



LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY
13th Assembly

Committee of Privileges

Ref: 2020/00099.23

Hon Chanston Paech MLA
Speaker
Legislative Assembly of the Northern Territory
GPO Box 3721
DARWIN NT 0801

Dear Mr Speaker

**Re: Report of the Committee of Privileges regarding referral
of the Office of the Independent Commissioner Against Corruption,
Investigation into the conduct of the Speaker of the Legislative Assembly,
Investigation Report, June 2020**

On Thursday 25 June 2020, the Assembly resolved that:

The Office of the Independent Commissioner Against Corruption, Investigation into the conduct of the Speaker of the Legislative Assembly, Investigation Report, June 2020 be referred to the Committee of Privileges for inquiry and report on the findings of that report and any potential breaches of the Members Code of Conduct and Ethical Standards by the Honourable Kezia Purick MLA.

In the event that the Committee of Privileges is unable to conclude its deliberations before the prorogation of the 13th Legislative Assembly, the 14th Assembly may choose to make another referral of this matter to a re-established Committee.

The Committee of Privileges is comprised of the Member for Nightcliff, the Member for Nelson, the Member for Spillett, the Member for Drysdale and the Member for Namatjira.

A summary of the Committee's activities is as follows:

Meeting 1

- The Committee held its first meeting on 8 July 2020. Pursuant to Standing Order 182, the Committee confirmed that the Speaker consented to his appointment to the Committee.

Pursuant to Standing Order 186, the Committee elected the Member for Nelson, Mr Gerry Wood MLA, as its Deputy Chair.

In considering its reference the Committee noted that the ICAC Commissioner's Investigation Report, at paragraph 260, stated that in addition to the report, facts in his possession which could not be set out in the report had been referred to the then Deputy Speaker.

To ensure that it was apprised of all the relevant facts of the matter before determining the most appropriate course for its inquiry, the Committee resolved to seek the Speaker's advice as to whether he was willing to provide the information referred to in paragraph 260. The Committee also resolved to approach Commissioner Fleming requesting the additional information, if it was unable to obtain such from the Speaker.

The Committee considered the *Legislative Assembly (Members Code of Conduct and Ethical Standards) Act 2008* and the *Legislative Assembly (Powers and Privileges Act) 1992*.

As part of background research, the Committee noted reports from other Australian jurisdictions on matters concerning allegations of misleading parliament. Committees have tended to rely on the following elements set out in McGee's Parliamentary Practice in New Zealand that must be established in determining whether a Member has misled the Parliament:

1. The statement must, in fact, have been misleading;
2. The Member must have known that the statement was inaccurate at the time the statement was made; and
3. The Member must have intended to mislead the House.

Meeting 2

- At its second meeting of 21 July 2020, the Committee was advised that the Speaker did not have formal written advice on any additional material from the ICAC Commissioner. The Committee was further advised that Commissioner Fleming had been contacted, but was on leave until 30 July 2020 and absent from the jurisdiction.

The Committee did not consider that it was in a position to progress the inquiry further until it had received advice from Commissioner Fleming. The Committee resolved to contact the ICAC Office to ascertain whether the Commissioner might be available to brief the Committee via teleconference or videoconference prior to the Assembly proroguing on 30 July 2020.

Meeting 3

- A third meeting was conducted by teleconference on 27 July 2020. Commissioner Fleming briefed the Committee.

Given the gravity of the matter referred to it and noting the importance of ensuring any witnesses are afforded natural justice and procedural fairness, the Committee subsequently determined that there was insufficient time prior to prorogation to conclude its inquiry, being only two full business days before the writ for the general election is issued. The Committee identified that witnesses may need time to prepare and may wish to consider legal representation; on that basis there was insufficient time to allow this to meaningfully occur.

Meeting 4

- In light of the above, at its final meeting of 29 July 2020, the Committee resolved to advise the Speaker of its progress to date; noting that due to time constraints it was unable to conclude its deliberations before the prorogation of the 13th Assembly.

Consequently, as provided for in the Committee's Terms of Reference, the Committee further noted that the 14th Assembly may choose to make another referral of this matter to a re-established Committee of Privileges.

The Committee also noted the operation of Standing Order 191 which provides that a Committee may consider and make use of the evidence and records of similar committees appointed during previous Assemblies.

Yours sincerely



Hon Natasha Fyles MLA

Chair

30 July 2020