

# Whistleblower protections

A whistleblower is a person who informs on a person or organisation regarded as engaging in an unlawful or immoral activity.

It is important to report suspected improper conduct to the Independent Commissioner Against Corruption (the ICAC) so that it can be dealt with. Reporting improper conduct helps to:

- expose improper conduct and risks that may otherwise remain hidden
- provide assurances that dishonest practices are disrupted and stopped
- ensure that public sector employees act in the public interest
- identify improper conduct trends, issues and potential risks
- gather intelligence that may lead to an office of the ICAC investigation.

## What is a protected communication?

\*A protected communication is: a report to the ICAC, a Nominated Recipient or another reporting body that a person believes, on reasonable grounds, would tend to show that improper conduct has occurred, is occurring, or is at risk of occurring; or would help the ICAC and the Office to perform their functions.

\*as defined in section 93 of the *Independent Commissioner Against Corruption Act 2017* (NT) ("the Act")

## What is a protected action?

A protected action is an action taken in the course of complying with the Act, or an action taken when cooperating

with a person performing functions under the Act. This includes making a report to the ICAC (a protected communication) and complying with notices or directions given by the ICAC or an ICAC officer.

## Who is a protected person?

A person who makes a protected communication or takes a protected action is a protected person. The protection of the Act applies to a protected person even if they do not state that they are making a protected communication.

## How am I protected?

If you are a public sector employee, the primary responsibility to protect you as a "whistleblower" falls upon the public body for which you work. The ICAC gives guidance to those bodies on how to do that.

If you are not a public sector employee, you are still entitled to protection under the Act. This can be discussed with an ICAC officer.

The best protection from retaliation is maintaining confidentiality. It is crucial that you do not share the details of your engagement with the ICAC unless absolutely necessary. It is also important to take care when communicating your information in a way that is not protected.

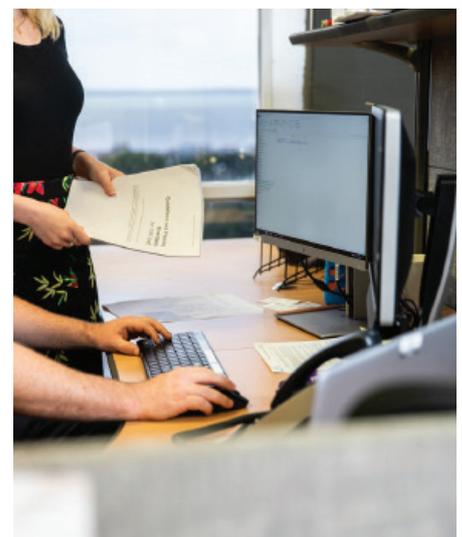
## What happens if someone retaliates against me?

Retaliation can take many forms

including intimidation, exclusion, bullying and harassment. If anyone does retaliate against you, then:

- that person commits an offence for which the maximum penalty is two years imprisonment
- you, or the ICAC, can apply for an injunction in the Supreme Court to stop the retaliation
- you can sue for compensation for the retaliation
- the ICAC can give specific instructions to stop the retaliation. If the retaliation does not stop, then it is an offence
- the ICAC can negotiate for you to be moved into another section or agency.

It is important that you report any actual or possible retaliation to the ICAC immediately. That is your responsibility under the Act. In addition, you should seek assistance from support services and your employer as soon as possible.



# FACTSHEET

## Who has access to my communication or report?

Your communication and identity will be kept confidential wherever possible. The information you provide will be used to make enquiries, including performing an assessment, preliminary inquiry or investigation.

Only ICAC staff or approved investigators have access to the information provided by you. If it is necessary to involve other entities outside of ICAC, you will be advised.

## Will I know what happens with my communication or report?

For legal reasons, you will not know the full details of the subsequent investigations or proceedings.

Reporting suspected improper conduct is important because it helps the ICAC detect and deal with improper conduct.

## It is an offence to knowingly provide false or misleading information.

It is important that the information you provide to the ICAC is true and correct to the best of your knowledge. If you provide information that you know is false or misleading, it is an offence under the Act and you may receive a penalty of up to two years imprisonment.

It is not an offence if you draw the misleading or false information to the attention of the ICAC or an officer of the ICAC, or if you clarify or correct the information.

## Support services

Northern Territory Government employees have access to support services provided through the Employee Assistance Program.

Other support services can be found at:

[nt.gov.au/community/multicultural-communities/support-for-communities/supporting-the-multicultural-community](http://nt.gov.au/community/multicultural-communities/support-for-communities/supporting-the-multicultural-community)

[nt.gov.au/wellbeing/mental-health/support-services-for-mental-health](http://nt.gov.au/wellbeing/mental-health/support-services-for-mental-health)

If you have any questions or concerns, please contact the ICAC via email at [report.submission@icac.nt.gov.au](mailto:report.submission@icac.nt.gov.au).

## Services for people with hearing or vision impairment

If you have hearing and/or vision impairment and require assistance, please contact us through the National Relay Service (NRS):

TTY users can phone 1800 555 677 then ask for 1800 250 918.

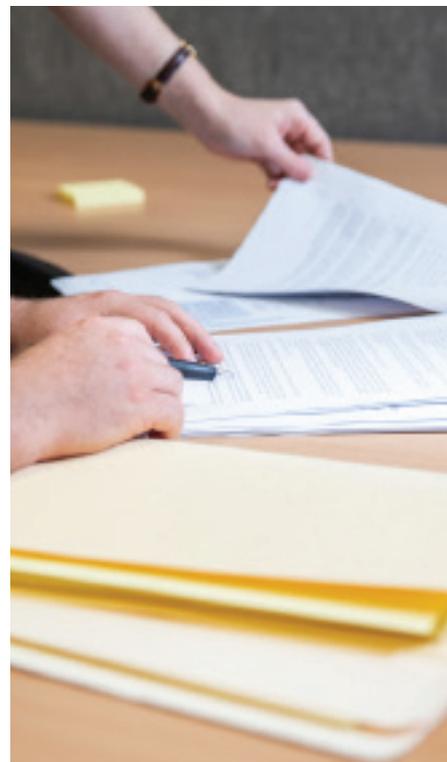
Speak and Listen users can phone 1800 555 727, then ask for 1800 250 918.

Internet relay users can connect to the National Relay Service (NRS) and ask for 1800 250 918.

Your information is protected by the law and will not be shared until we have spoken to you first.

To speak to an interpreter at the Aboriginal Interpreter Service call 1800 334 944 or contact Interpreting

and Translating Service NT on 8999 8506. The office of the ICAC can also arrange an interpreter for you.



## Contact information

 Freecall 1800 250 918

 [icac.nt@icac.nt.gov.au](mailto:icac.nt@icac.nt.gov.au)

 [icac.nt.gov.au](http://icac.nt.gov.au)

Level 7  
9-11 Cavenagh Street,  
Darwin NT

GPO Box 3750  
Darwin NT 0801

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