



Mandatory referrals

Agency heads and Public Interest Disclosure officers of Commonwealth agencies and of Intelligence agencies have mandatory obligations to refer suspected serious or systemic corrupt conduct to the National Anti-Corruption Commission (Commission), unless they believe on reasonable grounds that the Commission is already aware of it.

Parliamentarians are agency heads of their parliamentary offices and are subject to mandatory referral requirements.

Mandatory referrals must be made **as soon as reasonably practicable**.

If in doubt about whether to refer a matter to the Commission, contact us at nacc.gov.au.

Agency heads

Under the [National Anti-Corruption Commission Act 2022](#) (Cth) (NACC Act), the head of a Commonwealth agency must tell the Commission about a corruption issue in their agency if:

- it concerns the conduct of a current or former staff member while they were a staff member of the agency
- they suspect the issue could involve serious or systemic corrupt conduct.

Public Interest Disclosure (PID) officers

PID officers are staff members of Commonwealth agencies who have responsibilities or carry out certain functions under the [Public Interest Disclosure Act 2013](#) (Cth) (PID Act).

If a PID officer receives an internal disclosure under the PID Act that raises a corruption issue under the NACC Act, they must tell the Commission about it, **as soon as reasonably practicable**, if:

- they received the internal disclosure while performing their functions under the PID Act
- it concerns the conduct of a current or former staff member while they were a staff member of the agency
- they suspect the issue involves serious or systemic corrupt conduct.

Intelligence agency heads and PID officers

The agency heads and PID officers of the following Commonwealth intelligence agencies have mandatory reporting obligations:

- Australian Geospatial-Intelligence Organisation (AGO)
- Defence Intelligence Organisation (DIO)
- Australian Secret Intelligence Service (ASIS)
- Australian Signals Directorate (ASD)
- Australian Security Intelligence Organisation (ASIO)
- Office of National Intelligence (ONI).

The head of an intelligence agency must tell the Commission or the Inspector-General of Intelligence and Security (IGIS), **as soon as reasonably practicable**, if they become aware of a corruption issue within their agency, if:

- it concerns the conduct of a current or former staff member while they were a staff member of the agency
- they suspect the issue could involve serious or systemic corrupt conduct.

If a PID officer in one of those Commonwealth intelligence agencies suspects that an internal disclosure made to them involves serious or systemic corrupt conduct, they must refer it to the Commission or the IGIS.

If the PID officer refers the corruption issue to the Commission, they must also notify the IGIS as soon as practicable. If the PID officer refers the corruption issue to the IGIS, the IGIS will consider it. If the IGIS is satisfied the corruption issue is likely to involve serious or systemic corrupt conduct, it must refer the issue to the NACC.

Content of mandatory referrals

A mandatory referral must include:

- the reasons the corruption issue could be serious or systemic, and
- **all information relevant to the issue** that is in the referrer's possession or control.

If the referrer becomes aware of any further relevant information, they must provide it to the Commission **as soon as reasonably practicable**.

However, a mandatory referrer is not required to provide information to the Commission if they have reasonable grounds to believe that the Commission is already aware of it, or if the Commission has advised it does not require the information.

Further information

National Anti-Corruption Commission Act 2022 (Cth), sections 33, 34, 35, 38.

Contact us

To make a report or general enquiry please call us on **1300 489 844**.

For non-English, dial **131 450** for the Translating and Interpreting Service.

For the deaf or hard of hearing, dial **133 677** for the National Relay Service and request to connect to **1300 489 844**.

Visit our website or complete the online reporting form at **nacc.gov.au**

Write to us at
GPO Box 605
Canberra ACT 2601

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