

Public officers and mandatory reporting

Mandatory reporting

All public bodies and public officers must report reasonable suspicions of improper conduct under the Mandatory Reporting Guidelines and Directions.

Under section 22 of the ICAC Act, the Commissioner is required to issue, from time to time, Guidelines and Mandatory Reporting by public officers.

Those Guidelines and Directions are binding on all public bodies and public officers. it can be found [here](#).

Public Officer

Section (16)2 of the ICAC Act defines a public officer as the each of the following:

- Northern Territory Ministers;
- Members of the Legislative Assembly;
- judicial officers;
- a person who holds an office that is established under an Act and who is appointed by the Administrator or a Minister;
- a member, officer or employee of a public body;
- any person engaged by a public body to provide services on its behalf or to perform specific functions under a contractual arrangement with it.

Public Body

Section (16)1 of the ICAC Act defines a public body as:

- an agency;
- a local government council;
- the NT police force;

- a court;
- a board, commission, tribunal or other body established under an Act that has judicial or quasi-judicial responsibilities;
- a body, whether incorporated or not, that has been established under an Act;
- a body whose members, or a majority of them, have been appointed by the Administrator or a Minister;
- a government-owned corporation;
- a nursing home;
- a public hospital;
- any other body, whether incorporated or not, including non-government organisations, that:
 1. receives direct or indirect public resources (this could include money, assets, infrastructure, intellectual property, or licenses held by Territory or a public body), and that
 2. performs a public function on behalf of the Territory, a public body or public officer.

Definition of corruption, improper conduct

Corruption is the behaviour of a public officer that constitutes a criminal offence, and is connected to public affairs. Misuse of public resources, including fraud, falsifying documents, and soliciting or accepting a bribe are some examples of corruption. Improper conduct includes corruption, unsatisfactory conduct and misconduct. If a public officer

engages in discrimination, bullying, harassment or assault, that would constitute improper conduct.

Your role as a public officer

As a public officer, you are duty bound to report suspected improper conduct to the ICAC even if the matter has already been referred to the Ombudsman, the Auditor-General or the NT Police.

Suspicion arises when there is something out of place or inappropriate about someone's behaviour. A reasonable suspicion develops when one or more facts is established about the behaviour.

This allows the ICAC to follow up with the referring body to determine what steps have been taken to address the matter, and to be satisfied that appropriate action has been or is being taken.

If in doubt, always report a suspicion.

Why mandatory reporting is important

Mandatory reporting is a measure to safeguard public integrity, and we must all play a part in preventing corruption by reporting improper conduct.

On all levels, corruption can lead to wasted public resources and money, reputational damage, inefficient systems, and unfair treatment of others to gain an advantage.

Unreported, corruption will undermine the good governance of any organisation, and erode the trust of a workplace and adversely affect public trust in government agencies, services and people.

FACTSHEET