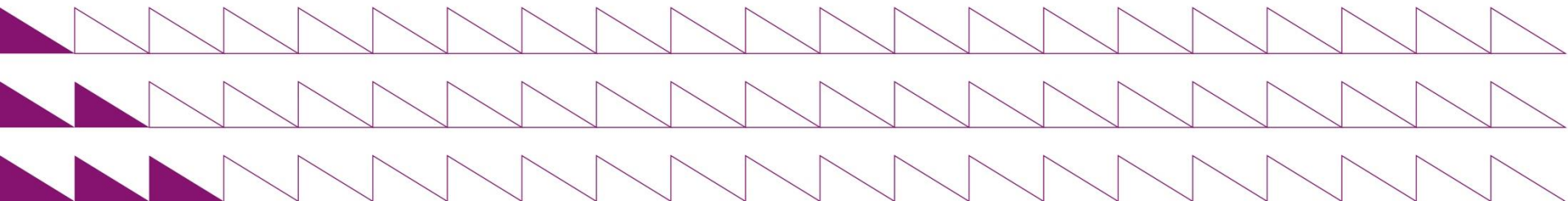
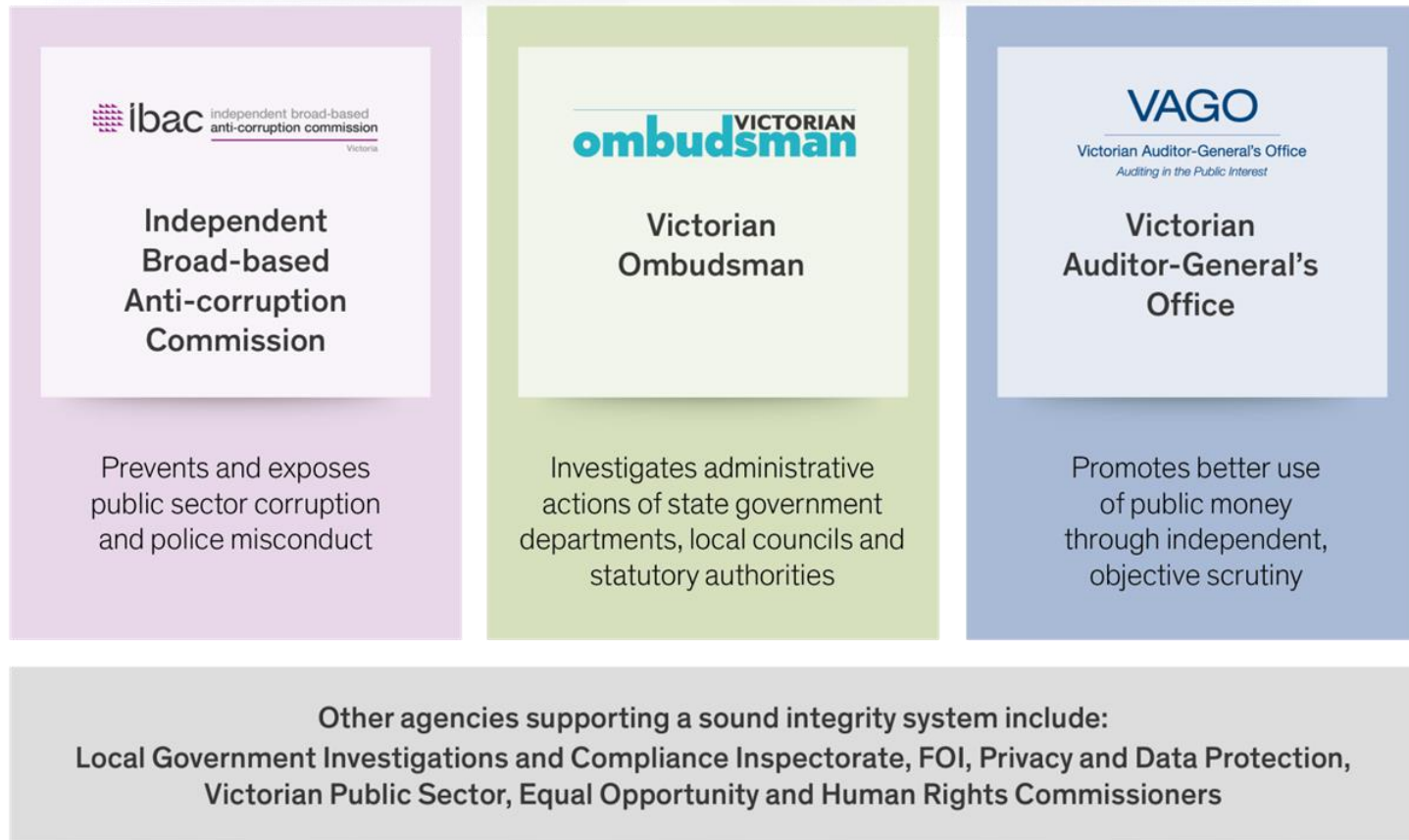


# Mandatory Notifications

**Alistair Maclean, IBAC Chief Executive Officer | 16 February 2017**



# Victoria's integrity system



# Our jurisdiction



**Public sector**



**Councils**



**Police**



**Parliament**



**Judiciary**

## Workforce

approx

**266,000**

approx

**42,000**

approx

**16,000**

approx

**600**

approx

**300**

- Departments/agencies
- Public healthcare services
- Schools
- TAFES and universities
- Water and land management agencies

- Councillors
- Council staff

- Sworn police
- PSOs
- Employees

- MPs
- Electorate officers

- Supreme Court
- County Courts
- Magistrates' Court
- Coroners Court
- VCAT

# Our role and functions

Our functions are to:

- investigate and expose corrupt conduct and police misconduct
- Inform the public sector and community about corruption and its prevention

# Our powers

IBAC has a range of powers similar to a Royal Commission:

- covert surveillance
- entry, search and seizure
- examinations and hearings
- confidentiality notices
- can possess, carry and use defensive equipment and firearms
- prosecutorial powers
- own motion investigations

# Legislative changes

- Mandatory notification requirement under s 57 of the IBAC Act:

*Relevant principal officers must notify IBAC of any matter which they suspect on reasonable grounds involves corrupt conduct occurring or having occurred.*

- Commenced 1 December 2016

# A stronger system of accountability and integrity

Mandatory notifications provide opportunities to:

- Build a better picture of corrupt conduct and corruption risks
- Identify and implement effective prevention strategies

# Who needs to notify

‘Relevant principal officers’:

- The public sector body Head
- The CEO of a Council
- The CEO of Court Services Victoria



# What needs to be notified?

‘Corrupt conduct’:

- Must be a type of conduct listed in s 4 of the IBAC Act
- Must constitute a ‘relevant offence’, i.e.
  - An indictable offence against an Act; or
  - One of the following common law offences:
    - Perverting or an attempt to pervert the course of justice
    - Bribery of a public official
    - Misconduct in public office

# What triggers the obligation to notify?

The relevant principal officer must suspect on reasonable grounds that corrupt conduct has occurred or is occurring.

*‘Suspicion’ is something less than belief but more than idle speculation.*

# How Relevant Principal Officers make mandatory notifications

- Download mandatory notification form from the IBAC website.
- Submit by email [info@ibac.vic.gov.au](mailto:info@ibac.vic.gov.au), or by post

# Actions before and after notification to IBAC

- Relevant principal officers can conduct preliminary investigations before notification to establish what conduct has occurred.
- Cease investigative action immediately once reasonable grounds for suspicion has been formed.
- If urgent action needs to be taken:
  - phone IBAC on 1300 735 135 or
  - email [info@ibac.vic.gov.au](mailto:info@ibac.vic.gov.au)

# Following assessment of a notification, IBAC can:

## Dismiss

- Insufficient information
- Already been investigated
- Already dealt with by another agency with no further evidence

## Refer

- Doesn't meet IBAC's criteria
- Better dealt with by another person or body
- Referred back to the Relevant Principal Officer to investigate

## Investigate

- Priority given to serious and/or systemic corrupt conduct
- May make preliminary inquiries prior to a decision to investigate

# Want more information?



Directions for making mandatory  
notifications of suspected corruption

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[www.ibac.vic.gov.au](http://www.ibac.vic.gov.au)



Mandatory notifications -  
Frequently asked questions

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[www.ibac.vic.gov.au](http://www.ibac.vic.gov.au)

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