



Media release

NT INDEPENDENT COMMISSIONER AGAINST CORRUPTION

ICAC Investigation Report tabled in the Legislative Assembly

23 June 2020

The Deputy Speaker of the Northern Territory Legislative Assembly has today tabled the Independent Commissioner Against Corruption (ICAC) Investigation Report concerning the conduct of the Speaker of the Legislative Assembly.

Independent Commissioner Against Corruption, Kenneth Fleming QC found that the Speaker, The Honourable Kezia Purick MLA engaged in a series of acts each of which was corrupt conduct, because each was a serious breach of public trust by:

1. The act of an MLA, and while occupying the position of Speaker, intervening in the attempted creation of a political party by other MLAs, contrary to the Speaker's obligations of impartiality, good faith and equal service to all MLAs.
2. The act of an MLA, and while occupying the Office of the Speaker, acting dishonestly by releasing an untrue statement about her involvement in the matter set out at 1 to other MLAs and to the public.
3. The act of an MLA, and while occupying the Office of the Speaker, using the position and resources of her office as Speaker, to give effect to the matter set out at 1 and 2.
4. The act of an MLA, and while occupying the Office of the Speaker, failing to uphold the law, namely, by failing to report to the ICAC a suspected breach of section 147 of the ICAC Act of which she knew, pursuant to obligations under section 22 of the ICAC Act.
5. That Ms Purick, on the balance of probabilities, engaged in corrupt conduct that may constitute an offence under the ICAC Act by misleading the ICAC while she was under oath and under examination pursuant to section 34 of the Act.

The final finding above is not a finding that Ms Purick has committed any offence. The ICAC's determination under the ICAC Act is made on the balance of probabilities. The commission of an offence is determined by a court on a different standard of proof. Nor is it a comment as to the prospects of success of any such an action. The decision to take forward a prosecution belongs to the Director of Public Prosecutions. The determination of such prosecution is entirely a matter for the legal process in a court. The ICAC will refer a brief on the final point above to the Director of Public Prosecutions for his consideration.

The ICAC is also referring the Investigation Report, including the chronology set out in the Report, and facts in Commissioner Fleming's possession which cannot be set out in the Report, to the Deputy Speaker.

"Alleged breaches of the *Legislative Assembly (Members Code of Conduct and Ethical Standards) Act 2008* are a matter entirely for the Legislative Assembly to make its own determinations, and to investigate and impose penalties, if so minded," Commissioner Fleming said.

The ICAC Investigation Report was given to the Deputy Speaker on Monday 22 June 2020, pursuant to section 50(1) and (7) of the ICAC Act. Investigation Reports must be tabled in the Assembly on the next sitting day after receiving a report, as required under section 50(6) of the ICAC Act.

ICAC Investigation Report tabled in the Legislative Assembly

The ICAC subsequently provided a General Report to the ICAC Minister, Chief Minister Michael Gunner MLA, pursuant to section 48 of the ICAC Act.

Commissioner Fleming has made a number of recommendations in response to the improper conduct risks identified in this report in order to prevent or minimise the occurrence of improper conduct.

The final report and general information are available via icac.nt.gov.au/publications.

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