



# Criminal Lawyers Association of the Northern Territory (CLANT)

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Patron: The Hon Justice Dean Mildren • President: Russell Goldflam (telephone: 040 1119020) •  
Secretary: Sarah Gibbs • PO 969, ALICE SPRINGS NT 0871 • [www.clant.org.au](http://www.clant.org.au) • ABN:64391168 310

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Robert Bradshaw PSM  
Director, Policy Coordination  
Department of the Attorney-General and Justice  
GPO Box 1722, Darwin NT 0801

Dear Sir

**Re: *Independent Commission Against Corruption Bill 2017***

Thank you for the opportunity to comment on the draft exposure bill.

I believe CLANT members will be supportive of the general thrust of the proposed legislation as it largely addresses the concerns raised in our submission of March 2016 and appears to avoid the potential pitfalls which have emerged under other legislative models.

The challenge for government will be providing the resources and administrative structure necessary to enable the Commissioner to achieve the objectives of the Act. With that issue in mind we raise two issues of potential concern.

The first is section 120 which enables the Police Commissioner to second police officers to work as investigators with ICAC. Some of our members who have experience prosecuting corruption cases believe it is inappropriate to use serving NT police within ICAC. Whereas the Bill does not mandate the engagement of NT police we believe it should be made clear, perhaps in the Second Reading speech, that it will be a decision for the Corruption Commissioner alone, whether to engage outside investigators or rely upon seconded NT police.

The other aspect of the Bill which could be clarified during the legislative process is the provisions providing for an Inspector to review ICAC. The powers of the Inspectorate are fairly broad and might be seen by some as creating another whole investigative agency to investigate the primary investigator. There is the potential for an unseemly battle for resources between ICAC and the Inspectorate. Once again it could be useful for the Minister in her Second Reading Speech to clarify the limited role of the Inspectorate.

I hope these comments have been of assistance.

Russell Goldflam  
PRESIDENT