

## Public interest disclosure (whistleblower) policy

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### Contents

1. What is a public interest disclosure? .....	2
2. Purpose of this Policy .....	2
3. How to use this Policy .....	2
4. PID Legislation that applies to Ahpra and the Boards.....	2
5. Where to make a PID .....	2
6. Public interest disclosure officers and their responsibilities .....	4
7. Independent whistleblower hotline.....	4
8. Protection from detrimental action (reprisals).....	5
9. Protection from civil and criminal liability .....	5
10. Offences in relation to PIDs.....	5
11. Other complaints made directly to Ahpra .....	5
12. Confidentiality regarding a PID .....	6
13. Keeping the Discloser informed.....	6
14. Complaints regarding Ahpra’s handling of a PID.....	6
15. Related documents.....	7
16. Review.....	7
Appendix 1 – PID Legislation and useful contacts .....	8
Appendix 2 – How to contact Ahpra’s PID Officers .....	9
Appendix 3 – Definitions used in this Policy.....	10

## 1. What is a public interest disclosure?

A public interest disclosure (**PID**) is the disclosure of information about a person, public officer, or public body which shows, or tends to show, Improper conduct of public bodies or public officers (such as Corrupt conduct). Making a PID is sometimes referred to as 'whistleblowing'.

Examples of Improper conduct at the Australian Health Practitioner Regulation Agency (Ahpra) and the National Health Practitioner Boards (the **Boards**) that may lead to a PID includes conduct that:

- is illegal
- is a substantial misuse or waste of Ahpra or the Boards' money or resources
- is serious misconduct in performing a function under the National Law
- is maladministration that adversely affects a person's interest in a substantial or specific way
- is a substantial and specific danger to the health or safety of the public, or
- presents a substantial and specific danger to the environment.

## 2. Purpose of this Policy

This Policy is designed to encourage any person who has a serious concern about possible Improper conduct or Corrupt conduct in the administration of the Health Practitioner Regulation National Law (as in force in each State and Territory) (the National Law) to disclose that concern. The National Law requires the exercise of functions be performed in a transparent and accountable way with efficiency and integrity.

Ahpra and the Boards are committed to supporting people who make legitimate disclosures from reprisal action or detrimental action. Each State and Territory has different laws relating to the management of PIDs. This Policy explains how those laws apply in relation to Ahpra and the Boards.

## 3. How to use this Policy

This Policy is not a substitute for legal advice. If you have a concern about whether a State or Territory's public interest disclosure legislation (**PID Legislation**) applies to you and what protections may apply, you should seek independent legal advice. You may also seek independent advice and guidance before making a disclosure by contacting the agencies listed under 'Useful contacts' in Appendix 1 to this Policy.

This Policy uses defined terms. The meaning of those terms is set out in the Dictionary in Appendix 3 to this Policy.

Throughout this Policy a reference to 'Ahpra' should be taken to mean Ahpra and the National Boards.

## 4. PID Legislation that applies to Ahpra and the Boards

All States and Territories have PID Legislation that govern PIDs, but not all of these Acts apply to Ahpra and the Boards. The table below sets out the PID Legislation in force each in State and Territory and whether it applies to Ahpra and the Boards.

Jurisdiction	Name of Act	Does the Act apply to Ahpra and the Boards?
Commonwealth	<a href="#">Public Interest Disclosure Act 2013</a>	No
ACT	<a href="#">Public Interest Disclosure Act 2012</a>	Yes
New South Wales	<a href="#">Public Interest Disclosures Act 1994</a>	No
Northern Territory	<a href="#">Independent Commissioner Against Corruption Act 2017</a>	Yes
Queensland	<a href="#">Public Interest Disclosure Act 2010</a>	Yes
South Australia	<a href="#">Public Interest Disclosure Act 2018</a>	No
Tasmania	<a href="#">Public Interest Disclosures Act 2002</a>	No
Victoria	<a href="#">Public Interest Disclosures Act 2012</a>	Yes
Western Australia	<a href="#">Public Interest Disclosure Act 2003</a>	Yes

## 5. Where to make a PID

Ahpra, to the extent possible, complies with all PID Legislation. This includes by receiving and dealing with PIDs in all States and Territories.

To make a PID, Disclosers may contact an Ahpra PID Officer or the Independent Whistleblower Hotline. The contact details of the Ahpra PID Officers can be found in Appendix 2 of this Policy. The contact details of the Independent whistleblower hotline are found at item 7 of this Policy.

A PID may be made anonymously, but this may limit the effectiveness of any investigation and action taken in response to the disclosure. In some circumstances, the PID Legislation may require disclosure of the identity of a person who makes a PID (e.g. in legal proceedings regarding the disclosure).

Some PID Legislation requires that Ahpra and the Boards refer or advise an external body about the PID. Where this is the case, Disclosers may still make the disclosure to the Ahpra PID Officer or the Independent Whistleblower Hotline, but the disclosure will be referred to the appropriate entity.

**Any Ahpra staff member that reasonably suspects Corrupt conduct or Improper conduct in the administration of the National Law in the Northern Territory<sup>1</sup> must report that suspected conduct.**

The below table sets out the referral requirements in each State and Territory:

Jurisdiction <sup>1</sup>	External body to whom the PID must be referred or notified	Requirements for notification or referral to an external body
Commonwealth	N/A	N/A
ACT	ACT Integrity Commission	If the disclosure is about disclosable conduct, Ahpra and the Boards refer the disclosure to the ACT Integrity Commission who will assess whether it qualifies as a PID.
New South Wales	N/A	N/A
Northern Territory	Independent Commissioner Against Corruption ( <b>ICAC</b> )	Ahpra and the Boards must comply with the mandatory reporting requirements and report disclosures to ICAC in accordance with its directions. <sup>2</sup> ICAC may dismiss, investigate or refer the matter to another agency that ICAC deems appropriate.
Queensland	Queensland Ombudsman ( <b>Ombudsman</b> )	Ahpra and the Boards are required to report PIDs to the Ombudsman (the oversight agency). The Ombudsman monitors the management of PIDs by checking compliance with the relevant PID Act, reviews the handling of PIDs and promotes PID awareness. The Ombudsman does not investigate PIDs.
South Australia	N/A	N/A
Tasmania	N/A	N/A
Victoria	Independent Broad-based Anti-corruption Commission ( <b>IBAC</b> )	IBAC must be notified of disclosures relating to Improper conduct. Once a matter has been reported to IBAC, no further action should be taken until IBAC has assessed it. Where IBAC receives either a complaint or a notification it can investigate it, refer it to another agency (such as the Victorian Ombudsman) or Ahpra to investigate it or dismiss it.
Western Australia	Public Sector Commissioner ( <b>Commissioner</b> )	The Commissioner monitors compliance with the relevant PID Act and PID Officers' conduct and integrity; it does not investigate the PID. Ahpra and the Boards, via the Chief PID Officer must, amongst

<sup>1</sup> Jurisdiction where the alleged Improper conduct occurred.

<sup>2</sup> The Mandatory Reporting Directions and Guidelines for public officers, public bodies and the community pursuant to section 22 of the *Independent Commissioner Against Corruption Act* imposes mandatory reporting requirements on public officers, which includes employees of a public body.

		other things, provide information annually to the Commissioner on the number of PIDs received and the results of any investigations conducted as a result and other matters as prescribed. <sup>3</sup>
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## 6. PID Officers and their responsibilities

Ahpra has appointed:

- the Chief Executive Officer (CEO) as the Chief Public Interest Disclosure Officer (CPIDO), and
- Executive Directors, Chief Information Officer (CIO), Chief Financial Officer (CFO) General Counsel, and the Fraud and Corruption Control Officer<sup>4</sup> each as a Public Interest Disclosure Officer (PID Officers).

The names and contact details of the PID Officers can be found in Appendix 2.

PID Officers will:

- provide information about making a PID
- help Disclosers understand their rights and responsibilities in relation to a PID
- discuss Disclosers' concerns regarding reprisals and what protections exist
- take all reasonable steps to ensure Disclosers are protected in accordance with the relevant PID Legislation
- take all reasonable steps to ensure the subject/s of the disclosure are protected in accordance with the relevant PID Legislation
- promptly report corrupt or Improper conduct that has been, or may be, occurring to the relevant external agency
- declare to an appropriate person (e.g. the Chief PID Officer), in writing, any conflict of interests they have in relation to receipt of a disclosure or the investigation of a PID
- (where relevant) re-direct the Discloser to the appropriate external body to which a PID can be made (e.g. IBAC in Victoria), and
- never use information connected to a PID for personal profit or gain.

In all cases, PID Officers will keep a written record of any meeting and all actions taken about the receipt and processing of the disclosure. These records will be kept confidential, subject to disclosures required for the proper processing and investigation of the disclosure or as required by law.

On an annual basis, Ahpra's Corporate Counsel will provide the Ahpra Board (or a Committee of the Ahpra Board as appropriate) with a report that details any disclosures that meet the definition of PIDs the action taken in response to address the disclosures, any themes that can be ascertained and any improvements that could be made to address the aforementioned themes.

If a PID is about:

- a PID Officer, it should be made to the Chief PID Officer or via the Independent Whistleblower Hotline, or the Chief PID Officer, it should be made to the Chair of the Ahpra Board or via the Independent Whistleblower Hotline. The Chair will act as the Chief PID Officer for the purpose of handling that disclosure.

## 7. Independent whistleblower hotline

Ahpra has arranged for an external contractor, Deloitte, to operate an Independent whistleblower hotline so that people may make a PID to an independent person.

You can contact the Independent whistleblower hotline in the following ways:

- by telephone at: 1800 325 002
- by website at: [www.WhistleblowerHotline.deloitte.com.au](http://www.WhistleblowerHotline.deloitte.com.au)
- by email to: [WhistleblowerHotline@deloitte.com.au](mailto:WhistleblowerHotline@deloitte.com.au)
- by mail to: Whistleblower Hotline, Reply Paid 12628 A'Beckett Street, Victoria 8006

<sup>3</sup> Public Interest Disclosures Act 2003 (WA) s 23.

<sup>4</sup> Defined in Fraud and Corruption Framework.

- by fax to: +61 3 9691 8182

The Independent whistleblower hotline operator will use its best efforts to notify a PID Officer of the details of any disclosure made within 48 hours of receiving the disclosure. The operator will not disclose the identity of the Discloser if the Discloser has requested to remain anonymous.

## 8. Protection from detrimental action (reprisals)

Some PID Legislation requires Ahpra and the Boards to protect people who make a PID from detrimental action or reprisals. Similar protections may apply to people who co-operate with investigations regarding a PID.

Even if Ahpra or the Boards are not legally required to provide this protection in a particular State or Territory, they may do so as a matter of good practice to the extent permitted by law.

Ahpra and the Boards will not tolerate any of their officers, employees, or contractors engaging in acts of reprisal against those who make a PID. Any reprisals should be reported to the relevant PID Officer who will:

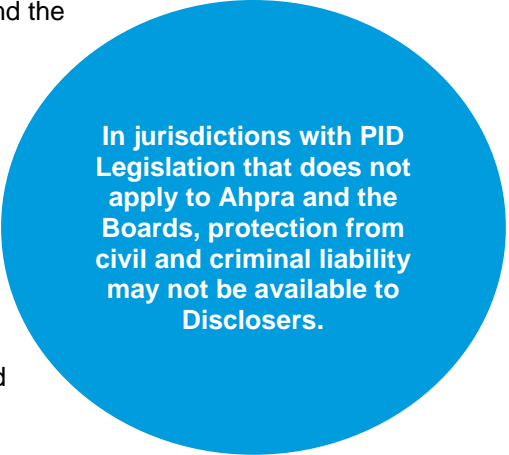
- take prompt action to prevent any continuance of this conduct, and
- record the report and any action taken in response to it and place the report on the relevant PID file. The report must be recorded and readily accessible should any legal action be taken in relation to the reprisal.

## 9. Protection from civil and criminal liability

In jurisdictions where the relevant PID Legislation applies to Ahpra and the Boards, that legislation protects people who make a PID from certain criminal and civil liability.

Making a PID and assisting in its investigation is a serious matter, and can have important consequences. The protection from civil and criminal liability provided by PID Legislation may not apply if a Discloser:

- does not believe on reasonable grounds that the PID is true
- knowingly provides false or misleading information in relation to a PID (which may also be an offence)
- discloses information relating to a PID to someone not authorised to receive it (e.g. to the media where this is not permitted by applicable laws), and
- discloses information to a third party that might identify (or tend to identify) the content or a person subject to the PID.



**In jurisdictions with PID Legislation that does not apply to Ahpra and the Boards, protection from civil and criminal liability may not be available to Disclosers.**

## 10. Offences in relation to PIDs

In jurisdictions where the relevant PID Legislation applies to Ahpra and the Boards, it may be an offence (with either a monetary or custodial penalty) for a person to:

- take, or threaten to take, reprisal action in response to a PID or a prospective PID
- disclose to any person the content of a PID, or the identity of the person who made the PID, unless permitted by law
- make a false PID or provide false information, or
- disclose that an official body (such as IBAC) has decided to investigate or take action in relation to a PID, unless permitted by law.

## 11. Other complaints made directly to Ahpra

Any person may make a complaint directly to Ahpra (either through a PID Officer or via the Independent Whistleblower Hotline) about conduct in the course of the administration of the National Law.

If, however:

- the person making the complaint states in writing that it is not a disclosure for the purposes of any PID Legislation, or
- the complaint does not relate to a matter about which a PID may be made (e.g. harassment or bullying claims are not likely to be PIDs).

Ahpra may consider the complaint under other relevant Ahpra internal processes or policies including but not limited to:

- the Administrative Complaints Program
- Grievance resolution policy, or
- Bullying, harassment and discrimination policy.

Where a PID raises a genuine concern, the PID Officer will use best endeavours to address the concerns raised and/or refer the disclosure to be dealt with under the most appropriate internal process or policy.

## 12. Confidentiality regarding a PID

PID Legislation imposes confidentiality obligations regarding information disclosed or obtained in relation to a PID. Ahpra staff and Board members must comply with these binding legal obligations. The confidentiality requirements of PID Legislation not only protect the Discloser, but also any other people affected by the PID.

Generally, PID Legislation prohibits the disclosure of the identity of a person who makes a PID. However, such information may be disclosed in some circumstances, such as where:

- the Discloser consents
- it is necessary to do so in order to provide natural justice or procedural fairness (e.g. so the person whose conduct is the subject of the PID knows the claim against them)
- it is necessary to effectively investigate the matter
- there are reasonable grounds to believe the disclosure is necessary to prevent or minimise the risk of injury to any person or damage to any property, or
- the disclosure is ordered by a court or required by law.

Before disclosing information in the absence of consent, Ahpra will take all reasonable steps to inform the Discloser, including explaining why such disclosure is being made.

Even if Ahpra and the Boards are not subject to these legislated confidentiality requirements in a particular State or Territory, Ahpra will make all reasonable efforts to protect the confidentiality of information relating to a PID (including the name of the Discloser) consistently with the principles set out above. While Ahpra will endeavour to maintain the Discloser's confidentiality, Ahpra cannot guarantee that the identity of the Discloser cannot be deduced.

## 13. Keeping the Discloser informed

Where a PID is made, Ahpra will keep Disclosers informed of the progress and the outcome of any investigation and action taken as a result, subject to any privacy or confidentiality obligations that may apply to Ahpra or the Boards.

## 14. Complaints regarding Ahpra's handling of a PID

Where a person is dissatisfied with the way Ahpra has handled a PID, they may submit a complaint to the National Health Practitioner Ombudsman at:

### **Mailing address**

National Health Practitioner Ombudsman  
GPO Box No 2630  
Melbourne VIC 3001

**Email address:** [complaints@nhpopc.gov.au](mailto:complaints@nhpopc.gov.au)

**Telephone:** 1300 795 265 (a translating and interpreting service is available via 131 450).

For further details about the Ombudsman, go to: <https://nhpopc.gov.au/>  
Public interest disclosure policy

If the disclosure relates to:

- Victoria, complainants should contact IBAC
- Australian Capital Territory, complainants should contact the ACT Integrity Commission
- Northern Territory, complainants should contact the ICAC
- Western Australia, complainants should contact the Public Sector Commissioner.

#### 15. Related documents

- Fraud and corruption control policy
- Confidentiality policy.

#### 16. Review

Ahpra is committed to maintaining the currency, relevance and effectiveness of this Policy and will review it annually. Any concerns about this Policy or how it applies should be raised with a PID Officer.

Document control	
Approved authority	Agency Management Committee
Policy owner	Chief Executive Officer
Responsible officer	Corporate Counsel
Policy number	3
Date first approved	12 May 2020
Date last reviewed	November 2022
Sections modified	November 2022 <ul style="list-style-type: none"><li>• Removing procedural elements to include in Procedure</li><li>• Amending language for conciseness and clarity</li></ul>

## Appendix 1 – PID Legislation and useful contacts

[Public Interest Disclosure Act 2012 \(ACT\)](#)

[Public Interest Disclosures Act 1994 \(NSW\)](#)

[Independent Commissioner Against Corruption Act 2017 \(NT\)](#)

[Public Interest Disclosure Act 2010 \(Qld\)](#)

[Public Interest Disclosure Act 2018 \(SA\)](#)

[Public Interest Disclosures Act 2002 \(Tas\)](#)

[Public Interest Disclosures Act 2012 \(Vic\)](#)

[Public Interest Disclosure Act 2003 \(WA\)](#)

### Useful contacts for general information about PIDs

State/Territory	Site for further information
Australian Capital Territory	<a href="https://www.integrity.act.gov.au/">https://www.integrity.act.gov.au/</a>
New South Wales	<a href="http://www.ombo.nsw.gov.au/what-we-do/our-work/public-interest-disclosures">http://www.ombo.nsw.gov.au/what-we-do/our-work/public-interest-disclosures</a>
Northern Territory	<a href="https://icac.nt.gov.au/home">https://icac.nt.gov.au/home</a>
Queensland	<a href="http://www.ombudsman.qld.gov.au/PublicationsandReports/PublicInterestDisclosures/tabid/339/Default.aspx">http://www.ombudsman.qld.gov.au/PublicationsandReports/PublicInterestDisclosures/tabid/339/Default.aspx</a>
South Australia	<a href="http://www.ombudsman.sa.gov.au/complaints/whistleblower-protection/">http://www.ombudsman.sa.gov.au/complaints/whistleblower-protection/</a>
Tasmania	<a href="http://www.ombudsman.tas.gov.au/publications_and_media/guidelines">http://www.ombudsman.tas.gov.au/publications_and_media/guidelines</a>
Victoria	<a href="http://www.ibac.vic.gov.au/">http://www.ibac.vic.gov.au/</a>
Western Australia	<a href="https://publicsector.wa.gov.au/public-administration/official-conduct-and-integrity/public-interest-disclosures">https://publicsector.wa.gov.au/public-administration/official-conduct-and-integrity/public-interest-disclosures</a>



## **Appendix 2 – How to contact Ahpra’s PID Officers**

Chief PID Officer

[martin.fletcher@ahpra.gov.au](mailto:martin.fletcher@ahpra.gov.au)

PID Officers

[jamie.orchard@ahpra.gov.au](mailto:jamie.orchard@ahpra.gov.au)

[chris.robertson@ahpra.gov.au](mailto:chris.robertson@ahpra.gov.au)

[kym.ayscough@ahpra.gov.au](mailto:kym.ayscough@ahpra.gov.au)

[mark.edwards@ahpra.gov.au](mailto:mark.edwards@ahpra.gov.au)

[clarence.yap@ahpra.gov.au](mailto:clarence.yap@ahpra.gov.au)

[liz.davenport@ahpra.gov.au](mailto:liz.davenport@ahpra.gov.au)

Chair of Ahpra Board

[gill.callister@ahpra.gov.au](mailto:gill.callister@ahpra.gov.au)

### Appendix 3 – Definitions used in this Policy

The definitions set out below explain the way in which these terms are used in this Policy but may not be the same as the way these terms are used in PID Legislation or other relevant resources.

<p><b>Corrupt conduct</b></p>	<p>Means conduct:</p> <ul style="list-style-type: none"> <li>a. 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, or</li> <li>b. of a public officer or public body that constitutes or involves the dishonest performance of his or her or its functions as a public officer or public body, or</li> <li>c. of a public officer or public body that constitutes or involves knowingly or recklessly breaching public trust, or</li> <li>d. of a public officer or a public body that involves the misuse of information or material acquired in the course of the performance of his or her or its functions as a public officer or public body, whether or not for the benefit of the public officer or public body or any other person</li> <li>e. of a person (the first person) intended to adversely affect the effective performance or exercise by a public officer or public body of the functions or powers of the public officer or public body and result in the first person or an associate of the first person obtaining— <ul style="list-style-type: none"> <li>i. a licence, permit, approval, authority or other entitlement under any Act or subordinate instrument, or (</li> <li>ii. an appointment to a statutory office or as a member of the board of any public body under any Act or subordinate instrument, or</li> <li>iii. a financial benefit or real or personal property, or</li> <li>iv. any other direct or indirect monetary or proprietary gain—</li> </ul> </li> <li>f. (in NT) that could impair public confidence in public administration, and involves intentionally or recklessly providing false or misleading information in relation to an application for a licence (or registration), or</li> <li>g. that could constitute a conspiracy or an attempt to engage in any conduct referred to in paragraph (a), (b), (c), (d), (e or (f)— being conduct that would, if the facts were found proved beyond reasonable doubt at a trial, constitute a relevant offence.<sup>5</sup></li> </ul> <p>Aiding, abetting, counselling, procuring or inducing Corrupt conduct may also, itself, amount to Corrupt conduct.</p>
<p><b>Detrimental action/reprisal</b></p>	<p>Includes:</p> <ul style="list-style-type: none"> <li>a. action causing injury, loss or damage</li> <li>b. intimidation or harassment</li> <li>c. discrimination, disadvantage or adverse treatment in relation to a person's employment, career, profession, trade or business, including the taking of disciplinary action.<sup>6</sup></li> </ul>
<p><b>Discloser</b></p>	<p>The individual or group of individuals that makes a disclosure.</p>
<p><b>Improper conduct</b></p>	<p>Means conduct that:</p> <ul style="list-style-type: none"> <li>a. is Corrupt conduct</li> <li>b. is not Corrupt conduct, but that, if proved, would constitute a criminal offence or reasonable grounds for terminating/dismissing or taking disciplinary action against the officer who engaged in that conduct, where that conduct constitutes: <ul style="list-style-type: none"> <li>i. a criminal offence, or</li> <li>ii. serious professional misconduct, or</li> <li>iii. dishonest performance of public functions, or</li> <li>iv. an intentional or reckless breach of public trust, or</li> <li>v. an intentional or reckless misuse of information or material acquired in the course of the performance of the functions of the public officer or public body, or</li> <li>vi. a substantial mismanagement of public resources, or</li> <li>vii. a substantial risk to the health or safety of one or more persons, or</li> <li>viii. a substantial risk to the environment, or</li> <li>ix. constitutes a conspiracy or an attempt to engage in any of the above conduct, or</li> </ul> </li> <li>c. conduct of any person that: <ul style="list-style-type: none"> <li>i. adversely affects the honest performance by a public officer or public body of their functions as a public officer or public body, or</li> </ul> </li> </ul>

<sup>5</sup> Independent Broad-based Anti-corruption Commission Act 2011 (VIC) s 4.

<sup>6</sup> Public Interest Disclosures Act 2012 (VIC) s 3.

	<p>ii. is intended to adversely affect the effective performance or exercise by a public officer or public body of the functions or powers of the public officer or public body and results in the person, or an associate of the person, obtaining:</p> <p>A. a licence, permit, approval, authority or other entitlement under any Act or subordinate instrument, or</p> <p>B. an appointment to a statutory office or as a member of the board of any public body under any Act or subordinate instrument, or</p> <p>C. a financial benefit or real or personal property, or</p> <p>D. any other direct or indirect monetary or proprietary gain—</p> <p>that the person or associate would not have otherwise obtained, or</p> <p>d. conduct of any person that could constitute a conspiracy or attempt to engage in any of the conduct referred to in paragraph (a), (b) or (c).<sup>7</sup></p> <p>A substantial, sustained, or repeated breach of Ahpra's Code of conduct may amount to Improper conduct.</p>
<b>Independent whistleblower hotline</b>	The Independent whistleblower hotline described in Section 7 of this Policy.
<b>Public interest disclosure (PID)</b>	Means the definition provided for in Section 1 of this Policy.
<b>PID Legislation</b>	The State and Territory Acts (however described) regarding the making of PIDs, as set out in Appendix 1 to this Policy.
<b>PID Officers</b>	Means the Ahpra officers described in Section 6 of this Policy.

<sup>7</sup> This definition is largely from the Public Interest Disclosures Act 2012 (VIC) s 4.