

# PROTECTING THE IDENTITY OF A PROTECTED PERSON



## ICAC Act: Section 146A Identity of protected person to be kept confidential

### WHAT IS A PROTECTED PERSON?

A protected person is a person who makes a report about something they believe on reasonable grounds to be improper conduct.

Improper conduct includes:

- corrupt conduct
- anti-democratic conduct
- misconduct
- unsatisfactory conduct.

A person who makes a report to the ICAC or a prescribed public officer within their agency may have made a protected communication under section 93 of the ICAC Act. They are referred to as a protected person, also sometimes known as a whistleblower.

### WHAT IS MEANT BY PROTECTION?

A protected person may receive protections for making a report on improper conduct.

Witnesses giving evidence during an ICAC examination may also receive these protections.

A protected person may be:

- given the opportunity to provide information they would not normally be allowed to share due to confidentiality obligations
- protected against civil, criminal or disciplinary action for making a report
- protected against retaliation.

Under the ICAC Act, the identity of a protected person must be kept confidential. It is an offence to disclose their identity.

Public bodies must:

- protect the identity of a protected person
- provide support to a protected person through appropriate policies and procedures, such as whistleblower frameworks
- use efficient record-keeping protocols to maintain confidentiality and facilitate the reporting process.

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Witnesses must not:

- disclose the identity of a protected person if:
  - they know the protected person’s identity
  - they have formed a suspicion a person may be a protected person.
- share details discussed during an investigation

The ICAC will:

- provide advice and support to public bodies
- provide guidance to public bodies in the form of training resources
- intervene if an agency is not meeting its obligations to protect persons who report suspected improper conduct.

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## WHAT IS RETALIATION?

Under the ICAC Act, retaliation is when a person causes or threatens to cause harm to:

- a protected person
- a person supporting a protected person
- a person suspected of making a report of improper conduct

Threats to harm may include harassment, bullying, disadvantage or adverse treatment.

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## ARE THERE PROTECTIONS AGAINST RETALIATION?

The ICAC Act includes protections for people who provide information or make a report about improper conduct to the ICAC, a prescribed public officer, or a person or body performing a function under the ICAC Act.

Public bodies are responsible for ensuring frameworks are fit for purpose and assist public officers to minimise the risk of retaliation against a protected person.

People who report improper conduct should also take steps to reduce the risk of retaliation by being careful about sharing their information.

Anyone experiencing or fearing retaliation should seek assistance, including reporting this to the ICAC.

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## RESOURCES

Resources available on the ICAC website include:

- [Guidelines for the minimisation of retaliation against whistleblowers](#)
- [Dealing with voluntary protected communications – Directions and guidelines](#)

For more information on training opportunities, please contact the Office of the ICAC NT on [ICAC.Communications@icac.nt.gov.au](mailto:ICAC.Communications@icac.nt.gov.au)

You can make a report via:

- the online form at [report.icac.nt.gov.au](http://report.icac.nt.gov.au)
- [report.submission@icac.nt.gov.au](mailto:report.submission@icac.nt.gov.au)
- FREECALL 1800 250 918
- GPO Box 3750, Darwin, NT 0801

Use the online form  
to report improper conduct

