

# INDEPENDENT COMMISSIONER AGAINST CORRUPTION

## 1 PURPOSE

Corruption in the public sector can cause serious damage including:

- undermining public trust in government;
- wasting public resources and money;
- causing injustice through advantaging some at the expense of others;
- inefficiencies in operations;
- adversely affect prosperity by decreasing attractiveness for investment; and
- reputational damage, including damaging Council's ability to recruit and retain quality staff or obtain best public value through procurement.

Ensuring that disclosure of corruption is supported protects our community by protecting public value and Council's reputation.

The object of this procedure is outline how Council will engage with the Independent Commissioner Against Corruption (ICAC) to address wrongdoing in, or connected with, public administration by:

- promoting awareness of improper conduct;
- improving public confidence that improper conduct will be detected and dealt with appropriately;
- establishing procedures for the detection and reporting of improper conduct; and
- protecting whistleblowers who put themselves at risk of harm by exposing or reporting improper conduct.

## 2 SCOPE

This procedure outlines the roles and responsibilities of Elected Members of Council, management and staff in relation to the detection and reporting of improper conduct and the protection of whistleblowers who expose or report improper conduct.

All are under a legal obligation to mandatorily report suspected improper conduct to the ICAC. There may also be situations where they choose to voluntarily report suspected improper conduct to Council instead of directly to the ICAC. This procedure addresses both possibilities.



### 3 PROCEDURE STATEMENT

#### 3.1 WHAT IS IMPROPER CONDUCT

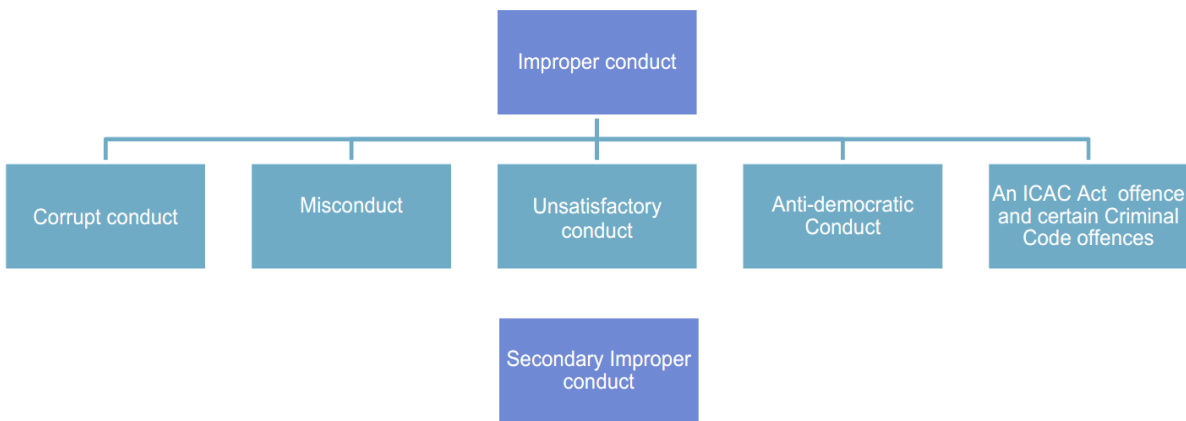
The ICAC Act establishes an obligation for mandatory reporting of suspected improper conduct.

The ICAC Act applies to conduct that occurred prior to the establishment of the ICAC in November 2018 and to conduct:

- by persons who were Council staff and members of Council at the time the conduct was engaged in but who have since ceased to work for the Council or to be members of the Council;
- a member, officer or employee of anybody that receives, directly or indirectly, Council resources, or performs a public function on behalf of Council; and
- conduct that occurs outside of the Territory.

The obligation to report suspected improper conduct applies to such conduct.

**Improper conduct** includes six types of conduct:



Each type of improper conduct is defined in detail in the ICAC Act. All staff are to be familiar with those definitions and the conduct to which the ICAC Act applies.

Independent Commissioner Against Corruption – 096		Page 2 of 22
Version: 1	Decision Number: SDG	Adoption Date: 25/08/2020
Responsible Officer: Chief Financial Officer		Next Review Date: 25/08/2024

*Electronic version current. Uncontrolled copy valid only at time of printing.*



### 3.2 IDENTIFYING IMPROPER CONDUCT

It is generally easier to identify whether an individual (as opposed to a public body) has engaged or is engaging in conduct which may attract the operation of the ICAC Act because the conduct of an individual can be observed.

However, it is often more difficult to determine whether a public body (such as the Council) has engaged in or is engaging in such conduct because a public body generally conducts itself through the acts or omissions of individuals.

The ICAC Act addresses this issue by providing that a public body engages in conduct if:

- the conduct is engaged in by a person or body with the authority to act on behalf of the public body;
- the conduct occurs and a person or body with the authority to act on behalf of the public body expressly, tacitly or impliedly authorises or permits it to occur; or
- the conduct occurs and a corporate culture exists in the public body that directs, encourages, tolerates or leads to it occurring; or
- the conduct occurs and the public body has failed to create and maintain a corporate culture to deter or prevent it occurring.

Council is committed to a corporate culture which does not tolerate any wrongdoing in or connected with the administration of Council's affairs. Council is committed to ensuring that all members of Council and staff have the capacity and competence to recognise what is right and wrong and are empowered to respond to and report any wrong doing in a supported environment without fear of retaliation.

### 3.3 REPORTING OBLIGATIONS

Council as an entity and Elected Members of Council, executive management and staff are each under a mandatory obligation to report suspected improper conduct to the ICAC. The improper conduct must be reported to the ICAC unless the public body or public officer knows for a fact that the conduct has already been reported to the ICAC. The obligation to report is engaged where the person forms a reasonable suspicion that improper conduct has occurred, is occurring, or will occur. The improper conduct must be reported as soon as practicable after the public body or public officer forms a reasonable suspicion as to the conduct.

Suspected improper conduct must still be reported to the ICAC even if the conduct has already been referred to another public body or public officer such as the Northern Territory Police, the Ombudsman or the Auditor-General.

Suspected improper conduct can be reported in one of two ways:

- directly to the ICAC under the mandatory reporting procedure in section 3.4 below; or
- to the CEO or a nominated recipient under the voluntary protected communication procedure in section 3.5 below.

Independent Commissioner Against Corruption – 096		Page 3 of 22
Version: 1	Decision Number: SDG	Adoption Date: 25/08/2020
Responsible Officer: Chief Financial Officer		Next Review Date: 25/08/2024

*Electronic version current. Uncontrolled copy valid only at time of printing.*



Any member of the community or a community organisation may also report suspected improper conduct to the ICAC at any time.

A report of suspected improper conduct can be made anonymously to the ICAC if an individual prefers not to disclose their identity.

Conduct must be reported where a person has formed a reasonable suspicion that the conduct may amount to improper conduct.

Suspicion is a state of mind. It is different to having actual knowledge that something has occurred. A reasonable suspicion is not raised just by someone's appearance or behaviours. A suspicion arises when there is something out of place or inappropriate about someone's appearance or behaviour. A reasonable suspicion arises from the facts surrounding that appearance or behaviour. A person need not be convinced about the behaviour, but the belief must have some factual basis and be more than mere speculation or conjecture.

The ICAC recommends people take a prudent approach and report the conduct in any event so that the ICAC can then deal with it.

### 3.4 PROCEDURE FOR REPORTING DIRECTLY TO ICAC

If a person needs to make a report of improper conduct directly to the ICAC they are encouraged to complete the information in the Mandatory Reporting Template at **Attachment A**. The report must include, but is not limited to:

- the details of the suspect improper conduct (description of the activity or events, dates and location details etc);
- the names of all persons and entities suspected of having been involved in the suspected improper conduct;
- how the suspected improper conduct became known;
- any evidence that may be relevant to the suspected improper conduct (emails, documents, invoices etc); and
- the names of any persons who can give evidence relevant to the improper conduct.

The completed Mandatory Reporting Template can be sent by email to [report.submission@icac.nt.gov.au](mailto:report.submission@icac.nt.gov.au) or by mail to GPO Box 3750, Darwin NT, 0801.

People can also contact the ICAC by telephone to report improper conduct by calling 1800 250 918 or in person by attending the ICAC office at Level 7, 9 Cavenagh Street, Darwin 0801. If a person wishes to make a report in person, they should call the ICAC office first to schedule a date and time in advance.

Alternatively, a report may be made via the ICAC website by completing the form at <https://icac.nt.gov.au/make-a-report>.

Independent Commissioner Against Corruption – 096		Page 4 of 22
Version: 1	Decision Number: SDG	Adoption Date: 25/08/2020
Responsible Officer: Chief Financial Officer		Next Review Date: 25/08/2024

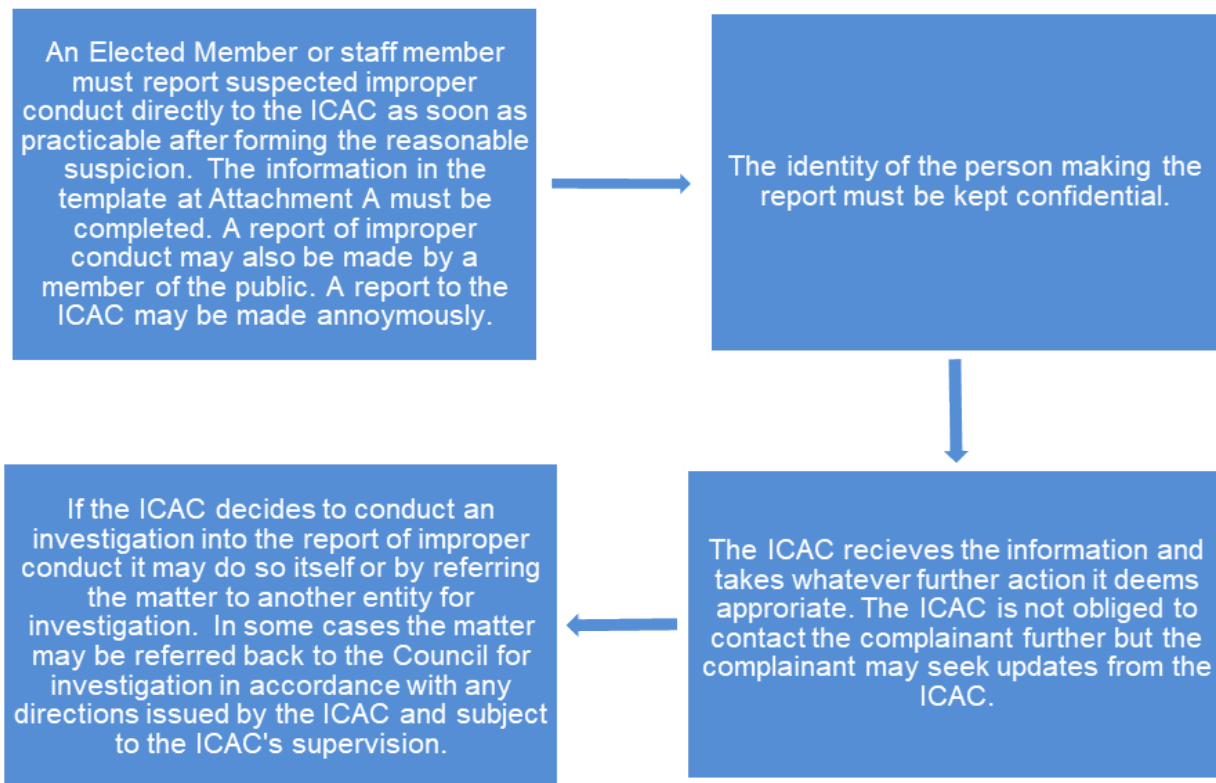


After receiving a report, the ICAC may require that a person:

- verifies the information you have provided by statutory declaration;
- answers questions, or provides further information, in relation to the information contained in the report.

Additionally, the ICAC may require that people produce items in their possession or control that are relevant to the information provided. They may also be requested to verify any further information or items by statutory declaration.

The process below outlines the steps that the ICAC may take upon receiving a report of suspected improper conduct.



### 3.5 REPORTING TO COUNCIL

Members of Council, staff and members of the public may choose to voluntarily report suspected improper conduct to the CEO or a person nominated by the CEO to receive such reports. They may also wish to disclose information that they believe on reasonable grounds would assist the ICAC to perform its functions or would otherwise assist in the administration, or achieving the objects, of the ICAC Act.

In accordance with section 97 of the ICAC Act, the CEO has appointed a number of nominated recipients and made their identity and contact details publicly available for this purpose. That information is contained on Council’s intranet, website and induction materials. The persons appointed as nominated recipients and their contact telephone numbers are:

Independent Commissioner Against Corruption – 096		Page 5 of 22
Version: 1	Decision Number: SDG	Adoption Date: 25/08/2020
Responsible Officer: Chief Financial Officer		Next Review Date: 25/08/2024



Nominated Recipient	Contact Details
Christopher Kelly	0448 015 957
Alexandra Vereker	0427 172 026
Vanessa Green	0402 965 941
Matt Grassmayr	0417 881 127

When a whistleblower makes a report to the CEO or a nominated recipient it is known as a “voluntary protected communication”. The person(s) who receives the report is required to provide details of the report to the ICAC as soon as possible. The person(s) who receives the report is also required to keep the identity of the whistleblower confidential. The ICAC Act provides a range of protections for whistleblowers including protection from retaliation.

A report of suspected improper conduct can be made anonymously to the CEO or a nominated recipient if an individual prefers not to disclose their identity.

As soon as practicable after receiving a protected communication the recipient of the protected communication must give the person who made the communication a completed written notice. The template is at Attachment B.

If a person has made a voluntary protected communication to the CEO or a nominated recipient, and that information is then provided to the ICAC, the ICAC may require that person to:

- verify the information provided by statutory declaration;
- answer questions, or provide further information, in relation to the information contained in the report.

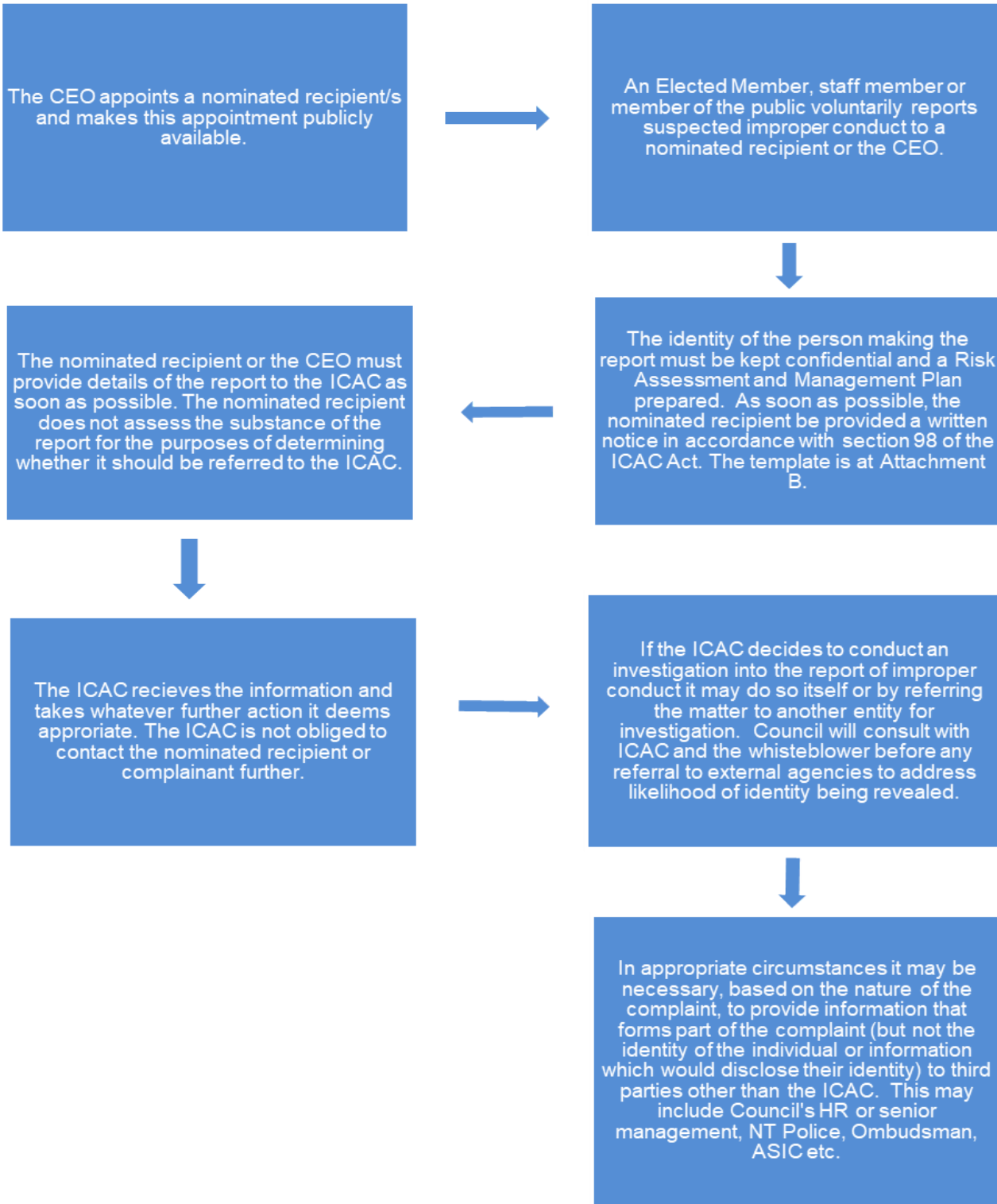
Additionally, the ICAC may require that a person produce items in their possession or control that are relevant to the information you have provided. They may also be requested to verify any further information or items by statutory declaration.

The process below outlines the steps that the CEO or a nominated recipient must take upon receiving a protected communication in accordance with the ICAC Act.

Independent Commissioner Against Corruption – 096		Page 6 of 22
Version: 1	Decision Number: SDG	Adoption Date: 25/08/2020
Responsible Officer: Chief Financial Officer		Next Review Date: 25/08/2024

Electronic version current. Uncontrolled copy valid only at time of printing.





Independent Commissioner Against Corruption – 096		Page 7 of 22
Version: 1	Decision Number: SDG	Adoption Date: 25/08/2020
Responsible Officer: Chief Financial Officer		Next Review Date: 25/08/2024



### 3.6 RETALIATION

The ICAC Act prohibits a person from engaging in retaliation.

Under the ICAC Act, a person engages in retaliation against another person (the victim) if the person causes, or threatens to cause, harm to the victim:

- with the intention of discouraging the victim or a third person from taking protected action under the Act;
- with the intention of discouraging the victim or a third person from supporting a protected person under the Act;
- because of protected action taken by the victim under the Act, or suspected by the person engaging in the retaliation to have been taken by the victim; or
- because of action taken by the victim to support a protected person under the Act or suspected by the person engaging in the retaliation to have been taken by the victim to support a protected person.

Retaliation is an offence under the ICAC Act and punishable by penalties of up to 400 penalty units or two years imprisonment. A person who engages in retaliation is also liable to pay an amount to the victim as compensation for the retaliation. Retaliation also constitutes improper conduct and the Council is required to report information about alleged or suspected retaliation or reprisal to the ICAC.

If a person experiences or fear retaliation, they should report this to the CEO or a nominated recipient and/or directly to the ICAC. Steps can then be taken to minimise the risk that they will be exposed to retaliation or further retaliation.

Keeping the fact that you have made a protected communication confidential is a good way of reducing the risk that you will be exposed to retaliation.

If a person experiences or fear retaliation, Council provides support for whistleblowers. The support services that are offered by the Council include:

- referral to professional support services; and
- potential facilitation of a conciliation of personality or workplace issues.

Independent Commissioner Against Corruption – 096		Page 8 of 22
Version: 1	Decision Number: SDG	Adoption Date: 25/08/2020
Responsible Officer: Chief Financial Officer		Next Review Date: 25/08/2024

*Electronic version current. Uncontrolled copy valid only at time of printing.*





### 3.7 MISLEADING REPORTS

Reports found to be misleading will not be actioned by the ICAC.

It is an offence under the ICAC Act for a person to make a report or provide information in connection with a report knowing that the information is misleading. A report is not considered to be misleading solely on the grounds that it cannot be substantiated. If a person provides false or misleading information to a person acting in an official capacity under the Act, they may face penalties of up to 400 penalty units or two years imprisonment.

Misleading information is information that is misleading in a material particular or because of the omission of a material particular. Something may be misleading because a person reports information that they know is not true. It may also be misleading because they choose to omit something which is important to the facts. If there is something in a document which they propose to provide that they know is untrue or misleading, they are required to draw the misleading aspect of the document to the other person's attention to avoid committing an offence.

If a person subsequently become aware that information provided was false or misleading, they should correct or clarify that information as soon as reasonably practical.

### 3.8 GENERAL POWERS OF ICAC

An authorised officer of the ICAC may enter and remain on premises (which includes a vehicle) occupied or used by Council or members of Council and staff for official duties at any time for the purposes of performing functions under the ICAC Act. This does not include residential premises.

An authorised officer of the ICAC may enter and remain on any other premises if the officer believes on reasonable grounds that there is anything that may be evidence of improper conduct on the premises. This power may only be exercised with the consent of the owner or occupier of the premises or with the authority of a search warrant.

An authorised officer who lawfully enters premises may exercise one or more of the following powers:

- search the premises and examine anything on the premises (opening a thing by force if necessary);
- take photographs and make audio and video recordings of anything on the premises;
- operate equipment or facilities on the premises;
- seize anything found on the premises that the authorised officer believes on reasonable grounds may be evidence of improper conduct and retain it for as long as may be necessary;
- issue a retention notice requiring that a thing which has been seized not to be moved or interfered with without the approval of an authorised officer; or the authorised officer may secure that thing against interference.

Independent Commissioner Against Corruption – 096		Page 9 of 22
Version: 1	Decision Number: SDG	Adoption Date: 25/08/2020
Responsible Officer: Chief Financial Officer		Next Review Date: 25/08/2024

*Electronic version current. Uncontrolled copy valid only at time of printing.*



If the authorised officer issues a retention notice, it must be complied with as it is an offence to intentionally contravene it.

Additionally, while on the premises the authorised officer may require a person to do any of the following:

- state their full name, date of birth and provide contact details;
- produce evidence of identity;
- answer (orally or in writing) questions asked by the authorised officer;
- produce a thing the authorised officer believes on reasonable grounds is connected with improper conduct;
- operate equipment or facilities on the premises;
- give the authorised officer any translation, code, password or other information necessary to gain access to, or interpret and understand, anything located or obtained by the officer in the course of exercising the authorised officer's functions;
- give other assistance the authorised officer reasonably requires.

Finally, an authorised officer may give directions to the person in charge of a vehicle or vessel in relation to the stopping or movement of the vehicle or vessel.

If an authorised officer requires any of these things, a person must comply with that requirement to the extent they are able to do so and, if asked a question, to answer it to the best of their knowledge, information and belief. Failing to comply with such a requirement is an offence.

For the performance of the ICAC's functions under the ICAC Act, an authorised officer may, at any time, require the Council or members of Council and staff to:

- answer specified questions or provide specified information;
- produce specified items, or items of a specified kind, in the Council's or an individual's possession or control.

In doing so, the authorised officer must inform the Council or the individual person whether they are under investigation by the ICAC.

The authorised officer may require the Council or the individual person to verify any information or items provided in accordance with such requests by statutory declaration.

Independent Commissioner Against Corruption – 096		Page 10 of 22
Version: 1	Decision Number: SDG	Adoption Date: 25/08/2020
Responsible Officer: Chief Financial Officer		Next Review Date: 25/08/2024



## 4 DEFINITIONS

**CEO** means the Chief Executive Officer of the Council.

**ICAC** means the Independent Commissioner Against Corruption.

**ICAC Act** means the *Independent Commissioner Against Corruption Act 2017*.

**Improper conduct** means improper conduct (defined broadly in section 9 of the ICAC Act).

**Nominated recipient** means the person(s) appointed by the CEO and notified to the ICAC from time to time to receive voluntary reports of suspected improper conduct within Council.

**Protected communication** means:

- information in a report of suspected improper conduct made by an individual to the ICAC under the mandatory reporting regime; or
- information that an individual believes on reasonable grounds would tend to show that improper conduct has occurred, is occurring or is at risk of occurring, or would assist the ICAC to perform its functions or would otherwise assist in the administration, or achieving the objects of the ICAC Act, that is provided by the individual to any of the bodies referred to in section 93(1)(b) of the ICAC Act (which includes to the ICAC or the CEO or a nominated recipient of the Council).

Despite any other provisions, the ICAC can declare a communication protected under section 94 of the ICAC Act. If a person breaches sections 145-147 of the ICAC Act, relating to disclosure of information, they lose protected communication status.

**Voluntary protected communication** means a protected communication made otherwise than in compliance with the mandatory requirement to report suspected improper conduct (for example, where an individual decides to refer suspected improper conduct to the CEO or a nominated recipient of the Council rather than directly to the ICAC).

## 5 LEGISLATIVE REFERENCES

*Independent Commissioner Against Corruption Act 2017*

## 6 PROCEDURES AND RELATED DOCUMENTS

Mandatory Reporting Template (Attachment A)

Protection Communication Notice (Attachment B)

Independent Commissioner Against Corruption – 096		Page 11 of 22
Version: 1	Decision Number: SDG	Adoption Date: 25/08/2020
Responsible Officer: Chief Financial Officer		Next Review Date: 25/08/2024

*Electronic version current. Uncontrolled copy valid only at time of printing.*



## 7 RESPONSIBILITY AND APPLICATION

Where a matter comes to the ICAC's attention that may involve improper conduct, the ICAC may make preliminary inquiries to determine whether to:

- refer the matter for investigation; or
- conduct its own investigation into the matter.

The ICAC may refer the matter back to Council to investigate. If it does so, the ICAC may also give the Council directions in relation to the referral, including directions as to:

- how the Council is to deal with the matter; and
- reporting requirements of the Council in relation to the matter.

The ICAC may also refer the matter to any other entity the ICAC considers appropriate to investigate. This may include the Ombudsman, the Electoral Commissioner, the Director of Public Prosecutions, the NT Commissioner of Police or another law enforcement agency. The ICAC may refer the matter to more than one referral entity.

If the matter is referred to Council or another entity, the ICAC is under no obligation to disclose the original source of the information.

The ICAC may decide to commence an investigation of the Council or Elected Members of Council, executive management and staff to ascertain whether improper conduct has occurred, is occurring or is at risk of occurring. The ICAC may commence an investigation even if it has not received a report of suspected improper conduct or the matter has also been referred to a referral entity or is being investigated by another entity. In undertaking an investigation, the ICAC has broad investigative powers under the ICAC Act.

The ICAC has broad ranging coercive powers to require persons to assist with its investigations and to enter premises to search and seize documents and information. There are only limited situations where Council or Elected Members, executive management or staff may refuse to provide documents and information on the basis of a claim for privilege or confidentiality.

If the Council or its public officers are required by the ICAC to participate in an investigation or provide documents and information, consideration should be given to obtaining legal advice on those matters.

If the ICAC is conducting an investigation, it may require a person to:

- answer specified questions or to provide specified information; or
- produce specified items in their possession or control.

In doing so, the ICAC is required to state the nature of the matters about which a person are to be questioned, or to which the information requested to be provided or the items requested to be produced relate, unless the ICAC considers on reasonable grounds that doing so would be:

- likely to prejudice the conduct of the investigation; or
- contrary to public interest.

Independent Commissioner Against Corruption – 096		Page 12 of 22
Version: 1	Decision Number: SDG	Adoption Date: 25/08/2020
Responsible Officer: Chief Financial Officer		Next Review Date: 25/08/2024



Unless the ICAC requests an oral response to a question it has asked, the ICAC is required to give a written notice to provide information or produce an item. The notice:

- may require verification of the information or item by statutory declaration; and
- must state the time within which the information is provided, or the item is produced.

If the ICAC is conducting an investigation, it may require a person to attend the ICAC for a private examination or for a public inquiry. Prior to doing so, the ICAC must give a written notice:

- requiring a person to attend the private examination or public inquiry at a specified time and place;
- stating the nature of the matters about which the person is to be questioned, except to the extent that the ICAC forms the view on reasonable grounds that doing so would be likely to prejudice the conduct of the investigation or would be contrary to the public interest; and
- if a person is under investigation, a statement of that fact.

The written notice may require a person to bring and produce to the ICAC at the private examination or public inquiry specified items, or items of a specified kind, that are in that person’s possession or control and that are relevant to the investigation.

At the private examination or public inquiry, the ICAC may require one or more of the following:

- to take an oath to answer all questions truthfully;
- to answer a question relevant to the investigation asked by the ICAC or by another person present at the examination; or
- to produce at the examination any items in your possession or control that are relevant to the investigation.

If, at a public inquiry, allegations are made against the Council or an individual that, if true, could reasonably affect the ICAC’s findings on the subject matter of the inquiry, the ICAC must give the Council or that individual a reasonable opportunity to respond to the allegations.

People are also entitled to request the ICAC to allow them to be represented by a legal practitioner or an agent at the private examination or the public inquiry. If a person requests legal representation, the ICAC is required to grant the request (except in certain circumstances relating to the specific legal practitioner). The ICAC may grant the request for representation by an agent other than a legal practitioner if the ICAC considers it appropriate to do so.

Independent Commissioner Against Corruption – 096		Page 13 of 22
Version: 1	Decision Number: SDG	Adoption Date: 25/08/2020
Responsible Officer: Chief Financial Officer		Next Review Date: 25/08/2024

*Electronic version current. Uncontrolled copy valid only at time of printing.*



If a person is asked to attend a public inquiry for questioning, before they are questioned the ICAC is required to inform them that:

- a public inquiry, or part of it, may be held in private;
- they are entitled to request that the ICAC give a direction that the inquiry, or part of it, be held in private if they are being asked to give an answer or any other evidence that:
  - they are not legally required to give;
  - is about a personal or sensitive matter (such as if asked to give an answer or any other evidence about a personal health matter);
  - is about an offence that the person may have committed that is not directly related to the subject matter of the public inquiry; or
  - concerns the person for any other reason;
- if they make such a request, they request will be heard and determined in private (unless the ICAC has reason to believe your request is vexatious or without merit).

The Executive Manager Corporate Services is accountable for the operation of this procedure. This procedure will be reviewed every two years or at other such time as is deemed necessary.

Independent Commissioner Against Corruption – 096		Page 14 of 22
Version: 1	Decision Number: SDG	Adoption Date: 25/08/2020
Responsible Officer: Chief Financial Officer		Next Review Date: 25/08/2024

*Electronic version current. Uncontrolled copy valid only at time of printing.*



## Independent Commissioner Against Corruption

### Mandatory Reporting Template

Section 22 of the *Independent Commissioner Against Corruption Act 2017* (NT) and the Mandatory Reporting Directions and Guidelines issued by the Independent Commissioner Against Corruption (ICAC) require that all public bodies and public officers to report suspected improper conduct to the ICAC as soon as practicable after the public body or public officer forms a reasonable suspicion as to the improper conduct.

The sections marked with \* must be completed. Upon completing this template, you should send it to the ICAC by emailing it to [report.submission@icac.nt.gov.au](mailto:report.submission@icac.nt.gov.au) or posting it to GPO Box 3750, Darwin NT, 0801.

#### Name

You can make a report anonymously, but it will impact the ICAC's ability to seek further information and its ability to progress your report.

#### Have you already reported this matter to the ICAC?

Yes  No

You must report suspected improper conduct to the ICAC unless you know, for a fact, that the conduct has already been reported to the ICAC. This does not prevent you from making a second report of the same conduct if you are not convinced, as a matter of fact, that the conduct has already been reported to the ICAC.

If yes, please provide your ICAC reference number (if known) and details of the response your received.

**Have you previously reported this matter to another agency?**

Yes  No

You must report suspected improper conduct to the ICAC even if it has already been referred to another public body or public officer, including but not limited to the Ombudsman, the Auditor-General or the Northern Territory Police Force.

If yes, please provide the following details.

<u>The agency/agencies you reported the conduct to:</u>
<u>When did you report the conduct to the agency/agencies referred to above:</u>
<u>What was the result of your report/reports referred to above:</u>

**REPORT DETAILS**

**Details of the public body, public officer or other person suspected of having been involved in the improper conduct\***

--

You are required to provide information regarding the identity of all person and entities (whether public officers, public bodies or otherwise) suspected of having been involved in the suspected improper conduct.

*Public bodies* include, but are not limited to, the following: NT Government departments, authorities, bodies; local government councils; the NT Police Force; the NT Supreme Court and Local Court; government owned corporations; public hospitals; Charles Darwin University; the Bachelor Institute of Indigenous Tertiary Education; and any other body, whether incorporated or not, that receives public resources or performs a public function on behalf of the Territory, a public body or a public officer.

*Public officers* include, but are not limited to, the following: a NT minister; a member of the NT Legislative Assembly; the holder of an office established under an NT Act who is appointed by the Administrator or a minister; and a member, officer or employee of a public body.



**Details of the suspected improper conduct\***

<p><u>Provide a description of the improper conduct you suspect occurred:</u></p>
<p><u>Provide details regarding when you suspect the improper conduct occurred:</u></p>
<p><u>Provide details of where you suspect the improper conduct occurred (if known):</u></p>
<p><u>Provide any further information you think may assist the ICAC investigate the suspected improper conduct:</u></p>
<p><u>Provide details (if possible) of the impact of the suspect improper conduct:</u></p>

You are required to provide details of the matter that you suspect is improper conduct. If you do not know the exact time or date that the suspected improper conduct occurred, please provide an approximate date (eg January 2020). If you suspect the conduct happened more than once, then please list the approximate timeframes. If you do not know the exact location of where you suspect the improper conduct occurred, please provide an approximate location (eg the suburb, the town or city). The impact of the suspected improper conduct may relates to matters such as financial, personal or professional consequences of the suspected improper conduct.

**How did the suspected improper conduct become known to you?\***

You are required to provide information regarding how the suspected improper conduct became known to your or (where applicable) the public body you work for.

**Provide any evidence to the ICAC that may be relevant to the suspected improper conduct\***

You are required to provide to the ICAC any evidence that may be relevant to the suspected improper conduct (eg documents, correspondence). If you cannot provide evidence, please indicate where such evidence may be available if the ICAC decides to further investigate the matter.

**Details of any persons who can give evidence to the ICAC relevant to the suspected improper conduct\***

You are required to provide the names of any persons who can give further evidence to the ICAC that is relevant to the suspected improper conduct

## Protected Communication Notice

Pursuant to section 98 of the *Independent Commissioner Against Corruption Act 2017* (NT) (**Act**), as soon as practicable after receiving a protected communication the recipient of the protected communication (**Recipient**) must give the person who made the communication (**Complainant**) this written notice. The Recipient is required to make reasonable efforts to give the Complainant this written notice and the information contained in it.

I, \_\_\_\_\_ [name], confirm that on \_\_\_\_\_ [date] I received a communication from the Complainant for the purposes of Part 6 of the Act.

Indication of the content of the communication from the Complainant:

[Provide a brief summary of the communication from the Complainant.]

The communication referred to in this notice is a protected communication for the purposes of the Act.

### Information for Complainant:

#### The role of the Independent Commissioner Against Corruption

The Independent Commissioner Against Corruption (**ICAC**) serves to prevent corruption and guide the conduct of public officers, and works closely with public bodies and the community to achieve this.

The ICAC works independently from the direction of the NT Government and public sector.

The ICAC's role is not to settle disputes and disagreements, or appeal decisions made by the Courts. It investigates the most serious, sensitive and systemic corrupt conduct of public officers and public agencies. This includes Members of the Legislative Assembly, courts, tribunals, independent officers, and organisations and bodies who receive government resources through contracts and grants.

The ICAC does not prosecute but has wide-ranging powers to deal with improper conduct, and respond to allegations accordingly. The ICAC can undertake inquiries on matters that happened in the past, and has powers to investigate without having to receive a report.

#### Contact details for the ICAC's Office

Telephone (free call): 1800 250 918

Email:

- For general enquiries, email [icac.nt@icac.nt.gov.au](mailto:icac.nt@icac.nt.gov.au)
- For formal complaints or reports, email [report.submission@icac.nt.gov.au](mailto:report.submission@icac.nt.gov.au)

Office address: Level 7, 9 Cavenagh Street, Darwin NT 0801

Postal address: GPO Box 3750, Darwin NT 0801

Website: <https://icac.nt.gov.au/>

#### Information for persons making protected communications pursuant to Schedule 2 of the Act

1. It is important you are aware that:
  - a) reporting improper conduct so that it can be dealt with is encouraged by the ICAC;
  - b) you are not entitled to know the full details of subsequent investigations or disciplinary action that may result from the information you have provided, but you may contact the ICAC's Office for a general outline of the action taken on the basis of the information you have provided;
  - c) keeping your identity confidential reduces the risk that you will be exposed to retaliation;
  - d) you are responsible for seeking assistance at an early opportunity if you experience or fear retaliation; and
  - e) you should consider accessing support services at an early opportunity to assist you to consider and manage the impacts of making the protected communication. Council's Employee Assistance Program can be contacted on their toll free number: 1800 193 123 or (08) 8941 1752.
2. The information you have provided will be given to the ICAC. ICAC may contact you for further information that will help to assess your report. ICAC will analyse the information in your report to determine if improper conduct or corruption has occurred. ICAC may also refer your report to another agency or body or determine to take no further action.

City of Darwin may have additional obligations in respect of the information you have provided. Accordingly, in addition to ICAC, it is likely that the following people will be given access to the information the subject of your report and it is likely that the following will be done with the information you have provided. In doing so, the City of Darwin will strive to maintain your anonymity and to limit the provision of the information to other persons only where it is necessary.

- **Note: select and populate options as appropriate**
- The other Nominated Recipients for the City of Darwin [delete if not applicable]. [Provide a brief description of what is to be done in, and the purpose of, providing this information to the other Nominated Recipients.]
- The Chief Executive of the City of Darwin [delete if not applicable]. [Provide a brief description of what is to be done in, and the purpose of, providing this information to the other Chief Executive of the City of Darwin.]
- The NT Police [delete if not applicable]. [Provide a brief description of what is to be done in, and the purpose of, providing this information to the NT Police.]
- [Add any other individuals or entities who may be provided with the information. [Provide a brief description of what is to be done in, and the purpose of, providing this information to such other individuals or entities.]

3. It is also important:
- a) to take care in communicating the information you have provided to the Recipient to other persons in ways that are not protected communications under the Act; and
  - b) to note that you may apply to the ICAC for a declaration that an action taken by you in relation to the information you have provided to the Recipient is a protected communication.

4. The Act prohibits a person from engaging in retaliation.

Under the Act, a person engages in retaliation against another person (the victim) if the person causes, or threatens to cause, harm to the victim:

- a) with the intention of discouraging the victim or a third person from taking protected action under the Act;
- b) with the intention of discouraging the victim or a third person from supporting a protected person under the Act;
- c) because of protected action taken by the victim under the Act, or suspected by the person engaging in the retaliation to have been taken by the victim; or
- d) because of action taken by the victim to support a protected person under the Act, or suspected by the person engaging in the retaliation to have been taken by the victim to support a protected person.

The City of Darwin is required to report information about alleged or suspected retaliation or reprisal to the ICAC. If you experience or fear retaliation, you should report this to the City of Darwin's nominated recipients and/or directly to ICAC.

5. It is important that you do not provide false or misleading information to the Recipient and/or to ICAC. Misleading information is information that is misleading in a material particular or because of the omission of a material particular. Something may be misleading because you report information that you know is not true. It may also be misleading because you choose to omit something which is important to the facts. If there is something in a document which you propose to provide that you know is untrue or misleading, you are required to draw the misleading aspect of the document to the other person's attention to avoid committing an offence.

If you provide false or misleading information to a person acting in an official capacity under the Act, you may face penalties of up to 400 penalty units or two years imprisonment.

If you subsequently become aware that information provided by you was false or misleading you should correct or clarify that information as soon as reasonably practical.

6. If you disclose information in breach of sections 145 to 147 of the ICAC Act, you will lose any protections afforded by protected communication status and likely face penalties including fines and imprisonment.
7. If you experience or fear retaliation, the City of Darwin provides support for whistleblowers. The support services that are offered by the City of Darwin include:
  - Council's Employee Assistance Program which can be contacted on their toll-free number: 1800 193 123 or (08) 8941 1752;
  - a Risk Assessment and Management Plan to protect whistleblowers; and
  - potential facilitation of a conciliation of personality or workplace issues.

### **Note to Nominated Recipient**

You do not need to give the Complainant this written notice if, despite making efforts that are reasonable in the circumstances, you are unable to contact the Complainant. This may include where it is not possible to contact a person who made a protected communication anonymously.

You will also need to provide to ICAC the information you have been provided by the Complainant. What you need to provide to the ICAC may be more extensive than the summary of the information recorded in this notice.