

Summary of Report by the Inspector Pursuant to Section 135(1)(ba) of the Independent Commissioner Against Corruption Act 2017

June 2024

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On 27 May 2024, the Honourable Eva Lawler MLA, Chief Minister of the Northern Territory made a referral to me pursuant to section 135(1)(ba) of the *Independent Commissioner Against Corruption Act 2017* (ICAC Act).

The referral relates to allegations made against the Northern Territory Independent Commissioner Against Corruption, Mr Michael Riches (Commissioner).

On 7 June 2024, I provided to the Chief Minister my report pursuant to section 135(1)(ba) of the *ICAC Act* (Report).

I provide herewith a summary Report.

I have identified six (6) allegations from published news items against the Commissioner, which may be summarised as follows:

- A. the Commissioner had improperly offered \$20,000 to his ex-wife to suppress an allegation of domestic violence made by her;
- B. the Commissioner had engaged in controlling behaviour during the course of his marriage;
- C. the Commissioner has engaged in domestic violence against his wife during the course of their marriage;
- D. the Commissioner had located security cameras in the living and dining areas and hallways of the marital home which had the effect of making his wife uncomfortable;
- E. the Commissioner had failed to disclose the existence of his wife's application for a Domestic Violence Order to the Inspector of the ICAC; and
- F. the Commissioner had failed to report the existence of his wife's application for a Domestic Violence Order to the Chief Minister and had lied when he said he arranged a meeting with the Chief Minister to disclose its existence.

The legal framework which has guided me in the conclusions to which I have come are sections 5, 5A and 5B of the *Domestic and Family Violence Act 2007* (NT) (DFV Act) and Section 120 of the *ICAC Act*.

In the course of this inquiry, I conducted an interview with Mr Riches. Noting that Ms Riches is now located interstate, I contacted Ms Riches by phone message and received an email reply responding to specific questions I had asked.

I have carefully considered all materials supplied to me by both Mr Riches and Ms Riches and set out below my conclusions in relation to each of the allegations which I have expressed above. In reaching those conclusions, I have borne in mind the proposition that the more serious an allegation, the more substantial the evidence required is to prove that allegation. The finding that an active domestic violence has occurred would undoubtedly be extremely serious.

Based on my findings below, I have concluded that none of the allegations made against the Commissioner could constitute 'corrupt conduct' under section 120(1)(b) of the *ICAC Act*.

A. the Commissioner had improperly offered \$20,000 to his ex-wife to suppress an allegation of domestic violence made by her

Legal records indicated two distinct disputes between Mr Riches and Ms Riches. The first was the existence of the application for the domestic violence order, and the second was what Mr Riches' solicitor describes as a "Partial Property Settlement". The two proposals were raised

separately and treated independently by Mr Riches' solicitor. Either of the two proposals could have been accepted and the other rejected. They appear to me to be unconnected.

On the basis of the facts provided, there is no basis for concluding that Mr Riches was trying to "buy off" Ms Riches so as to prevent the domestic violence application from going ahead. All that occurred was perfectly unexceptionable settlement offers made by the lawyers for the two people in question. In my opinion, having considered the documentary evidence, this allegation is not true.

B. the Commissioner had engaged in controlling behaviour during the course of his marriage; and

C. the Commissioner has engaged in domestic violence against his wife during the course of their marriage;

Regarding allegations B and C above, it is impossible for me, on the materials provided and in the time and with the resources available to me, to determine whether these allegations are true or not. All I can say is that Mr Riches is sincere in his belief that he did not engage in controlling behaviour during the marriage and Ms Riches equally sincerely thinks he did. Neither belief is conclusive and therefore I am not able to reach a finding in relation to allegations B and C.

D. the Commissioner had located security cameras in the living and dining areas and hallways of the marital home which had the effect of making his wife uncomfortable

I have viewed the vision available from the cameras in question and, assuming they are directed now as they were in 2023, they do not show hallways or any area of the home other than the living and dining areas. Mr Riches informs me that the reason the cameras are installed was for security reasons and are in fact intended to show the windows and external doors from which entry could potentially be made. I consider Mr Riches' explanation of the location of these cameras as for security purposes to be acceptable.

E. the Commissioner had failed to disclose the existence of his wife's application for a Domestic Violence Order to the Inspector of the ICAC

Mr Riches did disclose to me the existence of his wife's application in May 2023 before it was withdrawn. He asked for my advice on whether he should resign because of the application and I said that would be premature in my view. I asked him to keep me updated as to the progress of the application, which he did.

F. the Commissioner had failed to report the existence of his wife's application for a Domestic Violence Order to the Chief Minister and had lied when he said he arranged a meeting with the Chief Minister to disclose its existence

On 19 May 2023, Mr Riches requested a meeting with the then Chief Minister the Hon Natasha Fyles as soon as possible, citing "it relates to a personal matter". The meeting was arranged for 23 May 2023 at 3.00pm but did not go ahead because at 9.05am on 23 May 2023 Mr Riches notified Ms Fyles' staff that the meeting was no longer necessary. This was after Ms Riches had agreed to withdraw the application. I do not think there can be any valid criticism of failure to disclose the existence of an application which had been withdrawn one or two working days after it had been filed.

Other matters

Further to my findings above, I have also advised the Chief Minister of two other matters.

In the course of my discussions with Mr Riches, it was apparent to me that the recent adverse media was having a damaging and acute impact on Mr Riches' health. For that reason, Mr Riches is unfit to perform his duties as Commissioner at present and would require a period of time to seek treatment and focus on his health and recovery.

In addition, when it became known that I was conducting an inquiry, several employees of the Office of the ICAC contacted me to raise a series of issues with Commissioner Riches' behaviour as Commissioner. Those employees made allegations which, if true, would be of great concern. Because of section 135(1A) of the *ICAC Act*, I am prevented from dealing with matters under the *Public Sector Employment and Management Act 1993*. I have recommended to the Chief Minister the referral of these matters to the Commissioner for Public Employment.