



## Statement in relation to the 2020 Territory Election

4 September 2020

The Independent Commissioner Against Corruption, Ken Fleming QC makes the following public statement with regards to allegations of anti-democratic conduct in relation to the 2020 Northern Territory Election:

My obligation under the *Independent Commissioner Against Corruption Act 2017* (ICAC Act) is to deal with matters that may offend against the provision of the Electoral Act, and which affects or is aimed at affecting the community or multiple members of the community in relation to voting or which affects the Electoral Commission's ability to detect and investigate contraventions.

I have received 21 reports of alleged improper conduct in relation to the 2020 Territory Election. These reports range from matters that are trivial, to matters that are serious.

I have an obligation to investigate the most serious, systemic and sensitive improper conduct, and to ensure that other improper conduct (which does not meet the threshold of serious, systemic and sensitive) is dealt with either by an appropriate existing entity or, if I consider it appropriate, by myself.

If there are multiple entities with jurisdiction in relation to improper conduct, I may coordinate a response.

The ICAC Act requires me to act in the public interest where I have discretion in dealing with allegations of improper conduct.

The proper functioning of democratic processes is one such public interest consideration, pursuant to Schedule 1 of the ICAC Act.

One of the matters reported to me in relation to the 2020 Territory Election involves errors made during the initial vote count in the Division of Mulka.

The Electoral Commissioner is aware of these errors and is addressing them. The Electoral Commissioner has responsibility for the statutory process dealing with election returns, and I will not interfere in the statutory process.

I note that that the Court of Disputed Returns has jurisdiction over disputes regarding the validity of the election of any person.

Pursuant to my obligation to coordinate a response to allegations of improper conduct where multiple entities are involved, I have coordinated a response in relation to the Mulka count and will keep interested parties informed.

I have closed a number of matters regarding improper conduct in the 2020 Territory Election. For others, I have engaged with the Electoral Commissioner, who is the appropriate entity to deal with those matters.

I continue to carefully assess allegations of suspected improper conduct to determine if they are within my jurisdiction and can be substantiated. In order to give the public confidence in the integrity of the 2020 Territory Election, I will prioritise serious matters which may impact on the outcome in any Division.

In order to carefully assess all allegations of improper conduct, I require those with knowledge of suspected improper conduct to provide material that relates to their allegation. Such

## Statement in relation to the 2020 Territory Election

communication, and the persons who provide it, are protected by the ICAC Act, unless the person taking the action knows or believes the information is misleading.

Inferences and allegations raised through the media are not protected under the ICAC Act and may unfairly damage the reputation of individuals or entities, put whistleblowers and people who cooperate with the ICAC at risk of harm, or compromise the ICAC's, or another suitable entity's, ability to properly investigate a matter.

ENDS

**Media contact: Dan Hall 0434 254625**