



Voluntary referrals: a guide

This guide explains how to refer (or report) suspected serious or systemic corrupt conduct to the National Anti-Corruption Commission (Commission).

Who can make a referral (or report)?

Anyone who has information about corruption involving Australian Commonwealth agencies or public officials can make a referral to the Commission. This is known as a voluntary referral.

You don't need to be directly involved in the situation to report it. If you witness or hear about corrupt conduct, or if someone has shared information with you about corrupt conduct, you can make a referral.

We encourage anyone who has reasonable grounds to suspect serious or systemic corrupt conduct to make a referral. A suspicion is enough to make a referral.

What the Commission can investigate

The Commission investigates issues of **serious or systemic corrupt conduct** in the **Australian Commonwealth public sector**. Under the [National Anti-Corruption Commission Act 2022](#) (Cth) (NACC Act), a person engages in corrupt conduct if:

1. they are a public official and they [breach public trust](#)

2. they are a public official and they [abuse their office](#) as a public official
3. they are a public official or former public official and they [misuse information](#) they have gained in their capacity as a public official
4. they do something that [adversely affects a public official's](#) honest or impartial exercise of powers or performance of official duties. Any person can engage in this type of corrupt conduct, even if they are not a public official themselves.

Errors, mistakes, negligence, poor decision-making and maladministration are not of themselves corrupt conduct.

The Commission does not:

- mediate disputes between you and others, including public sector agencies
- review decisions made by public sector agencies
- review decisions made by courts or tribunals
- investigate state or territory agencies.

Who the Commission can investigate

The Commission has jurisdiction to investigate **Commonwealth public officials**, which include:

- [Commonwealth parliamentarians \(including ministers\) and their staff](#)
- staff members of Commonwealth agencies
- individuals who provide goods and services to or for the Commonwealth under a contract with the Commonwealth.

Who the Commission cannot investigate

For the purposes of the NACC Act, the following are **not** public officials within the Commission's jurisdiction:

- judges
- the Governor-General and Deputy Governor-General
- a Royal Commissioner
- the Inspector of the NACC or a person assisting the Inspector
- foreign governments (including their contracted service providers)
- state, territory or local government officials.

The Commission can only investigate matters relating to Australian **Commonwealth** public officials. Each state and territory has a similar integrity or anti-corruption commission that may be able to investigate those matters.

For more information about the Commission's jurisdiction, see:

[What can the NACC investigate?](#)

[What is corrupt conduct?](#)

[What is serious or systemic corrupt conduct?](#)

How to make a referral

Please use our [webform](#) to make a referral of corrupt conduct.

When making your referral, we will ask you to describe the information and evidence you may have that forms the basis of your suspicion that there has been [serious or systemic](#) **corrupt conduct**. This can include anything you have seen or heard or been told by others.

There is **essential information** you must provide in a referral. There are 2 mandatory questions where we ask you to **describe the alleged conduct** and **tell us why you think it is corrupt conduct**.

Information it is helpful for you to provide includes:

- whether the corrupt conduct involves a current or former Commonwealth public official
- the Commonwealth agencies involved
- the name of any public official you suspect has been, will be, or is engaged in corrupt conduct
- the names of any private individuals or entities related to the corrupt conduct
- a description of the conduct, including when and where it occurred
- whether there was there any benefit gained, or detriment caused, by the conduct
- why you suspect the conduct could be serious or systemic
- whether you have any supporting documents or evidence, or any other relevant information that could add context or support allegations.

How much information is enough

You only need to provide enough detail for us to work out if the matter is within our jurisdiction and could involve serious or systemic corrupt conduct. You don't need to investigate the issue or look for further evidence.

It helps us if you provide your name and contact details so we can contact you if we have any questions.

You can make a referral anonymously if you prefer. However, this means we cannot:

- seek more information from you about your referral
- notify you of the outcome of your referral or any investigation related to it
- ensure measures are in place to protect you or others involved in your referral.

Will the agency be told about a referral?

When assessing a referral, the Commission may engage with other agencies to obtain or clarify information. In deciding whether to engage with an agency and the extent of information we share, the Commission will consider the possible impact on the person who made the referral and on potential witnesses.

What you can and cannot say about a referral

The Commission generally does not disclose what matters have been referred to it or who referred them.

Unless there is a non-disclosure notation or confidentiality notice in place, there is no legal restriction preventing you from telling others about your contact with the Commission.

However, please think carefully before publicising a referral you have made to the Commission. Publicity can compromise the Commission's ability to carry out investigations and can also cause unfair reputational damage.

If you are notified by the Commission of a **non-disclosure notation** or confidentiality direction, you must comply with its requirements.

See:

[What if there is a non-disclosure notation under s 95 of the NACC Act?](#)

[Why the Commission doesn't talk about investigations](#)

Protections for referrers

Some individuals fear making a referral because of possible reprisals or other adverse impacts on them. However, anyone who makes a referral, provides information or gives evidence to the Commission about a corruption issue is protected from civil, criminal or administrative liability (including disciplinary action). No contractual right or remedy can be taken against them.

It is a criminal offence punishable by imprisonment for anyone to take any reprisal action against a person for making a referral, providing information or giving evidence to the Commission.

However, a person who has engaged in misconduct cannot gain protection from liability for their own conduct by disclosing it to the Commission. For example, a public servant who abuses their office to advance a personal interest and then refers their own conduct to the Commission in the hope of avoiding liability for that conduct does not obtain protection.

A person who knowingly makes a false or misleading statement to the Commission is not protected from liability for false or misleading statements.

For information on protections under the NACC Act, see [Protections for whistleblowers and witnesses](#).

If you are concerned about your own welfare, seek independent legal advice on the protections available to you and the best avenue to report before reporting to the Commission.

What happens after you make a referral?

Our trained staff will assess the information you provide. We will contact you if we need more information to assess the referral.

The Commission may deal with a referral in one or more of the following ways:

- conduct a preliminary investigation to find out more information, to determine how to deal with the issue
- if it could involve serious or systemic corrupt conduct, investigate the issue alone or jointly with a Commonwealth agency or state or territory government entity
- refer the issue to the Commonwealth agency that the issue relates to for them to investigate
- refer the issue to a Commonwealth agency or state or territory government entity for consideration
- take no action, for a range of reasons including:
 - it does not raise a corruption issue within our jurisdiction

- it is unlikely that an investigation would result in a finding of corrupt conduct
- the matter is historic and/or has already been the subject of investigation or
- having regard to the Commission's resources and priorities.

Only about 1% of referrals to the Commission result in an investigation. We will normally inform you if we make a decision to take no further action on your referral.

Contact us

Please use our [webform](#) to make a referral. If in doubt about whether to refer a matter to the Commission, [contact us](#).

Last updated: March 2026
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