

LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY

WRITTEN QUESTION

Ms Purick to the Chief Minister:

Independent Commission Against Corruption (ICAC)

For the calendar years 2019, 2020 and 2021 (to date) please provide the following information:

1. How many external consultants were used by the ICAC for the provision of legal services in each category of barristers, special counsel, lawyers? What was the monetary value of each external consultant job, who delivered the services, what state or territory jurisdiction were they from and how many of the external services were put out to tender and if so, which ones by name of service professional?
 2. How many external consultants were used by the ICAC for the provision of forensic accounting services, who delivered the services, what was the monetary value of each of the services provided for each case?
 3. How many external consultants were used by the ICAC to undertake investigations research, what were the research projects, what company or business undertook the research and what was the monetary value of each research project?
 4. How many external consultants were used for the provision of transcribing services, what were the companies and/or business and what was the monetary value for each case and project?
 5. How many technical and information technology services consultants were used for investigations, what were the companies or business names and what was the monetary value of each job and/or case?
 6. Was the previous commissioner of the ICAC paid out the employment contract of five years, concluded after three years and if so, what was the monetary value?
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Context

Some of the functions discharged by the Independent Commissioner Against Corruption (ICAC) require secrecy. The absence of secrecy can compromise investigations, unnecessarily identify whistleblowers and unduly prejudice reputations.

The 13th Parliament of the Northern Territory amended section 5(2) of the *Procurement Act 1995*, which grants the ICAC an exemption from the need to comply with the Act in relation to the acquisition of investigative, legal and audit services.

The intention of that amendment was set out in the Explanatory Statement which said that the amendment provided the ICAC the ability to contract investigators and legal services independently of government control:

to guarantee that the ICAC has complete independence as to whom it chooses to contract to conduct investigative and legal work'...

...

the specific exemption for the ICAC has been placed in legislation so that the ICAC's independence in this respect is guaranteed by legislation. It will often be appropriate for the ICAC to obtain services confidentially, and to go interstate to do so, given the conflict of interest issues that may arise in relation to the ICAC's investigations.

ANSWERS:

1. Financial Management

The Office of the ICAC (OICAC) is aware of the tight fiscal environment in which we all currently operate and recorded underspends for the 2019, 2020, and 2021 financial years.

Financial period	Total approved expenditure budget (\$'000)	Total actual expenditure (\$'000)	Total underspent from approved budget (\$'000)	Total actual legal expenses (\$'000) ¹	Total Actual Consultants expenses (\$'000) ¹
1 July 2018 to 30 June 2019	3 610	2 634	976	-	663
1 July 2019 to 30 June 2020	5 937	4 784	1 153	79	892
1 July 2020 to 30 June 2021	8 196	7 683	513	387	1 081
1 July 2021 to 30 June 2022	7 619	Not yet available	Not yet available	19	92

Note: (1) The current financial year (2021-22) is reported with preliminary actual figures up to 31 August 2021, which is the most current reporting month at the time of preparation of this response.

Responses to the written question are presented by financial year for consistency with how the budget is allocated to the OICAC.

Legal services provider	30 June 2019 (\$'000)	30 June 2020 (\$'000)	30 June 2021 (\$'000)	YTD July to August 2021 (\$'000)
Chad Jacobi (Non-NT)	-	18	90	-
Jodi Truman (NT)	-	39	93	-
Mary Chalmers (NT)	-	5		-
Nicholas Papas QC (Non-NT)	-	-	106	19
Rex Wild QC (NT)	-	-	94	-
JKW Law Practice (NT)	-	17	1	-
Georgina Westgarth (Non-NT)	-	-	3	-
Total	-	79	387	19

Providers for legal services are either procured through an across government contract maintained by the Department of the Attorney-General and Justice or by direct approach. Once procured, the external counsel is briefed for roles as Counsel Assisting the Commissioner or performing the role of Deputy Commissioner, reporting to the Commissioner.

Commissioner Riches has recently written to the Northern Territory Bar Association inviting barristers to submit an expression of interest for engagement by the Commissioner. Expressions of interest must include a current CV and details as to rates charged.

2. Expenditure for forensic accounting services was classified within the consultant fees expense category for financial reporting purposes. The OICAC used the following external consultants for forensic accounting services across the following end of financial reporting periods:

Forensic accounting providers	30 June 2019 (\$'000)	30 June 2020 (\$'000)	30 June 2021 (\$'000)	YTD July to August 2021 (\$'000)
KPMG Darwin (NT)	-	15	-	-
Robert Bruce Wall FCPA (NT)	-	79	-	-
Total	-	94	-	-

Procurement for forensic accounting services is exempt per section 5(2) of the *Procurement Act 1995*, as it is considered an investigation service.

3. Expenditure for investigations research was classified within the consultant fees expense category for financial reporting purposes. The OICAC used the following external consultant for investigations research across the following end of financial reporting periods:

Investigations research providers	30 June 2019 (\$'000)	30 June 2020 (\$'000)	30 June 2021 (\$'000)	YTD July to August 2021 (\$'000)
Women that Work (NT)	17	104	156	15
Total	17	104	156	15

Procurement for investigations research is exempt per section 5(2) of the *Procurement Act 1995*, as it is considered an investigation service. Investigative research includes national and local trend analysis of improper conduct, and intelligence collection, collation and analysis.

An existing consultancy agreement for research services will come to an end in October 2021.

- Expenditure for transcribing services was classified within the consultant fees expense category for financial reporting purposes. The OICAC used the following external consultants for transcribing services across the following end of financial reporting periods:

Transcribing services providers	30 June 2019 (\$'000)	30 June 2020 (\$'000)	30 June 2021 (\$'000)	YTD July to August 2021 (\$'000)
Tamara Stenhouse (NT)	-	16	34	-
Auscript (Non-NT)	-	-	22	-
Type Transcripts (Non-NT)	-	-	5	1
Total	-	16	61	1

Procurement for transcription services for investigative purposes is exempt per section 5(2) of the *Procurement Act 1995*, as it is considered an investigation service.

- Expenditure for technical and information technology services consultants that were used for investigations was classified within the consultant fees expense category for financial reporting purposes. The OICAC used the following external consultant for these services across the following end of financial reporting periods:

Technical and IT service consultants for investigations	30 June 2019 (\$'000)	30 June 2020 (\$'000)	30 June 2021 (\$'000)	YTD July to August 2021 (\$'000)
Company A (NT)	2	98	164	62
Total	2	98	164	62

The name of the company has not been supplied so as to protect the identity of individuals who provide covert investigative services, together with digital forensic services, case management maintenance and IT maintenance.

The contract with Company A will come to an end on 30 June 2022. A transition plan has been developed to move away from contracted services provision to the provision of technical investigation and IT services in-house.

Procurement for technical and information technology services for investigative purposes is exempt per section 5(2) of the *Procurement Act 1995*. The above amounts do not include the purchase of equipment and computer software which were recognised as expenses in the relevant reporting period.

- No. Mr Fleming QC was only remunerated for the period of his appointment, which was from 2 July 2018 to 5 July 2021.