

Madam Speaker Purick took the Chair at 10 am.

VISITORS
Darwin Middle School

Madam SPEAKER: Honourable members, I advise of the presence in the gallery of Year 7 students from Darwin Middle School, accompanied by their teachers, Shayden Lucas and Sarah Thomas. Welcome to Parliament House. I hope you enjoy your time here.

Members: Hear, hear!

Madam SPEAKER: Honourable members, I also advise of the presence in the gallery of electorate officers for members of the Legislative Assembly. Welcome to Parliament House. Enjoy your time here and your seminar.

Members: Hear, hear!

INDEPENDENT COMMISSIONER AGAINST CORRUPTION BILL
(Serial 30)

Bill presented and read a first time.

Ms FYLES (Attorney-General and Justice): Madam Speaker, I move that the bill be now read a second time.

The purpose of this bill is to create an independent commissioner against corruption, or more commonly known as an ICAC. The ICAC will be appointed to investigate and bring light to any corruption in the Northern Territory. This bill also repeals the *Public Interest Disclosure Act* and transitions its whistleblower protection functions to the ICAC.

This bill demonstrates how our government is restoring trust and integrity to government.

The model adopted in this bill has been developed to align with 50 of the 52 recommendations made to this Assembly by Commissioner Brian Martin AO QC as a result of the Anti-Corruption Integrity and Misconduct Commission Inquiry. It creates an ICAC with comprehensive powers to investigate improper conduct. The ICAC's primary role is to investigate and deal with the most serious, sensitive, systemic, corrupt conduct by public officers and bodies.

Clause 10 of the bill defines corrupt conduct. The conduct must be sufficiently serious in that it must either be an offence punishable by a maximum term of imprisonment of at least two years or conduct which would warrant termination of services. In the case of elected public officers, such as honourable members of this Assembly and local government councillors, there is very little behaviour that would legally warrant termination of service. To ensure elected officials can be investigated by the ICAC, an additional test applies which allows officials to be investigated for a serious breach of public trust. The term 'breach of public trust' is defined in the bill and means conduct that is intentionally or recklessly inconsistent with the duty to act in the public interest, or other functions of the public body or officer.

The corruption must be connected to public affairs. The ICAC will not look at people's private affairs except to the extent where they are connected with public sector corruption. The term 'connected to public affairs' is also defined and means conduct while performing public duties or representing oneself as a public officer. Off-duty conduct by public officers is also captured if it is closely related to the performance of an official function or if it involves the use of public resources in certain circumstances.

The terms 'public officer' and 'public body' are defined by clause 16. Public bodies include not only government agencies but statutory authorities, courts and tribunals, local government organisations and government-owned corporations.

Where contract service programs and recipients of government grants are performing functions under those contracts or with public monies, corruption related to those functions and that expenditure can also be investigated by the ICAC.