

Mandatory notifications of suspected corruption

About mandatory notifications

Heads of Victorian state government departments and council CEOs (also known as Relevant Principal Officers) must notify the Independent Broad-based Anti-corruption Commission (IBAC) of any matter where they suspect, on reasonable grounds, that corrupt conduct has occurred or is occurring*.

IBAC recognises that sometimes it may be difficult to discern what constitutes corrupt conduct or at what point a reasonable suspicion is formed. Relevant Principal Officers need to exercise their judgement and notify IBAC even in instances where there is uncertainty.



Corrupt conduct includes (but is not limited to):

- attempts to pervert the course of justice
- bribery of a public official
- misconduct in public office.



Important to note when reporting a mandatory notification:

- An allegation of corruption is not enough to warrant reporting. There must be a reasonable suspicion based on the facts or circumstances of the case. If you have a reasonable suspicion that corrupt conduct is occurring or has occurred in your organisation, you must report it to IBAC as soon as practicable. If in doubt, submit a notification to IBAC for assessment.
- Is there documentary or eyewitness evidence or patterns of behaviour that tend to confirm the validity of the suspicion?
- Be careful to maintain confidentiality, and do not approach anyone you suspect of wrongdoing.
- Report any suspected corrupt conduct in a timely fashion to IBAC and do not commence an internal investigation before notifying IBAC of the allegation.
- Misconduct that does not meet the mandatory notification threshold does not need to be reported to IBAC (ie low level misconduct or performance/behaviour related issues, which should be handled internally as disciplinary or staff development matters).



When IBAC receives a notification, we assess the information and then the three main actions we can take are to either:

- **refer** your complaint to another agency
- **investigate** your complaint
- **not proceed** with your complaint.

* To meet the threshold for notification to IBAC, the conduct must:

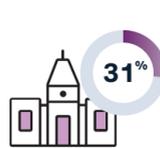
1. be an indictable offence or a prescribed common-law offence committed in Victoria; and
2. be corrupt conduct as defined in section 4 of the Act; and
3. lead a reasonable person to suspect that corrupt conduct has occurred or is occurring (reasonable suspicion).

Where have the mandatory notifications come from?

Key statistics from mandatory notifications received by IBAC between 2017/18–2020/21**



Victorian state government



Victorian local government



97 separate bodies made at least one notification to IBAC over the three-year period.



Numerous agencies made multiple separate notifications to IBAC over the three-year period.

There are still many government agencies **yet to make a notification** and it seems likely there is **under-reporting** within some large agencies.

**Victoria Police notifications are usually made via section 169 of the *Victoria Police Act 2013* or the *Public Interest Disclosures Act 2012* and not via mandatory notifications under section 57 of the *Independent Broad-based Anti-corruption Commission Act 2011*.

Victorian state government notifications



43 per cent of all notifications were received from state government departments (all departments made at least one notification).

The state government agencies that submitted notifications included:

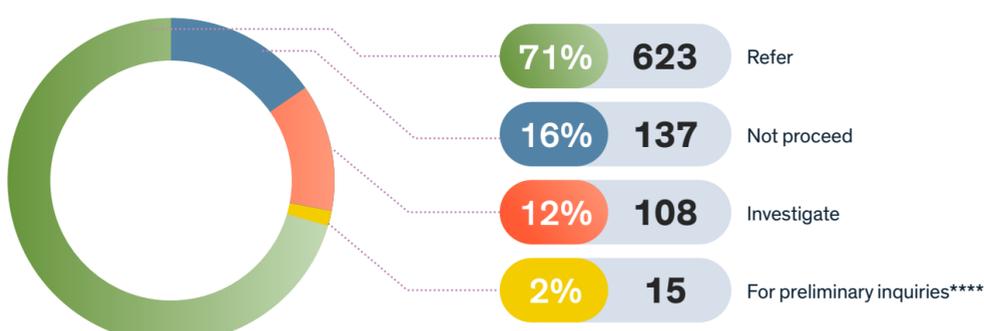
- | | |
|--|------------------------------------|
| 13 health entities | 3 emergency services entities |
| 7 authorities and offices | 3 education sector entities |
| 5 environment and resource management agencies | 1 courts and legal services entity |
| | 1 finance entity. |

Victorian local government notifications



48 out of 79 councils that made notifications had **made at least one notification**.

How were they assessed by IBAC?***



***Total more than 100 percent due to rounding.

****IBAC may conduct a preliminary inquiry to help us determine whether to refer, investigate or not proceed with a complaint or notification.

Key take-aways for agencies



Report any suspected misconduct to IBAC **in a timely manner** or contact IBAC if you are in doubt about whether to make a notification.



Do not conduct an internal investigation or significant internal inquiries before notifying IBAC. Commencing an internal investigation goes against the *Directions for making mandatory notifications of suspected corruption* and can potentially hinder IBAC investigations or investigations by other oversight bodies.



Resources

- To make a mandatory notification download the [mandatory notification form](#). Use additional [Part B](#) and [Part C](#) forms if required.
- [Directions for making mandatory notifications of suspected corruption](#)
- [Mandatory notifications – Frequently asked questions](#)
- [Case studies – Examples of mandatory notifications](#)
- [Mandatory notification information session slide show](#)
- [What happens to your complaint?](#)

For more information on mandatory notifications go to www.ibac.vic.gov.au