



21 November 2025

Dear Community Scrutiny Forum,

My name is Associate Professor William Partlett and I am the Stephen Charles Fellow at the Centre for Public Integrity (CPI). My work at the CPI focuses specifically on the history and comparative design of integrity systems within Australia.

We at the CPI thank you for your opportunity to make a submission to the Community Scrutiny Forum in relation to the major legislative changes to the Northern Territory's integrity oversight system contained in the Integrity and Ethics Commissioner Bill 2025.

In this submission, we make three recommendations about how to improve the Northern Territory's integrity oversight system. We base these recommendations on my own research into the best ways that Australian parliaments can establish systems of independent statutory agents to ensure that they can hold the exercise of public power to account. These systems are critical in safeguarding public trust in government.

Integrity agencies as independent parliamentary agents for safeguarding public trust

In Australian democracy, Parliament is the foundational integrity institution. It therefore bears primary responsibility for overseeing the exercise of power by public officials in the executive branch. The High Court has described this responsibility as requiring Parliament to create 'a system of responsible government' that allows

Parliament [to] bring the Executive to account so that 'the Executive's primary responsibility in its prosecution of government is owed to the Parliament'. . . . It has been said of the contemporary position in Australia that, whilst 'the primary role of Parliament is to pass laws, it also has important functions to question and criticise government on behalf of the people' and that to secure accountability of government activity is the very essence of responsible government.¹

This system of responsible government in turn safeguards public trust in government.²

As the executive branch has grown in size and complexity, Australian responsible government has evolved. On their own, parliaments have lost the ability to effectively hold the government

¹ *Egan v Willis* (1998) 195 CLR 424, 541 (Gaudron, Gummow and Hayne JJ).

² See further explanation of this concept in Paul Finn, 'The Forgotten "Trust": The People and the State' in Malcolm Cope (ed), *Equity: Issues and Trends* (1995) ch 5; Paul Finn, 'A Sovereign People, A Public Trust' in Paul Finn (ed), *Essays on Law and Government* (1995) vol 1, 1.

to account. In response, parliaments around Australia have adapted. Over the last fifty years, these parliaments have created a system of independent statutory agents such as anti-corruption commissions, ombudsman offices, and others to help them oversee the exercise of executive power. This system of independent statutory agents is an important part of an evolving Australian system of responsible government that allows parliaments to continue to effectively fulfill their constitutional purpose of overseeing the exercise of power by the executive branch. Parliaments across Australia therefore must work to establish an effective integrity system to preserve their foundational constitutional role in safeguarding public trust in the exercise of public power.

Overview: The Integrity and Ethics Commissioner Bill 2025

There is little question that the Northern Territory (NT) Parliament must reform its integrity system. Many of the NT's key integrity agencies have suffered from poor funding and poor leadership. For instance, the NT's Independent Commission Against Corruption has suffered from both funding and leadership problems since its creation in 2017. The NT Chief Minister has admitted that these system problems have 'eroded public confidence' in the exercise of public power.³ Consequently, there is little question that the NT Parliament has a constitutional responsibility to pass new legislation to reform the NT's integrity system and restore public confidence in the exercise of public power.

In late October 2025, the NT government proposed significant legislative reform to its integrity oversight system (the Integrity and Ethics Commissioner Bill 2025). This Bill proposes a major overhaul of NT's integrity system. In particular, it proposes to merge the separate Office of the Independent Commissioner Against Corruption (ICAC), Office of the Ombudsman, and the Health and Community Services Complaints Commission into one Ethics and Integrity Commission. This 'super-commission' would handle all complaints that were once considered by separate independent statutory agencies. The NT Chief Minister argued that this Bill would 'reinforce public confidence' in an integrity system in which 'critical matters have gone unresolved.'⁴

We are concerned about two aspects of this reform. The first concern regards the *process* for this significant legislative reform, which fell short of a comprehensive, independent inquiry. The Bill was the outcome of a government-appointed inquiry, but there were significant issues with that process. The second concern regards the *substance* of the legislative reform, and in particular we are concerned that the centralisation of power into one super-commission will undermine the ability of NT's integrity system to restore trust in its public sector. We also raise issues as to the oversight of the NT ICAC.

³ Statement by Chief Minister, Lia Finocchiaro. <https://ntindependent.com.au/clp-introduces-bill-to-establish-new-ethics-and-integrity-commission-with-no-oversight/>.

⁴ Id.

ISSUE: PROCESS

Designing a new system of independent statutory agencies to best safeguard public trust in government is a complex task. For instance, an appropriate integrity system requires balancing the specific needs of the jurisdiction against a set of principles and best practices in establishing integrity systems. The best way to navigate these kinds of difficult trade-offs is for legislative reforms to be informed by an open, independent, and comprehensive review process. This kind of review should include submissions from a wide range of people, including integrity experts and non-governmental organisations, key stakeholders, and the public. This open process is about more than just securing a better legislative reform; it is also about building public trust in the reform itself.

As stated above, there is little question that the NT's integrity sector requires major reform in order to safeguard public trust. The legislative reform introduced by NT Parliament in October, however, was not the product of an open, comprehensive, and independent review. On the contrary, it is the product of a report that was commissioned on 14 July 2025 and completed less than one month later on 4 August 2025. While there was required consultation with key government stakeholders, there was no non-government and public input reported.⁵ Given its short timeframe, the review included no opportunity for submissions by key stakeholders or the public.

In its analysis of the issues facing the NT integrity system, the review, strangely, did not engage with the Fundamental Principles of Australian Anti-Corruption Commissions (2024), principles of institutional design agreed by anti-corruption commissions across Australia as pivotal for their independence and success. These principles include considerations of appointment, independent budget, and effective oversight (a matter we return to at recommendation 3, below).

The review by design was also not able to be comprehensive: it was led by Mr Bruce McClintock SC, himself the Inspector of the ICAC. Therefore, this integral part of the integrity system was expressly left outside of the terms of reference of the review, not to mention the potential conflict of interest of having a key officer in the integrity system conducting such a review.

This rushed and closed process has yielded a flawed Bill (see next section). Moreover, the process itself is likely to further reduce public trust in government because it provides a reasonable impression that the NT Parliament is not serious about really reforming the NT's broken integrity system.

Recommendation 1:

The NT Government withdraw the Integrity and Ethics Commissioner Bill 2025 and establish an independent, open, and comprehensive review. This review must be conducted by an independent panel of three experts, be informed by public submissions, as well as the Fundamental Principles of Australian Anti-Corruption Commissions.

⁵ See Bruce McClintock and Graham Hiley, *Review into the Structural Models for Statutory Integrity Officers* (August 2025), p 4.

ISSUE: SUBSTANCE

Centralisation of integrity agencies:

There is no one-size-fits-all way to design a system of integrity oversight to allow Parliament to effectively oversee the executive and safeguard trust. In fact, depending on context, Australian parliaments have created systems with different characteristics. Despite this diversity, there are some key best practices across all Australian jurisdictions. One is that all integrity systems should separate the anti-corruption commission from the ombudsman. This separation is important for at least two reasons.

First, the separation of these two independent statutory agencies reflects the fact that these two independent agencies have different purposes – which require different designs, powers, and specialised skills. Ombudsman offices traditionally focus on investigating the administrative actions of government agencies (including the police). Australian anti-corruption commissions, by contrast, are focused on investigating and suppressing systemic and high-level forms of corruption (often by elected members). Their investigations sometimes uncover evidence of high-level *criminal* behaviour and maladministration; for this reason, their investigations show that no public officials—no matter how powerful—are immune from accountability. Grant Hoole and Gabrielle Appleby argue that a ‘specialised’ model of anti-corruption oversight which focuses exclusively on this purpose is best able to achieve this purpose.⁶ This specialised focus avoids a situation where additional duties ‘confuse the core purpose’ of the anti-corruption commission in secure public trust in government.⁷

Second, the separation of these two agencies reflects the fact that separate integrity agencies are often required to oversee and check one another. This is an important part of having an integrity ‘system’, in which there are checks and balances across different offices as well as oversight by the Parliament and the Courts. The McClintock-Hiley review (which proposed the current Bill) provides an example of this in NT. It describes concerns about ‘potential and perceived conflicts of interest’ when the Health and Community Services Complaint Commission was consolidated under the Ombudsman.⁸ This consolidated structure led ‘to situations where the same person would be investigating their own actions.’⁹ Establishing one integrated ‘super-commission’ will create many more similar actual or perceived conflicts of interest. The government claims that the Inspector can manage these inevitable conflicts through a ‘built-in mechanism.’¹⁰ This approach, however, relies on the commissioner to self-identify any conflicts and report them. This kind of self-accountability is not a reliable way to overcome the inevitable array of conflicts. For this reason, this super-commission is likely to continue to lead to actual or perceived conflicts of interest that undermine the ability of the integrity system to secure public trust in government.

⁶ Grant Hoole and Gabrielle Appleby, *Integrity of Purpose: A Legal Process Approach to Designing a Federal Anti-Corruption Commission* (2017) 38 *Adelaide Law Review* 397, 418-420.

⁷ *Id* at 420.

⁸ Para 28., *Review into the Structural Models for Statutory Integrity Offices Report*.

⁹ *Id*.

¹⁰ <https://ntindependent.com.au/clp-introduces-bill-to-establish-new-ethics-and-integrity-commission-with-no-oversight/>

These considerations therefore suggest that the NT should reconsider its Bill to create a super-commission that includes both the Office of the Ombudsman and the NT anti-corruption commission (ICAC). This is particularly true as the NT desperately needs a specialised anti-corruption commission like ICAC with a specific focus on systemic corruption by high-level NT elected officials. The NT Independent has reported on a number of alleged corruption scandals including members of the NT government.¹¹ One example is the NT Chief Minister's failure to disclose that her husband Sam Burke was the director of a company that received tens of thousands of taxpayer dollars through the Waterfront Corporation where he works as the deputy chief executive.¹² Although the precise details of the best system of integrity oversight should be generated by an independent, open and comprehensive review process, the reform should at a minimum ensure that that NT's anti-corruption commission and Ombudsman remain separate entities.

Recommendation 2:

In any reforms to its integrity system, the NT should retain separate offices for the ICAC and the Ombudsman.

Oversight of the ICAC

As stated above, any legislative reform to the NT integrity system must preserve an independent anti-corruption commission (ICAC). To work effectively, this NT ICAC must have suitable oversight. Effective oversight requires more than oversight by an Inspector. It also requires a joint parliamentary committee that plays an important role in the appointment, funding, and general oversight of these commissions. This is recognised in Principle 12 of the Fundamental Principles of Australian Anti-Corruption Commissions.

This parliamentary committee, however, must not be dominated by members of the party that form government. This is particularly important in a unicameral system as is the case in the Northern Territory. Instead, legislation must ensure that the Chair of this oversight committee is not from a party forming government and that members of the government form no more than half of the Committee. This balanced committee ensures that the executive government is not able to use its numbers on the committee to avoid serious committee oversight. This form of non-government dominated committee has worked to significantly improve anti-corruption oversight in the Victorian context.

Any reforms to NT's integrity system must include suitable oversight. For this reason, legislative reform must include a non-government dominated joint parliamentary oversight committee. Alongside the Inspector, this committee can ensure that the NT ICAC is adequately funded and that the correct person is appointed as commissioner. In addition, this committee should also be involved in ensuring that the NT ICAC is suitably performing its duties.

Recommendation 3:

Any reforms to the NT ICAC should include a non-government dominated joint Parliamentary committee to oversee the ICAC.

¹¹ <https://ntindependent.com.au/clp-introduces-bill-to-establish-new-ethics-and-integrity-commission-with-no-oversight/>

¹² *Id.*

Conclusion

Our submission has argued that the NT Parliament should reconsider its proposed reforms to its integrity oversight system. First, from a process perspective, the NT Parliament should seek to ground any major reform on an independent, open, and comprehensive review. This will ensure that this reform is done in a considered way that reflects the particular needs of NT. Second, in the substance of the reforms, the NT Parliament should not combine the Office of the Ombudsman and the ICAC into one super-commission. Retaining a separate anti-corruption commission (ICAC) and Ombudsman will ensure that these agencies can best carry out their duties while also avoiding any conflicts of interest (real or perceived). Third, this separate ICAC must be overseen by a non-government dominated joint Parliamentary committee. This oversight will help to ensure that the ICAC is best able to carry out its purpose of safeguarding public trust.