

Publishing of Extract of *Confidential Investigation Report into allegations made by staff of the Office of the Independent Commissioner Against Corruption about the behaviour of the Independent Commissioner Against Corruption (ICAC), Michael Riches*

STATEMENT BY THE COMMISSIONER FOR PUBLIC EMPLOYMENT

As requested by the Chief Minister, and directed by the Minister for Public Service, I am publishing a redacted copy of the *Confidential Investigation Report into allegations made by staff of the Office of the Independent Commissioner Against Corruption about the behaviour of the Independent Commissioner Against Corruption (ICAC), Michael Riches* (the Report) on the OCPE website.

Ms Sarah Rey of Justitiā was appointed to conduct the independent investigation on behalf of the Commissioner for Public Employment, which commenced from mid-July 2024. Due to the limited information available about the allegations, Ms Rey was required to clarify, compile and document the allegations and assess the evidence for the purpose of making findings in relation to whether the ICAC had complied with his obligations as a Chief Executive Officer (CEO) under the *Public Sector Employment and Management Act 1993* (PSEMA). The investigation report was completed in April 2025.

The Report contains detailed and personal accounts of the workplace experiences of eighteen witnesses who came forward to provide information, and I acknowledge the input of those officers. The Report has been redacted to protect the privacy of the witnesses – including names, roles or work unit titles, gender (where not relevant), and other identifying information or evidence. This was necessary to comply with the provisions for disclosure of personal information under the *Information Act 2002*.

By its nature the Report contains information that would not generally be made public. However, in the interests of transparency, I provide this extract of the Report as a record of the findings of the investigation, which set out to document and assess the allegations made about Mr Riches' behavior toward staff and the extent to which these were found to have impacted his obligations as a CEO under the PSEM Act.

In summary, the Report documented eight allegations, five of which were found to be factually substantiated and in four of these Mr Riches was found to have breached his obligations as a CEO under the PSEM Act.

As the ICAC is appointed under the *Independent Commissioner Against Corruption Act 2017* (ICAC Act), any action that may have been considered in response to them would have been a matter for the Inspector in line with his obligations under that relevant legislation.

Legislative Authority

Section 13(p) of the *Public Sector Employment and Management Act 1993*.

CONFIDENTIAL REPORT

for Nicole Hurwood, Commissioner for Public Employment
in the matter of the Independent Commissioner Against Corruption, Michael Riches

16 April 2025

EXTRACT

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CONTENTS

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A. Executive Summary

Sarah Rey, Partner of Justitia Lawyers and Consultants (**the Investigator**), was asked to make findings of fact in relation to eight (8) allegations against the Northern Territory Independent Commissioner Against Corruption (**the ICAC**), Michael Riches (**CR**), arising from interviews with eighteen (18) people who were either current or former employees of the Office of the Independent Commissioner Against Corruption (**OICAC**), or employees of the Northern Territory Public Service (**NTPS**) connected with the OICAC.

The Investigator was also asked to make findings in relation to whether substantiated allegations breached the *Public Sector Employment and Management Act 1993* (NT) (**PSEMA**) and the Code of Conduct for the Northern Territory Public Sector (effective 1 July 2022) (**Code**).

The Investigator found five allegations were factually substantiated and three allegations were not factually substantiated.

The Investigator has concluded that the substantiated conduct in allegations 1, 2, 3, and 5 breaches the PSEMA Public Sector Principles, the Code and/or the Northern Territory Public Sector Values which form part of the Code (**Values**) and therefore that CR breached his obligations as a Chief Executive Officer under the PSEMA.

CR was invited to participate in the investigation and was provided summary allegations on 2 October 2024 and was invited via his legal representatives on six occasions to participate in the investigation process including to participate in an interview with the Investigator. He provided an initial written preliminary response (**the Preliminary Response**) to the summary of allegations on 14 December 2024, and a further written response entitled Submissions and [REDACTED] on 14 February 2025 (**the Submissions**) (submitted after CR was sent the Investigator's draft report and all the material upon which the analysis of the allegations in the draft report were based).

The Investigator prepared the initial draft report without considering any response from CR, as CR did not provide his response within the required timeframe. CR's Preliminary Response was provided to the Investigator too late in the process to be incorporated into the initial draft report (due on 18 December 2024).

An extension of time was then given to allow CR to respond to the draft report before it was to be finalised. His further material (i.e. the Submissions) was submitted and was considered by the Investigator in finalising the analysis of the allegations in the report dated 12 March 2025.

CR has subsequently provided a further, additional written response, dated 26 March 2025 (**Most Recent Response**). It has also been considered by the Investigator prior to finalising this report. CR when providing the most recent response advised he would also provide a chronology, however as at 11 April 2025 this has not been received.

In the Most Recent Response CR is again critical of the process, findings, and perceived short timeframes allowed him to provide responses. CR requested that his written responses be included with other information he understands is to be made public. The Investigator is not aware of any intention for the investigation report to be made public, and is concerned if these matters are to become public, in light of the personal information shared by CR, and in particular referred to by CR in his Most Recent Response. The personal information involves staff of the OICAC (some of whom participated in this investigation and some of whom did not). Making the report public would be contrary to the assurances given to staff who participated, that this was to be a confidential process.

As part of this investigation, the 18 interviewees (**the Interviewees**) were asked the same four questions. The themes which emerged most typically related to work practices, CR's management and the culture at OICAC. Not all of the matters raised were within the scope of this investigation and report.

Three Interviewees spoke positively about CR's leadership. All three were former staff members [REDACTED] [REDACTED] [REDACTED]. The remainder of Interviewees were critical of CR. Even those who spoke positively of CR corroborated conduct which was emblematic of the challenges in the office. For example, one of those staff stated that CR *"had a thing for pretty girls in the office"*.

A male interviewee described one of the more important themes as follows:

"As an aside, my observation over time is that CR was not very engaging with me on a social or professional level. My observation of his interactions with the other male staff is the same (or it at least it appeared that way to me). However, it is not obvious to me whether CR was 'standoffish' with the males in the office [REDACTED], or whether he is just more comfortable in having friendships and communicating with females in the office. But to my mind, something is off about his approach to female staff."

Two staff who were the recipients of alleged preferential treatment or special attention declined invitations to participate in the investigation.

Fifteen Interviewees described CR's leadership style in words such as erratic, micromanaging, controlling, distrustful, awkward socially, disproportionate. Whilst some of his conduct could be described as socially awkward, because he held the statutory office of the ICAC, and also as the CEO, he was expected to, wherever possible, lead by example and be an exemplar of best practice. This view of his role was articulated in at least three memoranda that he drafted and sent to staff, as well as the "Guidelines for ICAC Staff (2021)".

[REDACTED] [REDACTED] came forward to participate in this investigation. A quote from one encapsulates their view:

"I've found the office to be the most horrible place I've ever worked in. It is the worst it has ever been. I'm exploring every option available to get out of there... We certainly don't have the relationship that we had."

[REDACTED] It is horrible, but a consequence of where we are now."

The Investigator is aware that CR received feedback in relation to his conduct from his direct reports [REDACTED] [REDACTED] however, it is not evident that this resulted in changes in his behaviour. He also received de-identified staff feedback via at least two staff surveys.

CR, in the Response and the Submissions, rejected the descriptions in the draft report and the findings with respect to his leadership and engagement with staff. He submitted that the allegations were tenuous, emblematic of trivial workplace grievances, and in some cases too old to be investigated. He described the office as having been in disarray and a shambles for some years prior to his arrival. Together with the Submissions, he provided 13 references from former colleagues from other workplaces to be considered by the Investigator. They presented a picture very different to the experiences relayed by the Interviewees. This prompted the Investigator to carefully review her findings of credibility and motivations of those who brought complaints. However, on balance, the Investigator considers that there is a consistency of themes in the Interviewees' critique of CR's leadership style. Furthermore, if there had been one or two staff complaining, that might have been explained away as simply a possible personality conflict. However, 17 staff came forward of

their own accord, and whilst a few might be dismissed on the basis that they had an axe to grind (or were motivated by bad faith or collusion), the Investigator considers it unlikely that this could be said of all 17 people.

The Investigator is also aware that CR, in his leadership role as CEO and standing as the ICAC, experienced a number of personal and reputational challenges in the public domain, intra-staff conflict that was sometimes not managed well (if at all), as well as recruitment obstacles. The OICAC, under CR's leadership, experienced high turnover and low scores in at least two employee satisfaction surveys. Staff were generally under a lot of pressure due to the nature of their work and the disruptions alluded to.

Many Interviewees, particularly current staff, expressed concerned about the potential repercussions they may experience as a consequence of participating in this investigation and being named, due to CR's position as their direct manager, the CEO of the OICAC, and/or the ICAC.

B. Summary of Findings

A summary of the Investigator's findings is set out in Table 1.

Table 1: Summary of findings

Allegation		Finding of fact	Finding of breach of employment instrument
One	It is alleged that Commissioner Riches acted inappropriately when he gave special and/or unwelcome attention to female employees in the office.	Substantiated	Yes
Two	It is alleged that Commissioner Riches acted unreasonably when he gave preferential treatment to employees.	Substantiated	Yes
Three	It is alleged that Commissioner Riches has engaged in repeated and unreasonable behaviour towards [REDACTED]	Substantiated	Yes
Four	It is alleged that Commissioner Riches failed to take reasonable action to appropriately support his staff in response to concerns involving [REDACTED] behaviour.	Not substantiated	Not applicable
Five	It is alleged that Commissioner Riches was unreasonable and unfair in his treatment of staff during the abolition of the "coffee club".	Substantiated	Yes
Six	It is alleged that Commissioner Riches minimised the negative feedback in staff surveys and reviews in a way that eroded trust with staff.	Substantiated	No
Seven	It is alleged that Commissioner Riches was unreasonably mistrustful of staff.	Not substantiated	Not applicable
Eight	Commissioner Riches has undermined OICAC [REDACTED] and [REDACTED] in his communications about [REDACTED]	Not substantiated	Not applicable

C. Instructions

Nicole Hurwood, the Northern Territory Commissioner for Public Employment (**Commissioner Hurwood**), appointed the Investigator to inquire into and investigate allegations made by employees in the OICAC relating to the behaviour of CR toward employees of the OICAC and to produce an investigation report in respect of the findings. This was by way of an Instrument of Appointment dated 20 June 2024, and pursuant to her powers under the PSEMA and in reference to her functions under section 13(b), section 13(k) and section 64A of the PSEMA. The Investigator was instructed to make findings of fact in relation to whether the allegations were substantiated or not and, if substantiated, whether that conduct was in breach of CR's obligations as a Chief Executive under the PSEMA, including the Code.