

## Public Interest Disclosures (Whistle-Blower) Policy

<b>SDMS Id Number:</b>	P2012/0182-050
<b>Effective From:</b>	1 July 2014
<b>Replaces Doc. No:</b>	Not applicable
<b>Custodian and Review Responsibility:</b>	Human Resources and Workplace Safety
<b>Contact:</b>	Director, Human Resources and Workplace Safety
<b>Applies to:</b>	DHHS Statewide – THO North West - THO North & THO South
<b>Policy Type:</b>	DHHS Wide Policy
<b>Review Date:</b>	1 July 2017
<b>Key Words:</b>	Public Interest Disclosure, Whistle-blower, whistleblowing, Disclosure, improper conduct, detrimental action
<b>Routine Disclosure:</b>	Yes

### Approval

Prepared by	Louise Downham	HR Consultant – Employment Policy	61663682	June 2014
Through	Bruce Paterson	Executive Manager, Legislative Review and Legal Support	61663788	18 June 2014
Through	David Nicholson	Deputy Secretary, Strategic Control Workforce and Regulation	6166 3680	20 June 2014
Cleared by	Michael Pervan	Acting Secretary		26 June 2014

### Revision History

Version	Approved By Name	Approved By Title	Amendment Notes
1	Michael Pervan	Acting Secretary	Initial release of procedure

# Purpose

- This policy commits the Agency to the objectives of the [Public Interest Disclosure Act 2002](#) (the Act).
- The Act provides statutory protections and procedures for people making public interest disclosures in the Tasmanian public sector about serious or significant improper conduct. This includes illegal, corrupt, dangerous and other kinds of misconduct as defined by the Act and the Ombudsman Tasmania's guidelines and procedures.
- The Agency is committed to performing its functions appropriately and recognises the value of transparency and accountability in its administrative and management practices. The Agency does not tolerate improper conduct by its officers or employees and supports the making of public interest disclosures.
- The Agency will take all reasonable steps to protect people who make such a disclosure from any detrimental action in reprisal for making the disclosure. They will also afford natural justice to all parties involved in the investigation of a disclosure.
- Officers and employees are encouraged to make public interest disclosures and do not have to understand the policy or procedure in order to be confident their disclosure will be considered properly under the Act. Employees are also encouraged to raise appropriate matters at any time with their management and use existing grievance procedures within the Agency where appropriate.
- This policy and the *Public Interest Disclosure (Whistle-Blower) Procedure* has been prepared to comply with the Guidelines and Standards published by the Ombudsman Tasmania under s 38(1)(c) of the Act.
- This policy is supported by the *Public Interest Disclosure (Whistle-Blower) Procedure* which describes the requirements and process associated the management of public interest disclosures in the Agency.
- This policy and the *Public Interest Disclosure (Whistle-Blower) Procedures* were approved by the Ombudsman on 3 July 2014.

# Mandatory Requirements

- This is a statewide policy which must not be re-interpreted so that subordinate policies exist. Should discreet operational differences exist, these should be expressed in the form of an operating procedure or protocol.

- Officers and staff must comply with the Act and related requirements including the *Public Interest Disclosure (Whistle-Blower) Procedure*, which includes:
  - A description of the purpose of the Act and how it works.
  - Who disclosures can be made to (in summary, the Head of Agency or delegate, the Integrity Commission or the Ombudsman).
  - Roles and Responsibilities (also summarised below)
  - Appointment of investigators and welfare managers
  - Confidentiality
  - Publishing Statistics
  - Determination of disclosures, and when to refer disclosures
  - Protections for people who make protected public interest disclosures, including their welfare
  - Natural justice and investigative procedures and reports
  - Offences
  - Flowcharts
- Public interest disclosures must be considered regardless of whether they are made in writing or verbally. Use of the Public Interest Disclosure form is encouraged to confirm the person making the disclosure believes it is a public interest disclosure, rather than a complaint or grievance.
- Investigations should take into consideration the guidance provided in the Australian Public Service Commission's [\*Handling misconduct: A human resource practitioner's guide to the reporting and handling of suspected and determined breaches of the APS Code of Conduct\*](#) (February, 2007).
- Failure to comply with this policy, without providing a good reason for doing so, may lead to disciplinary action.

## Roles and Responsibilities/Delegations

### General

- All officers, employees, and office-holders must comply with this policy, the *Public Interest Disclosure (Whistle-Blower) Procedure* and the Act.

### Officers and Employees

- Officers and employees are encouraged to report known or suspected incidences of improper conduct or detrimental action to the Head of Agency or Delegate, unless the person is of the reasonable belief the conduct has already been reported or is being appropriately dealt with (for example, through grievance procedures).
- Disclosures can also be made to the Integrity Commission, or Ombudsman.

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This Policy may be varied, withdrawn or replaced at any time. Compliance with this directive is **mandatory** for the Department of Health and Human Services. **PLEASE DESTROY PRINTED COPIES.** The electronic version of this Policy is the approved and current version and is located on the Agency's intranet. Any printed version is uncontrolled and therefore not current.

- Officers and employees must refrain from any activity that is, or could be perceived to be, victimisation or harassment of a person who makes a disclosure. Officers and employees should protect and maintain the confidentiality of a person whom they know or suspect to have made a disclosure.

## Head of Agency (Principal Officer under the Act)

- The Principal Officer ensures that the Act is appropriately administered in their Agency. As provided below, the Principal Officer has appointed a Public Interest Disclosure Officer within the Agency, and delegated all the Principal Officer's functions to the Public Interest Disclosure Officer.

## Public Interest Disclosure Officer

- The Public Interest Disclosure Officer is appointed by the Principal Officer and has a delegation to exercise all the statutory powers and functions given to the Principal Officer. The Public Interest Disclosure Officer is also expected to exercise the functions set out in this Procedure and its attachments.
- The DHHS Public Interest Disclosure Officer is the Deputy Secretary, Strategic Control, Workforce and Regulation.

## Risk Implications

- The risks of non-compliance include contravention of legislation and inadequate response to misconduct.

## Training

- Officers and employees must be provided adequate information and support relating to the implementation of this policy and the *Public Interest Disclosure (Whistle-Blower) Procedure* in order to raise awareness of public interest disclosures, including simplified fact sheets and induction material that encourages awareness of public interest disclosures and the making of public interest disclosures on the attached optional form.

## Audit

- This policy will be included in the work program of the Internal Audit function. This work program is approved by the DHHS Audit and Risk Committee and will assess underlying systems and procedures for compliance with the requirements of this policy. The overall focus of this assessment will be one of continuous improvement to the Agency's activities.

## Attachments

- 1 *Public Interest Disclosure (Whistle-Blower) Procedure*
- 2 Public Interest Disclosure Form

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