



OFFICE OF THE INDEPENDENT COMMISSIONER AGAINST CORRUPTION (NT)

Statement from the Independent Commissioner Against Corruption

26 May 2021

I released a report yesterday into a procurement matter at the City of Darwin.

I apologise unconditionally to the two people named who have been denied natural justice.

There were two issues with the report relating to natural justice for two people named in the report.

The first issue related to the receipt of a document from one person. The document was a response to the process of natural justice.

The Northern Territory Government has filters in respect of material received via email. The document from the person was filtered out and placed into the *'junk'* email folder because it contained filterable material. My office did not review the junk email folder and so the email was not detected.

Consequently, the person did not receive the natural justice dictated by section 50 of the *Independent Commissioner Against Corruption Act 2017* (*"the ICAC Act"*).

The second person had no finding of improper conduct made in the report, in the sense that there were no findings of corrupt conduct, misconduct or unsatisfactory conduct in terms of the ICAC Act. However, I accept that some comments in the findings may be considered to be adverse to the person.

These failings I deeply regret. Consequently:

- I have now taken down all sources of the report from the Office of the Independent Commissioner Against Corruption website;
- I retract all findings that have been made adverse to those people's right to natural justice;
- In order to limit any further comment about each person I request that there be no further public reference to the findings in the report.

I have directed that, immediately, three things happen:

- First, all junk mail folders be regularly cleared to ensure this will not happen again.
- Second, before a report is released, any person the subject of adverse comment will be followed up about their responses if any, to ensure that the process is complete.
- Third, before a report is released, it will be checked, again, to ensure that each and every adverse finding has been included in the natural justice process, and no finding is omitted from that process.

I intend to do two further things immediately:

- First, I will take independent legal advice on the matter.
- Second, I will report the non-compliance to the Inspector under Part 7 Division 4 of the ICAC Act.

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ENDS

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