

OFFICE OF THE INDEPENDENT COMMISSIONER AGAINST CORRUPTION (NT)

## Criticism of the ICAC

19 July 2023

The purpose of this public statement is to acknowledge the criticism that has been levelled at my office in recent times relating to a recent recruitment decision. I acknowledge and accept the adverse impact that this decision has had on the reputation of my office. As I often say myself, perception is just as important as reality. This was an organisational failure for which I am responsible and I apologise for it.

Notwithstanding the above, the individual involved has done nothing wrong and nothing I say should be seen as any criticism of him. Indeed, he has performed exceptionally well. I also acknowledge the impact that these last several days have had on that individual.

Nevertheless, I have decided to transfer the individual out of my operations team and into a non-investigative area within my office. That transfer has occurred with immediate effect. He will have no role in respect of assessments or investigations.

Moving forward, I acknowledge that our processes must be more stringent.

It is already a requirement for applicants to complete a pre-employment questionnaire. That will now be strengthened as follows:

- Any person who has been a member of a political party in the last 5 years, or has otherwise engaged in political activity in support of a political party during that same period, will be required to disclose, by way of statutory declaration, the following particulars:
  - the dates of membership to a political party;
  - the positions held within the political party; and
  - a detailed description of each and every political activity engaged in over that period, whether as a member of a party or in support of a party.
- That disclosure must accompany an initial application for employment.
- Prior to applications being considered further, I will determine whether the nature and extent of any past political activity represents an unmanageable risk to my office. Mere past membership will not be an automatic barrier to employment. Rather, the nature of the involvement in political activity will be the determinative issue. Where I decide that the nature of past activity represents an unacceptable risk, the applicant will be advised that their application will not be considered further. My determination will be based on the extent of the applicant's involvement in political activities, the length of time over which those activities were engaged in, the seniority of the position applied for and the duties to be performed by the individual. Ultimately the importance of being, and being seen to be, apolitical, will be the primary consideration. That determination will be made by me and will not be delegated to any other person.
- Where I decide that an applicant's application can be further considered, notwithstanding the disclosure of previous political involvement, I will report that fact to the Inspector of the ICAC and provide the Inspector with the application together with my reasons.

As an additional measure, all existing staff members will this week be directed by me to complete a declaration disclosing any conduct that the staff member has engaged in that might be perceived to be supportive of a particular political party. Such a declaration will also become a yearly requirement, together with existing yearly conflict of interest and associations declarations that are already required.

For the foreseeable future, recruitment processes will be realigned to target applications from applicants who reside interstate and overseas.

Since I commenced in this role I have worked hard to improve the reputation of my office. I am disappointed about what has occurred. I am now determined to work even harder.

**Michael Riches**

Independent Commissioner Against Corruption (NT)