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Mandatory Reporting

Procedural Instruction

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1. Purpose

This Procedural Instruction (PI) applies to all Immigration and Border Protection workers (IBP workers) and outlines the process for making a mandatory report, including examples of reportable conduct, details required to make a report and how a mandatory report can be made.

A key component of the Department of Home Affairs (the Department) Integrity Framework is the requirement that IBP workers must report instances of serious misconduct, corrupt conduct or criminal activity. This is known as mandatory reporting.

In accordance with the *Australian Border Force (Immigration and Border Protection Worker Employment Suitability Screening and Integrity Measures) Directions 2024*, IBP workers must report activity that they reasonably believe to be serious misconduct, corrupt conduct or criminal activity that affects, or is likely to affect, the operations, responsibilities or reputation of the Department.

2. Scope

This PI applies to all IBP workers. If you are unsure as to whether this PI applies to an employee, please contact integrity@homeaffairs.gov.au.

3. Procedural Instruction

3.1. Introduction

The Department and its staff have a broad range of powers and responsibilities as well as access to a significant amount of personal and sensitive information, which if used incorrectly could have serious consequences to the safety, security and prosperity of our nation.

To manage these types of risks, it is critical that the Department's workforce adheres to the highest standards of integrity and ethical behaviour.

A key component of the Department's Integrity Framework is the requirement that IBP workers must report activities they believe to be serious misconduct, corrupt conduct or criminal activity that affects, or is likely to affect, the operations, responsibilities or reputation of the Department. This is known as mandatory reporting.

This PI outlines the following:

- The importance of mandatory reporting within the Department's Integrity Framework.
- The conduct that must be reported under mandatory reporting obligations.
- The reporting channels available to IBP workers, to fulfil their mandatory reporting obligations.
- The relationship between mandatory reporting obligations and obligations related to reporting such as those contained within the *Public Interest Disclosure Act 2013* (PID Act).

3.2. Serious misconduct and corrupt conduct

Serious misconduct and *corrupt conduct* are defined in subsection 4(1) of the *Australian Border Force Act 2015* (ABF Act).

Serious misconduct means:

- conduct involving a serious abuse of power, or a serious dereliction of duty, by the IBP worker, or
- any other seriously reprehensible act or behaviour by the IBP worker, whether or not acting, or purporting to act, in the course of their duties as an IBP worker.

Corrupt conduct means:

- conduct that involves, or conduct that is engaged in for the purpose (or for purposes including the purpose) of, the IBP worker abusing their position as an IBP worker,
- conduct that perverts, or conduct that is engaged in for the purpose (or for purposes including the purpose) of perverting, the course of justice, or
- conduct that having regard to the duties and powers of the worker as an IBP worker involves corruption of any other kind, or conduct that is engaged in for the purpose (or for purposes including the purpose) of, corruption of any other kind.

3.3. Making a report

3.3.1. When a report should be made

Mandatory reporting is about reinforcing a workplace culture that does not ignore or condone corruption, serious misconduct or illegal activity.

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A report must be made as soon as possible after an IBP worker becomes aware of the conduct. If an IBP worker is unsure whether the conduct meets the requirements for mandatory reporting, they should report the conduct.

The conduct does not need to be proved in order to be reported. An IBP worker must make a mandatory report even in circumstances where there is only a reasonable belief of corrupt conduct, criminal activity or serious misconduct.

An IBP worker is also required to make a report if they have been involved in serious misconduct, corrupt conduct or conduct that involves criminal activity. If an IBP worker provides information that is self-incriminating, under subsection 55(11) of the ABF Act, information provided or answers given by an IBP worker are not admissible in evidence against that IBP worker in any proceedings. However, this does not apply in relation to information, answers to questions or documents relevant to a drug or alcohol test in the following proceedings:

- Relating to the Secretary's decision to terminate the IBP worker.
- Brought under the *Safety Rehabilitation Compensation Act 1988*.
- In tort against the Commonwealth that is instituted by the worker.

There are a broad range of activities that may constitute serious misconduct, corrupt conduct or criminal activity; and it is not possible to provide a comprehensive list that represents these activities. When considering whether a matter should be reported, the following questions should be considered:

- Does the behaviour conflict with the Department's role and purpose?
- Would the behaviour be considered unacceptable by the public?
- Is the activity clearly in breach of departmental policies?
- Is the activity illegal?

The following list provides some examples of the types of activity that would constitute conduct that must be reported.

Where an IBP worker:

- tips off a business prior to a compliance operation,
- accepts money to fast-track a visa application,
- accepts the offer of a free holiday in exchange for information held in the Department's intelligence systems,
- offers a colleague a bribe to alter a roster to ensure certain officers are working at a certain time,
- is in possession of child exploitation material,
- is charged with child related sexual offences or sexual misconduct, committed against, with, or in the presence of, a child, including historical conduct,
- accesses the Integrated Cargo System and provides information about the status of goods in order to assist a person to circumvent customs controls,
- uses their knowledge of the Tourist Refund Scheme to submit fraudulent claims for their own financial benefit, or
- has been charged with, or is facing criminal charges for conduct outside the workplace.

If there is doubt as to whether a mandatory report is required, contact the Integrity and Professional Standards (I&PS) Branch:

- Phone: 1800 277 872
- Email: integrity@homeaffairs.gov.au

3.3.2. Details to include when making a report

When making a report, an IBP worker should provide all relevant information known to them. This may include, but is not limited to:

- names,
- description of the conduct,
- dates,
- location details,
- as many details as possible about the incident of corruption, misconduct, or criminal activity, or the suspicion of these activities,
- any other reporting action they have taken, including if they have reported the matter to the police, or
- supporting information and documentation, for example copies of emails.

3.3.3. How to make a mandatory report

An IBP worker can submit a mandatory report to I&PS Branch using any of the following channels:

- Phone: 1800 277 872
- Email: integrity@homeaffairs.gov.au
- Webform: [Integrity referral form](#)
- Post: I&PS Branch, PO Box 25, Belconnen, ACT, 2616.

Mandatory reports can be made either verbally or in writing.

Mandatory reports can be made anonymously, although this is generally not the best method as it may be more difficult to investigate if/when further information is required. Mandatory reports can also be made via a supervisor.

A mandatory report must be provided to I&PS Branch. Reporting directly to I&PS Branch ensures that the issue will be appropriately managed, monitored and resolved by accountable officers. Additionally, the number of staff involved in handling a report will be minimised. A mandatory report can be made to any officer within I&PS Branch.

3.3.4. What happens after a mandatory report is made?

Anyone who provides a mandatory report to I&PS Branch will receive written acknowledgement of receipt and a reference number which should be kept as a record. Due to privacy requirements and the sensitive nature of reports, progress updates and outcomes will likely not be provided.

3.3.5. Misuse of mandatory reporting obligations

Reports found to be false, misleading, frivolous or vexatious will not be actioned and may constitute a breach of the APS Code of Conduct. A report is not considered to be false, misleading, frivolous or vexatious solely on the grounds that it cannot be substantiated.

3.4. Public interest disclosure

The PID Act promotes the integrity and accountability of the Commonwealth public sector. Under the PID Act, public officials may disclose the wrongdoing of other public officials.

The PID Act provides a legal framework to protect disclosers to enable allegations to be raised without reprisal being taken, or threats being made against the discloser, for making or being suspected of making the disclosure. To report a PID you can contact the PID team via: disclosures@homeaffairs.gov.au

For more information see the [Public Interest Disclosure - Procedural Instruction \(IIB-1548\)](#).

3.5. National Anti-Corruption Commission

The National Anti-Corruption Commission (NACC) is responsible for preventing, detecting and investigating serious and systemic corruption in Australian Government agencies. Where a referral raises a corruption issue that may be serious or systemic in nature, the Department has processes in place to make mandatory referrals to the NACC via the Corruption Investigations section.

Any person can make a report to the NACC by phone, fax, email, post or by completing an online form. Details for contacting NACC are available on the 'Report a corruption issue' page on the NACC website, at www.nacc.gov.au.

4. Statement of Expectation

The APS Code of Conduct states that an APS employee must comply with any lawful and reasonable direction given by someone in the employee's Agency who has authority to give the direction under subsection 13(5) of the *Public Service Act 1999* (the PS Act).

Failure by an APS employee to comply with any direction contained in this PI may be determined to be a breach of the APS Code of Conduct, which could result in sanctions under subsection 15(1) of the PS Act.

The *Australian Border Force (Immigration and Border Protection Worker Professional Standards) Directions 2024* (Professional Standards Secretary Direction 2024), issued under subsection 55(1) of the *Australian Border Force Act 2015*, (the ABF Act) requires all IBP workers who are not employed under the PS Act to comply with any lawful and reasonable direction given by someone in the Department with authority to issue that direction.

Failure by an IBP worker who is not an APS employee to comply with a direction contained in this PI may be treated as a breach of the *Professional Standards Secretary Direction 2024*, which may result in the termination of their engagement under section 57 of the ABF Act. Non-compliance may also be addressed under the terms of the contract engaging the contractor or consultant.

All IBP workers who make decisions or exercise powers or functions under legislation have a duty to do so in accordance with the requirements of the legislation and legal principles.

5. Accountabilities and Responsibilities

Role	Description
Assistant Secretary, Integrity and Professional Standards Branch	Owner and responsible for the development of Policy Statement documents for the functions of the branch. Approve Procedural Instructions for the functions owned by the branch, ensuring the policy statement owner has been consulted in the process and confirms that the Procedural Instruction is in line with any tiered Policy Statement.
Integrity and Professional Standards Branch	Administers and maintains this PI and related documentation. Receives referrals and makes assessments about integrity related matters that relate to serious breaches of this PI.

6. Version Control

Version number	Date of issue	Author(s)	Brief description of change
1.0	28 September 2018	I&PS Branch	Draft
1.1	3 October 2018	I&PS Branch	Edit
1.2	28 November 2018	I&PS Branch	Edit
1.3	July 2019	I&PS Branch	New template and edits
1.4	July 2023	I&PS Branch	Edit NACC updates and review
1.5	September 2024	I&PS Branch	Full review as part of Integrity Framework review

Attachment A – Definitions

Term	Acronym (if applicable)	Definition
Australian Public Service Code of Conduct	APS Code of Conduct	Section 13 of the <i>Public Service Act 1999 (Cth)</i> sets out the standards of behaviour and conduct required of all employees who work in the public service.
Child Exploitation Material	N/A	Material which describes or depicts in a way that is likely to cause offence to a reasonable adult, a person who is, or who appears to be, a child under 18 (whether the person is engaged in sexual activity or not).
Corrupt conduct	N/A	<p>Corrupt conduct has the same meaning as defined in <u>subsection 4(1) of the ABF Act</u>. An IBP worker engages in corrupt conduct if the IBP worker engages in conduct that:</p> <ul style="list-style-type: none"> • involves or is engaged in for the purpose (or for purposes including the purpose) of, the IBP worker abusing their position as an IBP worker, • perverts or is engaged in for the purpose (or for purposes including the purpose) of, perverting the course of justice, or • having regard to the duties and powers of the worker as an IBP worker, involves or is engaged in for the purpose (or for purposes including the purpose) of, corruption of any other kind.
Departmental assets	N/A	Information and resources including, but not limited to, information and technology systems (ICT systems), information, plant and equipment, vessels, aircraft and/or premises which are owned, managed, controlled, leased, contracted by or operated by the Department.
Immigration and Border Protection Worker	IBP worker	<p>Defined in the <i>Australian Border Force (Immigration and Border Protection Worker) Determination 2024</i> and under <u>subsection 4(1) of the ABF Act</u>, includes but is not limited to:</p> <ul style="list-style-type: none"> • All APS employees in the Department. • Persons employed by an Agency under the Public Service Act whose services are made available to the Department (often referred to as ‘secondees’) • Persons engaged as consultants or contractors to perform services for the Department in-house in the Department. • Persons engaged as consultants or contractors to perform services for the Department that require non-public access to departmental assets.

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Term	Acronym (if applicable)	Definition
		<p>A complete list of persons who are IBP workers can be found at:</p> <ol style="list-style-type: none"> 1. <u>subsection 4(1) of the ABF Act</u>; and 2. the <i>Australian Border Force (Immigration and Border Protection Worker) Determination 2024</i> signed September 2024 by Secretary Stephanie Foster.
Integrity and Professional Standards Branch	I&PS	Administers the Integrity Framework, which sets out the standards of integrity and ethical behaviour required by all employees of the Department.
Australian Border Force (Immigration and Border Protection Worker Employment Suitability Screening and Integrity Measures) Directions 2024	Part 2, Section 14 - Directions	Part 2, Section 14 states IBP workers must report activity that they reasonably believe to be serious misconduct, corrupt conduct or criminal activity that affects, or is likely to affect, the operations, responsibilities or reputation of the Department.
National Anti-Corruption Commission	NACC	The National Anti-Corruption Commission is an independent Commonwealth agency that detects, investigates and reports on serious or systemic corrupt conduct in the Commonwealth public sector.
Policy and Procedure Control Framework	PPCF	The PPCF mandates a consistent and integrated approach to the development and management of the Department's policies and procedures. The PPCF is aligned to, and complements, the Department's Risk Management Framework, Quality Management Framework and Information Environment Strategy.
Serious misconduct	N/A	<p>Serious misconduct has the same meaning as in <u>subsection 4(1) of the ABF Act</u>. Serious misconduct by an IBP worker involves:</p> <ul style="list-style-type: none"> • corrupt conduct engaged in, a serious abuse of power, or a serious dereliction of duty, by the IBP worker, or • any other seriously reprehensible act or behaviour by the IBP worker, whether or not acting, or purporting to act, in the course of their duties as an IBP worker.

Attachment B – Assurance and Control Matrix

1.1 Powers and Obligations

Please Note: Staff exercising any powers, delegations or authorisations outlined in this PI (listed here) must check the latest delegation advice on the Intranet or the relevant instrument in LEGEND to ensure they currently hold the applicable power, delegation or authorisation.

Legislative Provision			Is this power delegated?	If delegated, list the relevant instruments of delegation
Legislation	Reference (e.g. section)	Section heading/provision description		
<i>Australian Border Force Act 2015</i>	Section 55	The Secretary may give directions to IBP workers in connection with the administration and control of the Department	No	N/A
<i>Public Service Act 1999</i>	Section 3	Section 13 of the Public Service contains the APS Code of Conduct.	No	N/A

1.2 Controls and Assurance

Related Policy	<u>Integrity and Professional Standards Frameworks – Policy Statement (SM-6697)</u>
Procedures / Supporting Materials	<u>Public Interest Disclosure - Procedural Instruction (IIB-1548)</u> <u>Procedures for determining suspected breaches of the Code of Conduct – Procedural Instruction (SM-1547)</u>
Training/Certification or Accreditation	'The Essentials' - mandatory eLearning package
Other required job role requirements	Nil
Other support mechanisms (e.g. who can provide further assistance in relation to any aspects of this instruction)	Director, Integrity Investigations Integrity@homeaffairs.gov.au
Escalation arrangements	Integrity Strategy and Policy Section, I&PS Branch integrityawareness@homeaffairs.gov.au
Recordkeeping (e.g. system based facilities to record decisions)	Content Manager

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Program or Framework (i.e. overarching Policy Framework or Business Program)	Professional Standards and Integrity Frameworks
Job Vocational Framework Role	This PI applies to all job roles within the Department.

Attachment C – Consultation

1.1 Internal Consultation

- Integrity, Security and Assurance Division
- Legal Group
- Privacy and Information Disclosure
- all staff through Department-wide consultation.

1.2 External Consultation

- Community and Public Sector Union