

Public Interest Disclosures (Whistle-Blower) Policy

SDMS Id Number:	P2012/0182-050
Effective From:	11 April 2018
Replaces Doc. No:	Not applicable
Custodian and Review Responsibility:	Human Resources Management and Strategy
Contact:	Director, Human Resources Management and Strategy
Applies to:	Department of Health Statewide This policy also applies to former DHHS employees who have transferred to the Department of Communities Tasmania until otherwise advised.
Policy Type:	Department of Health Statewide Policy
Review Date:	31 October 2020
Key Words:	Public Interest Disclosure, Whistle-blower, whistleblowing, Disclosure, improper conduct, detrimental action
Routine Disclosure:	Yes

Approval

Prepared by		HR Consultant – Employment Policy		June 2014
Through		Executive Manager, Legislative Review and Legal Support		18 June 2014
Through		Deputy Secretary, Strategic Control Workforce and Regulation		20 June 2014
Approved by		Acting Secretary		26 June 2014

Revision History

Revision No. 1	Policy revised and removed application to Tasmanian Health Service		
Revised by		Advisor - Workforce Development and HR Policy	July 2017
Through		Executive Manager, Legislative Review and Legal Support	Sep 2017
Through		A/Deputy Secretary, Corporate Policy and Regulatory Services	Sep 2017
Approved by		Secretary	Sep 2017

Purpose

- This policy commits the Agency to the objectives of the [Public Interest Disclosures 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 Disclosures (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.

Mandatory Requirements

- This is a statewide policy which must not be re-interpreted so that subordinate policies exist. Should discrete 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 Disclosures (Whistle-Blower) Procedure*, which includes:

This Policy may be varied, withdrawn or replaced at any time. Compliance with this directive is **mandatory** for the Department of Health. **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.

- 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 manager's guide* (June 2015).
- 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 Disclosures (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.
- 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 Public Interest Disclosure Officers within the Agency, and has delegated relevant Principal Officer's functions to the Public Interest Disclosure Officer.

Public Interest Disclosure Officer

- Public Interest Disclosure Officers are appointed by the Principal Officer and have a delegation to exercise 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 Policy, and *Public Interest Disclosures (Whistle-Blower) Procedure* .
- Delegates are appointed as described in the *DoH Delegations and Administrative Authorities – Human Resources Management Delegations and Administrative Authorities*.

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 Disclosures (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 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.