

Public Interest Disclosures

Purpose

This policy articulates the NHVR's commitment to using the participating jurisdictions' Public Interest Disclosure (PID) (or 'whistleblower') frameworks, to manage disclosures and create an environment of integrity, openness and safety.*

The term *public interest disclosure* is used in this policy to describe a whistleblower disclosure regardless of how it is referred to in the jurisdiction's relevant legislation.

* The frameworks in Queensland, Victoria, NSW and South Australia apply to the NHVR. The frameworks in the ACT and Tasmania do not apply to the NHVR.

Scope

This policy applies to a PID made to the NHVR by an employee or individual performing services for or on behalf of the NHVR, regardless of their employment status. This includes NHVR employees, contractors, student placements and volunteers.

NHVR has separate PID guidelines for Queensland, Victoria, NSW and South Australia.

This policy and the PID guidelines are to be made available on the NHVR's website.

This policy does not apply to a complaint or disclosure that is not a PID (as defined in this policy). Other NHVR documents which may be relevant in those circumstances include the:

- *Employee Complaints Management – Policy*
- *Workplace Bullying, Sexual Harassment and Unlawful Discrimination Policy and Work Procedure*
- *NHVR's Code of Conduct.*

Policy statement

The NHVR is committed to fostering and maintaining an ethical, transparent culture.

In pursuit of this, the NHVR values the disclosure of information about suspected wrongdoing in the public sector so that it can be properly assessed and, if necessary, appropriately investigated.

The NHVR will implement procedures or processes to ensure:

- disclosures made to the NHVR are appropriately assessed and investigated
- the identity of a person making a PID is kept confidential where possible

- the information disclosed is kept confidential
- public officers who make a disclosure are given appropriate support
- public officers who make a disclosure are protected from reprisal
- that a management program for PIDs made to the NHVR is developed and implemented—this management program will be consistent with any relevant standards made by the Qld Ombudsman.

Principles

Queensland disclosures

In Queensland, disclosures about any of the following conduct are to be handled as a PID:

- corrupt conduct within the meaning of s 15 of the *Crime and Corruption Act 2001 (Qld)*
- maladministration, being a legally defective act or failure to do an act that adversely affects someone's interest in a substantial and specific way (s 4, *Public Interest Disclosure Act 2010 (Qld)*)
- substantial misuse of public resource
- danger to public health or safety, being any substantial and specific danger to the health or safety of the public
- danger to the health or safety of a person with a disability
- danger to the environment being a substantial and specific offence or the contravention of a condition imposed under Queensland environmental legislation
- reprisal against a person who has made a PID.

NSW disclosures

In NSW, disclosures about any of the following conduct are to be handled as a PID:

- corrupt conduct within the meaning given to it by the *Independent Commission Against Corruption Act 1988 (NSW)*
- maladministration
- serious and substantial waste of public money.

Conduct is maladministration if it involves action or inaction of a serious nature that is:

- contrary to law
- unreasonable, unjust, oppressive or improperly discriminatory
- based wholly or partly on improper motives.

South Australia disclosures

In South Australia, disclosures about any of the following conduct in public administration are to be handled as a PID:

- corruption
- misconduct
- maladministration.

‘Corruption’, ‘misconduct’, ‘maladministration’ and ‘public administration’ have the meaning given in the *Independent Commissioner Against Corruption Act 2012*.

Victoria disclosures

In Victoria, disclosures about any of the following conduct are to be handled as a PID:

- corrupt conduct within the meaning of s 4 of the *Independent Broad-based Anti-Corruption Act 2011*
- conduct of any person that adversely affects the honest performance by a public officer or public body of his or her or its functions as a public officer or public body
- dishonest performance of public functions
- knowingly or recklessly breaching public trust
- misuse of information or materials
- conduct involving substantial mismanagement of public resources
- conduct involving substantial risk to public health or safety
- reprisal action against a person who has made a PID.

Note: The PID framework in Victoria is referred to as protected disclosure (PD).

Which PID framework will apply?

The PID Coordinator will decide the relevant jurisdiction under which the disclosure will be actioned.

If the disclosure involves an employee located in, or conduct occurring in, Tasmania or the ACT, the PID Coordinator will determine whether the Queensland or another jurisdiction’s framework can be utilised.

Responsibilities

The following positions are responsible for implementing this policy.

Position	Responsibilities
Chief Executive Officer	<ul style="list-style-type: none"> • Communicates to all employees that it is essential to carry out their duties to a high

Position	Responsibilities
	<p>professional and ethical standard and to always act in the public interest.</p> <ul style="list-style-type: none"> • Assures all employees that there is a system in place to receive and address disclosures of wrongdoing, that also provides protection to the discloser and ensures confidentiality. • Ensures that: <ul style="list-style-type: none"> ○ all staff are trained about PIDs and the guidelines in place to deal with them ○ there are specifically trained staff able to undertake the separate roles of assessing and investigating disclosures and providing support to disclosers ○ guidelines are in place to manage disclosures including protecting disclosers from reprisal ○ appropriate action is taken in relation to any wrongdoing that is the subject of a PID.
Chiefs/Executive Directors/ Directors/ Managers/ Supervisors	<ul style="list-style-type: none"> • Supports and reinforces the organisation’s commitment to the PID purpose and guidelines. • Maintains knowledge of the PID guidelines and ensures the team members are trained and maintain knowledge of the policy and guidelines. • Cooperates with the PID Coordinator to facilitate an investigation if required. • Cooperates with the Manager, People and Culture (HR) or their delegate/nominee to ensure that support is provided to the discloser within their working team, where appropriate.

Position	Responsibilities
PID Coordinator (Director, Legal Services)	<ul style="list-style-type: none"> Assesses disclosures to determine whether or not they constitute PIDs. Appoints a suitably trained person to investigate the disclosure. Ensures compliance with the statutory requirements of the relevant PID Act. Reports the PID to the relevant oversight agency (e.g. Queensland Ombudsman's Office if the PID is handled under the <i>Public Interest Disclosure Act 2010 (Qld)</i>).
Manager, People and Culture (HR)	<ul style="list-style-type: none"> Arranges, in cooperation with the PID Coordinator, for the delivery of training to all staff about PIDs and the guidelines in place to deal with them. Arranges delivery of specific training to staff undertaking the separate functions of assessing disclosures, investigating disclosures, and supporting disclosers. Provides or arranges for support to be provided to the discloser including communicating to them the progress of an investigation and ensuring the protection of their confidentiality. In appropriate circumstances, works with the discloser's manager or director to ensure the discloser is supported in their immediate work environment.

Definitions

The following terms are specific to this policy.

Term	Definition
PID Coordinator	The NHVR officer authorised by the NHVR's Chief Executive Officer for the implementation of the NHVR's PID management program and as the principal point of contact with the relevant oversight agency. The PID Coordinator is the Director Legal Services.
Public Interest Disclosure	A disclosure to the NHVR of information consistent with: <ul style="list-style-type: none"> the <i>Public Interest Disclosure Act 2010 (Qld)</i> <i>Public Interest Disclosures Act 1994 (NSW)</i> <i>Public Interest Disclosure Act 2018 (SA)</i> <i>Protected Disclosure Act 2012 (Vic)</i>
NHVR employee	Permanent, temporary, part time and casual employees of NHVR (excluding contractors).
Contractor	Any persons employed and paid by another entity/organisation to perform services for and on behalf of the NHVR.

Related legislation and documents

Related legislation

- Public Interest Disclosure Act 2010 (Qld)*
- Crime and Corruption Act 2001 (Qld)*
- Protected Disclosure Act 2012 (Vic)*
- Independent Broad-based Anti-Corruption Act 2011 (Vic)*
- Public Interest Disclosures Act 1994 (NSW)*
- Independent Commission Against Corruption Act 1988 (NSW)*
- Public Interest Disclosure Act 2018 (SA)*
- Independent Commissioner Against Corruption Act 2012 (SA)*

Related policies

- *Code of Conduct*
- *Fraud and Corrupt Conduct – Policy*
- *Dealing with a complaint involving a public official - Policy*
- *Conflict of Interest – Policy*
- *Employee Complaints Management – Policy*
- *Financial Management – Policy*
- *Customer Complaints Management – Policy*
- *Delegations, Sub-Delegations and Authorisations Framework*

Related NHVR documents

- *Public Interest Disclosure (Queensland) – Guidelines*
- *Public Interest Disclosure (South Australia) – Guidelines*
- *Public Interest Disclosure (Victoria) – Guidelines*
- *Public Interest Disclosure (New South Wales) – Guidelines*
- *Manage Employee Complaints – Work Procedure*

Other related documents

Other related documents that may affect, or are affected by, this policy include:

Queensland – Queensland Ombudsman

- *Public Interest Disclosure Standard No 1*
- *Public Interest Disclosure Standard No 2/2019*
- *Public Interest Disclosure Standard No. 3/2019 - Public Interest Disclosure Data Recording and Reporting*
- *Public Interest Disclosure Risk Assessment and Risk Management Guide*
- *Managing a public interest disclosure program. A guide for public sector organisations*
- *Making a public interest disclosure: A guide for individuals working in the public sector*
- *Handling a public interest disclosure: A guide for public sector managers and supervisors*
- *Public Interest Disclosure Assessment Guide*

New South Wales – Ombudsman

- *Supporting and protecting reporters - Guidelines D1 to D6*
- *Model internal reporting policies*
- *Organisational commitment - Guidelines A1 to A4*
- *Facilitating reporting - Guidelines B1 to B6*
- *Assessing and investigating disclosures - Guidelines C1 to C7*
- *Implementation - Guidelines E1 to E2*
- *Online reporting tool: Public Interest Disclosures User Manual*

South Australia - Independent Commissioner against Corruption

- *Public Interest Disclosure Guidelines*

Victoria

- *Guidelines for making and handling protected disclosers – Independent Broad-based Anti-Corruption Commissions*