

PROCEDURES FOR ACTIONING PUBLIC INTEREST DISCLOSURES



1. INITIAL CONTACT

All public reception points should be aware that persons wishing to make complaints about actions by this agency, its staff, or persons employed by this agency should be directed to the Governance and Legal Liaison section.

The Manager of Governance and Legal Liaison is the contact officer and may be reached by telephone on 6205 9339.

2. POSSIBLE REDIRECTION

Where these complaints fall outside public interest disclosures and may appropriately be responded to by individual directors, this course of action should be suggested to the caller.

3. CONTACT OFFICER

The contact officer should:

- clarify whether the matter is one which may be appropriately referred to this agency or confirm and clarify the nature of the particular complaint with the person and, if it appears to fall under the ambit of the *Public Interest Disclosure Act 1994* (Whistle Blowing), or that the informant believes that it does, provide information regarding the Act. This should include the ramifications of making a disclosure and forms of protection available under the Act.
- where relevant, provide information about provisions under the Act in respect of unlawful reprisals
- advise as to how the disclosure would be actioned by this agency
- assist callers in making a disclosure
- advise callers that should they wish to proceed to make a disclosure they can do so either verbally or in writing addressed to the:
 - Director, Governance, Regulation and Risk, on telephone number 6205 7661 or Facsimile 6205 5453
 - Chief Executive
- where a disclosure is made orally, make a written record of the disclosure.

3. NOMINATED PERSON TO RECEIVE DISCLOSURES

The Director, Governance, Regulation and Risk has been nominated by the Chief Executive to receive public interest disclosures.

5. ACTION BY NOMINATED OFFICER

This officer will be responsible for:

- providing information about the Act and its ramifications and provisions to an informant. (see Section 3). This may already have been done by the contact officer.
- making an accurate written record of a disclosure if this is made orally by an informant
- clarifying further details of the disclosure or obtaining other relevant information where necessary
- assessing whether the complaint falls within the *Public Interest Disclosures Act 1994* and that the discloser is aware of the implications of this
- assessing whether the Department is the appropriate agency for investigating the disclosure or whether it should be referred to another agency or to the Ombudsman
- advising the informant whether the disclosure will be investigated or not (and if not, why), or that it is to be referred to another agency or to the Ombudsman
- providing appropriate assistance to the discloser where unlawful reprisal may be concerned, including making the person aware of the provisions of the Act and the possibility of relocation of a member of the agency
- considering the most appropriate way in which the complaint should be investigated
- advising the Chief Executive within five working days of formal receipt of the disclosure including advice as to proposed action to be taken, and providing status reports to the Chief Executive until the matter is finalised
- where necessary, identifying or appointing appropriate officers to ensure an impartial and fair investigation to establish whether the disclosure has substance
- where necessary, deciding if further action should be through the use of:
 - informal procedures such as for a grievance with regard to procedures set out in the *Public Sector Management Act 1994* and Standards
 - disciplinary procedures as set out in the *Public Sector Management Act 1994* and Standards
 - fraud investigation procedures as set out in the *Public Sector Management Act 1994* and Standards and Fraud Guidelines.

The Nominated Officer will also be responsible for:

- monitoring the progress of investigations
- liaising with other agencies as required
- ensuring procedures are in place to meet the confidentiality requirements of the Act
- informing disclosers of the progress of investigations on request
- reporting to the Chief Executive on the progress and outcome of investigations and of whatever action, including remedial action is recommended
- preparing information as required for the annual report.

6. CHIEF EXECUTIVE

The Chief Executive will:

- be aware of all disclosures
- receive reports on the outcomes of investigations and of any action, which should follow
- advise the discloser of the outcome/s of the disclosure to the extent that this is appropriate
- be informed of remedial action
- ensure information required under the Act is provided in annual reports.