



# THE ROLE OF THE PROTECTED DISCLOSURE OFFICER RECEIVING DISCLOSURES UNDER THE WHISTLEBLOWERS PROTECTION ACT 2001

## 1.0 SCOPE

To detail the role and duties of the Protected Disclosure Officers under the Whistleblowers Protection Act 2001.

The Act provides protection to whistleblowers who make disclosures in accordance with the Act, and establishes a system for the matters disclosed to be investigated and rectifying action to be taken.

## 2.0 INITIAL POINT OF CONTACT

- 2.1. Be a contact point for general advice about the operation of the Act for any person wishing to make a disclosure about improper conduct or detrimental action,
- 2.2. Make arrangements for a disclosure to be made privately and discreetly and, if necessary, away from the workplace,
- 2.3. Sources of possible whistleblower disclosures include:
  - a. Correspondence, including faxes
  - b. Phone calls
  - c. Emails
  - d. In person approached by staff or members of the public.
- 2.4. Receive any disclosure made orally or in writing (from internal and external whistleblowers),
- 2.5. Disclosures may be made anonymously,
- 2.6. Ensure Whistleblower's expectations are realistic, detail the process to be taken, advise that an initial assessment will be completed within 45 days and a response will be provided by the Protected Disclosure Coordinator.
- 2.7. Provide a copy of the Information Sheet for Whistleblowers (REC.LEG.004.3).
- 2.8. Commit to writing any disclosure made orally.

## 3.0 HAS IT BEEN REPORTED TO THE CORRECT PERSON?

The following table sets out where disclosures should be made:

<i>Person who is the subject of the disclosure</i>	<i>Person/Body to whom the disclosure must be made</i>
Council Officer/Employee	Council or the Ombudsman
Councillor	The Ombudsman

## 4.0 DISCLOSURE ASSESSMENT

- 4.1. Impartially conduct a preliminary assessment of the disclosure to determine whether it is a protected disclosure. A protected disclosure must satisfy Part 2 of the Act and meet the following criteria:
- a. Did a natural person (i.e. an individual person rather than a corporation) make the disclosure?
  - b. Does the disclosure relate to conduct of Council or Council Officer acting in their official capacity?
  - c. Is the alleged conduct either improper conduct, corrupt conduct or detrimental action taken against a person in reprisal for making a protected disclosure?
  - d. Does the person making a disclosure have reasonable grounds for believing the alleged conduct has occurred?
- 4.2. If one or more of the above elements are not satisfied, the person has not made a disclosure under Part 2 of the Act.
- 4.3. More information relating to Improper or Corrupt Conduct definitions are included in the Definitions Sheet on [REC.LEG.004.2](#).

## 5.0 FORWARD TO THE PROTECTED DISCLOSURE COORDINATOR

- 5.1. All disclosures and supporting evidence must be forwarded to the Protected Disclosure Coordinator for further assessment within 14 days of receipt.
- 5.2. The Protected Disclosure Coordinator is Robert Tommasini (9249 4091).

## 6.0 CONFIDENTIALITY

- 6.1. All necessary steps must be taken to ensure the identity of the whistleblower and the identity of the person who is the subject of the disclosure are kept confidential. Maintaining confidentiality is crucial in ensuring reprisals are not made against a whistleblower.
- 6.2. Documents relating to a whistleblower matter should not be emailed and all phone calls and meetings should be conducted in private.
- 6.3. If required, the Protected Disclosure Coordinator will appoint a welfare manager to monitor the needs of the whistleblower and provide advice and support. This will be done via the employee assistance program.

## 7.0 REFERENCES

- 7.1. Handling Disclosures made under the Whistleblowers Protection Act 2001 ([QAP.LEG.004](#))
- 7.2. Reporting Disclosures of Improper/Corrupt Conduct ([WI.LEG.004.1](#))
- 7.3. Role of the Protected Disclosure Coordinator ([WI.LEG.004.2](#))
- 7.4. Procedure for Handling Disclosures made under the Whistleblowers Protection Act 2001 ([REC.LEG.004.1](#))
- 7.5. Definitions Sheet ([REC.LEG.004.2](#))
- 7.6. Information Sheet for Whistleblowers ([REC.LEG.004.3](#))
- 7.7. Whistleblowers Protection Act 2001.



## Amendment of Procedure

<b>Issue</b>	<b>Reviewed / Review Date</b>	<b>Reason for Amendment</b>	<b>Next Review Date</b>
	<b>5/10/2009</b>	<b>Reviewed</b>	
<b>A</b>	<b>28/06/2011</b>	<b>New Format</b>	<b>28/06/2012</b>