



Dr William B. Day
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Per email only – Bartlettday@hotmail.com

**Office of the Northern
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Commissioner Against
Corruption**

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File ref: 2020-0025

Dear Dr William B. Day

Re: Acknowledgement of receipt of your report

Thank you for your report made to the Office of the Independent Commissioner Against Corruption (ICAC) on **6 February 2020**, of behaviour which in your view occurred in the public sector, and which is of concern to you.

If you have any further information or documentation in support of your report, please contact the ICAC on 1800 250 918 or email report.submission@icac.nt.gov.au by **21 February 2020** to provide this material. It is important that any assessment of the subject of your report will be based on as much material as possible.

Using the information provided, the ICAC has now the responsibility of assessing the facts in your report. That is done using the following processes:

- First, the ICAC must assess whether or not he has the right and power to investigate your report.
- Second, if the ICAC has that power, he must determine whether it is in the public interest to investigate the facts. The ICAC, in considering his obligations, has to take into account what the Act says, and that includes:
 - Investigating “the most serious, systemic and sensitive improper conduct”.
 - Giving priority to matters that “involve corrupt conduct or serious anti-democratic conduct”.
- Third, the ICAC may find that he has no jurisdiction, or has other good reason not to investigate the report.
- Fourth, if the ICAC decides not to investigate it himself, he may refer the matter to another investigatory body to investigate. The ICAC will require the other investigatory body to report back to the ICAC on what has been done and the outcome of the investigation. The ICAC can withdraw a referral. He will do that if he considers a matter is not being dealt with properly.

In short, the ICAC will investigate the matter, supervise the investigation carried out by another competent investigatory body, or advise you that the matter should not be investigated, and the reason for that.

Whistleblower Protection

You have an obligation to ensure that, to your knowledge or belief, the information in your report is true.

If the information in your report to your knowledge or belief is true, and is deemed to fall within our jurisdiction, then it is a “protected communication” and you are a “protected person” under the Act. In other words, you are a “whistleblower” and have the protection of the Act. This enables us to maintain your confidentiality under the Act. It is crucial that you do not disclose the detail of your engagement with the ICAC, unless by absolute necessity.

If you are a public sector employee, the principle responsibility to protect you as a “whistleblower” falls upon the public body in which you work. The ICAC gives guidance to those bodies on how to do that.

If you are not a public sector employee, you are still entitled to protection under the ICAC Act. Please feel free to discuss this with a member of the ICAC staff.

If anyone does retaliate against you, then:

- That person commits an offence for which the maximum penalty is 2 years imprisonment;
- You, or the ICAC, can apply for an injunction in the Supreme Court to stop the retaliation;
- You can sue for compensation for the retaliation;
- The ICAC can give specific instructions to stop. If the retaliation does not stop, then it is an offence.
- The ICAC can negotiate for you to be moved into another section or agency.

It is important that you report any actual or possible retaliation to the ICAC immediately. That is your responsibility under the Act. In addition, you should seek assistance from support services as soon as possible.

Importantly, your identity will be kept confidential wherever possible. If, in the course of completing the assessment, there is a need to make enquiries that may identify you to a person or body outside the ICAC office, you will be contacted to provide your consent.

For legal reasons, you will not know the full details of the subsequent investigations or proceedings, but you are entitled to contact the ICAC office for a general outline of action that has been undertaken as a result of the facts you have reported.

Yours sincerely



Anna Collins
Director Assessments

6 February 2020