

29 September 2017



Julia Knight
The Secretary
Social Policy Scrutiny Committee
GPO Box 3721
DARWIN NT 0801

Via email: SPSC@nt.gov.au

Dear Julia

INDEPENDENT COMMISSIONER AGAINST CORRUPTION BILL

I write in response to a letter dated 31 August 2017 from the Chair of the Social Policy Scrutiny Committee ('the Committee'), Ms Ngaree Ah Kit MLA, inviting LGANT to put a submission on the above Bill to the Committee.

This letter is that submission and is the fourth that LGANT has contributed to Northern Territory Government processes on the subject of an Independent Commissioner Against Corruption.

In its submission of 20 February 2017 in answer to the following question on whistleblower protections LGANT replied:

4. Does the current framework adequately deal with situations where a person attempts to exploit whistleblower protections?

LGANT would like to see stronger provisions in the legislation to guard against frivolous, vexatious or unfounded allegations. In other words, LGANT does not consider that the legislation goes far enough to meet its objective of *'dealing appropriately with persons who make false allegations or make allegations as an abuse of process.'*

The act of making an allegation or disclosure can be built on all kinds of evidence some of which may prove to be groundless during or following investigations. LGANT does not consider at the moment that there is enough recourse going the way of the person aggrieved by such an event and especially given the time and resources an organisation or person has to provide to defend themselves against such disclosures. From this point of view the legislation is ineffective because it is costly and leads to a nil outcome.

LGANT considers that if there is a provision for reprisals that there should also be stronger measures which requires agencies to pursue *'abuses of process'* and using *'false or misleading information'*. Indeed, it would be worth knowing if any of the agencies have ever followed through on these two matters to the point where offences in relation to the provisions were ever prosecuted. The legislation to some extent makes it easier for such matters to be disregarded rather than requiring action.

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In its last submission dated 25 July 2017 LGANT indicated its support for the Bill and therefore the Assembly passing the Bill largely for reasons that the provisions dealing with misleading statements to some extent covered off on LGANT's concerns.

I would be pleased to discuss this submission with the Committee on 9 October 2017 and would use the occasion to view first-hand the Committee's operations as well.

LGANT is very supportive of the establishment of the Committee and its processes and it will no doubt make use of them in the future.

Yours sincerely



Tony Tapsell
Chief Executive Officer