers, and the absence of adequate supervision of their work each posed serious conduct risks<sup>10</sup>.

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<sup>9</sup> Ng, Yee Fui 92016) *Ministerial Advisers in Australia*, Melbourne: The Federation Press: ISBN 9781760020637, at p19 and 21-22

<sup>10</sup> Corruption and Crime Commission WA *Serious Misconduct Risks to Good Government* 11 November 2024 ISBN 978-1-7637189-1-3

- [50] The Victorian Ombudsman has recognised that the work of ministerial staffers is “inherently political” and that a direction that Electorate Officers not engage in political activity was difficult – if not impossible – to satisfy<sup>11</sup>.
- [51] A member of the communications team understood the purpose of the Communications Department of the OCM was to help Labor win the next election and that that member’s extensive Federal campaigning experience, digital content creating skills and the assumption that they would assist with the 2020 election campaign were a noteworthy part of their attraction for their offer of employment. It was said that *“being a political adviser has always been a much broader role than just working for a minister and just doing your kind of day-to-day job.... it’s an unspoken rule that when you are employed by a political (sic) or by a government and therefore by a politician, you have two roles. You have your official role and you also have a campaigning role. It was no secret to me that that was what was expected of me.”*
- [52] When he the video recording member of the digital team commenced his role in 2020, it was made plain to him that the purpose of the digital unit was to help Labor win the next election, although he resisted pressure to volunteer for political campaign purposes. Another witness gave evidence that *“the job of any government that’s in power is to positively promote their policies which in turn is going to help them get re elected.... They are almost one and the same.... We do promote the policies of the government which are... almost one and the same.... it’s quite a grey line”*
- [53] The overlap between work for the government and party political work was also emphasised by other witnesses in the investigation.

## Observations

- [54] The evidence supports the following conclusions:
- (i) In the months leading up to the 2020 election, officers within the OCM, and in particular the digital unit, performed political campaign work within normal office hours and while being paid from the public purse.
  - (ii) At times that work was done using government resources such as computers and software programs although that was not exclusively the case. Some work was done using the officer’s own computer or photographic equipment and utilising private email addresses.

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<sup>11</sup> Victorian Ombudsman *Investigation of a matter referred by the Legislative Council on 25 November 2015* March 2018 at [51]

- (iii) The distinction between what comprises political campaign work and what falls within proper government work is blurred and involves substantial overlap. Given the roles of political advisers, that overlap becomes much more pronounced in an election campaign period.
- (iv) Because continued employment of ministerial officers is dependent on re-election of the governing party, there is a significant inducement for those officers to want to engage in campaign activities. Given that ministerial officers are frequently appointed because of their commitment to, and previous service to, the party to which their minister belongs, it is inevitable that they will want to assist the government to be re-elected.
- (v) Neither the Staff Code of Conduct nor the Code of Conduct for Ministerial Officers expressly addresses campaign activities. Rather each addresses the topic by reference to the appropriate use of public resources and not using resources for party political purposes.
- (vi) The lines of reporting and supervision were not clear, at least in practice. The Digital Unit Director was requested to carry out political work by various people and reported to various people.
- (vii) The requirement that campaign work be carried out in an officer's own time was communicated to members of the digital team from time to time, although the evidence as to how and when that occurred was inconsistent.
- (viii) When campaign tasks were allocated to members of the digital team, those allocating the task did not appear to have regard to the requirement that the work be undertaken outside of office hours. At best it might be concluded (as was submitted by some witnesses) that those allocating tasks assumed that the requirements of the Staff Code of Conduct would be observed. Given the nature and time frames for some tasks, it is difficult to accept that that assumption was reasonably open.
- (ix) Members of the digital unit generally worked hours well in excess of 37.5 hours per week and were required to undertake normal work tasks outside of normal business hours. No time sheets were maintained, so there is insufficient evidence to conclude (to the required level of satisfaction) that normal duties outside of ordinary office hours did not make up for time spent on campaign tasks within office hours.

[55] Although the evidence gives reason for concern that some officers in the OCM may have acted improperly, having regard to the matters referred to in subparagraphs (iii), (v), (vi), (vii) and (ix), it is not possible on the evidence to be satisfied, to the required standard, that any finding of improper conduct should be made in relation to any individual. Furthermore, given the passage of time and the fact that those concerned no longer occupy the positions they held in 2020 and

in nearly all cases are no longer holding positions in ministerial offices of the NT public service, the utility of any findings of improper conduct is at best questionable.

- [56] The very nature of the roles of ministerial officers, while it is funded by the Territory government, creates a significant risk of improper conduct through misuse of resources. Undoubtedly a reason why the relevant codes of conduct proscribe the improper use of government resources is because the utilisation of resources available to the government of the day at public expense, apart from being inherently improper, has the potential to extend an unfair advantage to the party in government in an upcoming election.

## Recommendations

- [57] Accordingly, I make the following recommendations.  
As to the lack of clarity in the relevant codes of conduct:

### **Recommendation 1**

I recommend that there be a review of the Staff Code of Conduct and the Ministerial Officers Code of Conduct to more explicitly deal with prohibitions against officers undertaking work for a political party, other than in their own time, and against utilising public resources for such work. The codes should contain specific definitions or examples of the type of tasks that are prohibited.

- [58] As to the necessity that ministerial officers have a clear understanding of the requirement not to utilise public resources or their publicly funded work time:

### **Recommendation 2**

I recommend that any induction program for ministerial officers include instruction as to, and explanation of, the proscription of party-political work utilising government time or resources and the potential for a finding of improper conduct where that proscription is breached. That training should preferably be delivered by someone independent of the OCM.



[59] As to proper supervision and accountability in relation to compliance with the proscription:

### **Recommendation 3**

I adopt the recommendation made by the ICAC in his May 2024 report that each Member of the Legislative Assembly agree to and require all persons employed within their ministerial office (where applicable), opposition office (where applicable) and their electorate office to complete a timesheet for at least the 60 days preceding the day of the General Election.

The timesheet should clearly identify time spent on public duties and time spent on political activities.

The timesheet should be approved by a person with sufficient seniority as to be accountable for the accuracy of the content of the timesheet.

### **Recommendation 4**

I also adopt a further recommendation made by the ICAC in his May 2024 report that each member of the Legislative Assembly (including a minister and the Leader of the Opposition) agree to ensure that employees for whom they are responsible only engage in political activities prior to or after ordinary business hours, and that where a staff member is engaged in a political activity during ordinary business hours, that staff member takes leave for so long as that activity is undertaken.



The Hon John A Chaney SC

Authorised Officer pursuant to s131(1) ICAC Act

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