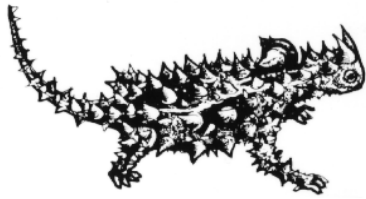


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Arid lands Environment Centre Submission on the Independent Commission Against Corruption

The Arid Lands Environment Centre (ALEC) welcomes the introduction of an Independent Commission Against Corruption for the Northern Territory. An ICAC for the NT is drastically needed to improve integrity and accountability in public office, especially regarding the implementation of environmental policy. Accountability and transparency in environmental policy is necessary to provide for ecologically sustainable development and equitable policy outcomes.

Defining corrupt conduct

An ICAC for the NT has been a long time coming. ICAC will help to bring the Territory into line with other states in terms of the standard of accountability and transparency expected in public authority. However, it is worth recognising that legal reform will only encourage systemic change if the regulatory culture evolves and the appropriate offences exist to empower the commission. Vested interests play a significant role in certain policy circles and development decisions in the NT. This ICAC should be developed with the intention to undermine the role of such vested interests in political decision making. If there are no laws that prohibit an act in the first place, ICAC will be powerless. It would be valuable to expand the scope of the definition of corrupt conduct so that it is not limited to indictable offences and could include breach of a code, such as the *Northern Territory Procurement Code*.

It is vital that ICAC is introduced alongside broader accountability and probity reforms.¹ This could occur through the recommendations and reports that the ICAC is empowered to publish. Legal transplants like this ICAC are only effective if the regulatory culture and political will exists to absorb the institution and pursue meaningful convictions that target systemic issues that are unique to the NT. This will require the definition of corrupt or improper conduct being flexible enough to capture the sophisticated unscrupulous exercise of public authority.

Referrals

Abuse of power in the governance of natural resources and environmental assessment is a threat to the sustainable and equitable use of natural resources. ALEC would like to see that the ICAC will have the power to investigate environment and planning decisions that have resulted in environmental harm or contamination. ALEC will be engaging with the Commission once it is

¹ Eric Withnall, "Anti-corruption Commissions (ICAC) 4/2/17, *The Summit CDU*
<<http://www.cdu.edu.au/conference/gov-summit/index.php/2017/02/04/anti-corruption-commissions-icac/>>

introduced to help improve integrity and accountability in decision making processes especially regarding the granting of water licences, mineral titles and development/planning decisions. Adverse environmental outcomes are often linked to abuse of power and the subversion of due legal procedure for the review and public participation of development decisions.

ALEC is entirely supportive of the introduction of an ICAC for the NT. The Draft Bill is comprehensive and robust however the reform must also strive for structural and systemic change as this is the only way to achieve substantial lasting outcomes for accountability and integrity in public administration. We look forward to working with the commission and making referrals to work towards improved integrity and confidence in the environmental governance of the NT.