



Aboriginal and Torres Strait
Islander Health Practice
Chinese Medicine
Chiropractic
Dental
Medical
Medical Radiation Practice
Nursing and Midwifery
Occupational Therapy
Optometry
Osteopathy
Pharmacy
Physiotherapy
Podiatry
Psychology

Australian Health Practitioner Regulation Agency

Public Interest Disclosure (Whistleblower) Policy

Contents

1. This Policy is about how AHPRA and the Boards manage public interest disclosures – that is, whistleblowing	3
2. The Policy at a glance	3
3. Which Public Interest Disclosure Acts apply to AHPRA and the Boards?	4
4. How to make a public interest disclosure	4
5. Public Interest Disclosure Officers	5
6. Independent Hotline	6
7. Protection from detrimental action	6
8. Protection from civil and criminal liability (in some jurisdictions)	7
9. Can you lose this protection?	7
10. Offences in relation to public interest disclosures (in some jurisdictions)	7
11. What will happen if you make a disclosure directly to AHPRA?	8
12. How will AHPRA deal with a public interest disclosure? (All jurisdictions except Victoria and Northern Territory)	8
13. Confidentiality regarding a public interest disclosure	8
14. You will be kept informed of the progress of the matter	9
15. AHPRA will assess the public interest disclosure	9
16. AHPRA may investigate a public interest disclosure	9
17. AHPRA will record the outcome of the investigation	10
18. AHPRA may take action following an investigation	10
19. Reports to the person who made a public interest disclosure	11
20. Public Interest Disclosure Register	11
21. Who can you complain or appeal to regarding AHPRA's handling of a disclosure?	11
22. AHPRA will review this Policy annually	12
Appendix 1 – Definitions and useful contacts/links	13

Protected Interest Disclosure legislation.....	13
Useful contacts for general information about public interest disclosures/whistleblowing.....	13
How to contact AHPRA's Public Interest Disclosure Officers	14
Definitions used in this Policy	14
Other relevant AHPRA policies	15
Appendix 2 – flowchart for receiving and assessing disclosures	17
Appendix 3 – flowchart for investigating information disclosed	18
Appendix 4 – flowchart for taking action	19

1. This Policy is about how AHPRA and the Boards manage public interest disclosures – that is, whistleblowing

This Policy is about public interest disclosures of improper conduct or corruption, and reprisals against people who make such disclosures (**public interest disclosures**). Simply put, the Policy is about how we deal with whistleblowing.

The Australian Health Practitioner Regulation Agency (**AHPRA**) and the National Boards (**the Boards**) administer the *Health Practitioner Regulation National Law* (as in force in each state and territory) (**the National Law**). AHPRA and the Boards perform important functions to protect the public, and the National Law requires them to do this in a transparent and accountable way.

AHPRA and the Boards put a high priority on administering the National Law efficiently and with integrity. This policy is designed to encourage any person who has a serious and legitimate concern about possible improper conduct or corruption in the administration of the National Law to disclose that concern and have it properly dealt with. AHPRA and the Boards recognise the value and importance of AHPRA staff members, Board members, contractors, and other people who perform functions under the National Law, as well as members of the public disclosing concerns about such conduct, and are committed to supporting people who make legitimate disclosures.

AHPRA has provided guidance as to the standards it expects from people who administer the National Law in its Code of Conduct. Other AHPRA policies that may be relevant to a public interest disclosure are set out in Appendix 1 to this Policy.

This Policy sets out how a person or a group of people may disclose concerns about any improper conduct, corrupt conduct by a person involved in administering the National Law, or about detrimental action taken against a person who has made a public interest disclosure. Each state and territory has different laws for dealing with public interest disclosures. This policy explains AHPRA's understanding of how those laws apply in relation to AHPRA and the Boards.

This Policy uses **defined terms**. The meaning of those terms is set out in the Dictionary in Appendix 1 to 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 applies to you (and in particular what protections it might give you), you should seek independent legal advice.

2. The Policy at a glance

This Policy sets out how AHPRA handles public interest disclosures through the following steps:

- the appointment of Public Interest Disclosure Officers;
- to whom you may make a public interest disclosure (including anonymous disclosures through an Independent Hotline);
- how Public Interest Disclosure Officers will handle disclosures;
- how disclosers are protected from detrimental action in reprisal for a public interest disclosure;
- what legal protections may apply to a discloser (in a state or territory where a Public Interest Disclosure Act applies);
- offences in relation to a public interest disclosure (in a state or territory where a Public Interest Disclosure Act applies);
- how AHPRA will deal with a public interest disclosure (except in Victoria and the Northern Territory, where these are referred to an external government body), which includes
 - confidentiality regarding the disclosure;
 - how the discloser will be kept informed about the handling of the disclosure and any action taken in response to it;

- how AHPRA will assess (and may investigate) the disclosure; and
- action AHPRA may take after assessment and investigation.

3. Which Public Interest Disclosure Acts apply to AHPRA and the Boards?

AHPRA and the National Boards perform functions in all Australian states and territories. All states and territories have Public Interest Disclosure Acts that regulate making such disclosures, confer protections on people who make disclosures and impose obligations on disclosers and others. Not all of these Acts apply to AHPRA and the Boards. The table below sets out each Public Interest Disclosure Act, and AHPRA's view on whether it applies to AHPRA and the Boards.

State/Territory	Name of Act	Does the Act apply to AHPRA and the Boards?
Commonwealth	<i>Public Interest Disclosure Act 2013</i>	No
ACT	<i>Public Interest Disclosure Act 2012</i>	Yes
New South Wales	<i>Public Interest Disclosures Act 1994</i>	No
Northern Territory	<i>Public Interest Disclosure Act</i>	Yes
Queensland	<i>Public Interest Disclosure Act 2010</i>	No
South Australia	<i>Whistleblowers Protection Act 1993</i>	Yes
Tasmania	<i>Public Interest Disclosures Act 2002</i>	No
Victoria	<i>Protected Disclosure Act 2012</i>	Yes
Western Australia	<i>Public Interest Disclosure Act 2003</i>	Yes

4. How to make a public interest disclosure

Even though AHPRA and the Boards are not subject to Public Interest Disclosure Acts in some states and territories, to the extent we can we will comply with those Acts. This includes receiving and dealing with public interest disclosures in all states and territories.

Here is how you may make a public interest disclosure in each state and territory. You may like to seek independent advice and guidance before make a disclosure. There is a list of agencies you may wish to contact under the heading 'Useful Contacts' in Appendix 1 to this Policy.

State/Territory the public interest disclosure relates to (e.g. where did the improper conduct occur?)	To whom should you make the public interest disclosure?
Australian Capital Territory	An AHPRA Public Interest Disclosure Officer or Independent Hotline
New South Wales	An AHPRA Public Interest Disclosure Officer or Independent Hotline
Northern Territory	Commissioner for Public Interest Disclosures*
Queensland	An AHPRA Public Interest Disclosure Officer or Independent Hotline
South Australia	An AHPRA Public Interest Disclosure Officer or Independent Hotline

Tasmania	An AHPRA Public Interest Disclosure Officer or Independent Hotline
Victoria	Independent Broad-based Anti-Corruption Commission ('IBAC')* (IBAC may then consider the matter as a 'protected disclosure complaint' under the <i>Protected Disclosure Act 2012</i> (Vic).)
Western Australia	An AHPRA Public Interest Disclosure Officer or Independent Hotline (unless the disclosure is of an offence, which should be disclosed to a police officer or the Corruption and Crime Commission).

*If you make a public interest disclosure relating to these jurisdictions to an AHPRA Public Interest Disclosure Officer or Independent Hotline, that Officer or Independent Hotline attendant will re-direct you to the applicable external entity (e.g. IBAC in Victoria).

In the case of the NT, the Public Interest Disclosure Officer or Independent Hotline attendant must refer a public interest disclosure made to him or her to the Commissioner for Public Interest Disclosures within 14 days.

5. Public Interest Disclosure Officers

AHPRA has appointed:

- each Executive Director as a Public Interest Disclosure Officer;
- the Fraud and Corruption Control Officer as a Public Interest Disclosure Officer; and
- the CEO as the Chief Public Interest Disclosure Officer.

If your disclosure is about:

- a Public Interest Disclosure Officer, you should make that disclosure to the Chief Public Interest Disclosure Officer or the independent hotline described in paragraph 7 below; or
- the Chief Public Interest Disclosure Officer, you should make that disclosure to the Chair of AHPRA's Agency Management Committee or the independent hotline described in paragraph 7 below (and the Chair will act as the Chief Public Interest Disclosure Officer for the purpose of handling that disclosure).

Public Interest Disclosure Officers will:

- provide you with information about making a public interest disclosure;
- help you understand your rights and responsibilities in relation to a public interest disclosure, or (if appropriate) refer you to an independent person who can do this;
- discuss with you any concerns regarding reprisals from making the disclosure (and how you may be protected from such reprisals);
- take all reasonable steps to ensure you are protected in accordance with the relevant Public Interest Disclosure Act;
- take all reasonable steps to ensure the people the disclosure is about are also protected in accordance with the relevant Public Interest Disclosure Act;
- promptly report corrupt behaviour that has been, or may be, occurring to an appropriate authority;

- declare to an appropriate person (e.g. the Chief Public Interest Disclosure Officer), in writing, any interests that may conflict with their obligations to impartially receive and process a public interest disclosure;
- (where relevant) re-direct you to the appropriate external body to which you may make a public interest disclosure (e.g. IBAC in Victoria); and
- never use any circumstance or information connected to a public interest disclosure for personal profit or gain.

In all cases, these Officers will keep a written record of your 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 of the disclosure or as required by law.

Where a disclosure is being handled by a Public Interest Disclosure Officer, that Officer will consult with the Chief Public Interest Disclosure Officer before making any final decision on the disclosure (including a decision to take no further action).

The Chief Public Interest Disclosure Officer will advise AHPRA's Agency Management Committee of any public interest disclosures made in accordance with this Policy and the action taken in response to those disclosures.

You may choose to make a public interest disclosure anonymously, but this may limit the effectiveness of any investigation and action taken in response to the disclosure. You should also be aware that in some circumstances, the law may require disclosure of the identity of a person who makes a public interest disclosure (e.g. in legal proceedings regarding the disclosure).

6. Independent Hotline

AHPRA appreciates that you may prefer to make a public interest disclosure to an independent person, external to AHPRA rather than to a Public Interest Disclosure Officer. AHPRA has arranged for an external contractor, STOpline Pty Ltd, to operate an Independent Hotline to which you may make a public interest disclosure.

You can contact the Independent Hotline in the following ways, 24 hours a day, 7 days a week:

- by telephone at: 1300 30 45 50
- by email to: ahpra@stopline.com.au
- by mail to: AHPRA, c/o the The STOpline, Locked bag 8, HAWTHORN, VIC 3122

The Independent Hotline operator will use its best efforts to notify an AHPRA Public Interest Disclosure Officer of the details of your disclosure within 48 hours of it being made.

You may choose to remain anonymous, in which case the Independent Hotline operator will not disclose your identity when forwarding details of your public interest disclosure to AHPRA when it reports your disclosure or assists with investigating it.

7. Protection from detrimental action

In some states and territories, AHPRA and the Boards are required by law to protect people who make public interest disclosures from detrimental action in reprisal for making those disclosures. Similar protection against detrimental action applies to people who co-operate with investigations regarding public interest disclosures. (See the table in paragraph 3 of this Policy that shows AHPRA's view of which state and territory Public Interest Disclosure Acts apply to AHPRA and the Boards).

Even if AHPRA or the Boards are not legally required to provide this protection in a particular state or territory, they will do so as a matter of good practice to the extent permitted by law. This is to encourage people to make public interest disclosures and to co-operate in investigating them.

AHPRA and the Boards will not tolerate any of their officers, employees or contractors engaging in acts of victimisation or reprisal against those who make public interest disclosures.

If you suffer a reprisal for making a public interest disclosure, you may have a right to take civil proceedings in relation to that reprisal.

Any victimisation or reprisals should be reported promptly to the relevant AHPRA Public Interest Disclosure Officer, who will:

- take prompt action to prevent any continuance of this conduct; and
- record the report and action taken in response to it and place this on the file for the relevant public interest disclosure. The report should be recorded so it will be readily accessible should any legal action be taken in relation to the reprisal or victimisation.

8. Protection from civil and criminal liability (in some jurisdictions)

In states and territories whose Public Interest Disclosure Acts apply to AHPRA and the Boards, those Acts protect people who make public interest disclosures from certain criminal and civil liability in relation to making the disclosure. For example, a person who makes a legitimate public interest disclosure of information contrary to confidentiality and privacy laws that might otherwise apply to that information, may be protected from liability for making that disclosure.

Importantly, in some states the relevant Public Interest Disclosure Acts do not apply. In these states, protection from civil and criminal liability may not be available to people who make public interest disclosures.

If you are in doubt about whether particular protections apply to you, you may wish to discuss this with an AHPRA Public Interest Disclosure Officer or an independent external party. The table in paragraph 3 of this Policy sets out AHPRA's view of which state and territory Public Interest Disclosure Acts apply to AHPRA and the Boards; and links to external bodies who may be able to give you advice and assistance are provided in Appendix 1 to this Policy.

9. Can you lose this protection?

Making a public interest disclosure, and assisting with the investigation of a disclosure, is a serious matter, and can have important consequences. The protection from civil and criminal liability provided by Public Interest Disclosure Acts can be lost if you:

- do not believe on reasonable grounds that your public interest disclosure is true;
- knowingly give false or misleading information in relation to a public interest disclosure (and this may be an offence, too);
- disclose information relating to a public interest disclosure to someone not authorised to receive it (e.g. to the media); and
- disclose information that might identify (or tend to identify) someone about whom a public interest disclosure has been made).

10. Offences in relation to public interest disclosures (in some jurisdictions)

In states and territories whose Public Disclosure Acts apply to AHPRA and the Boards, it can be an offence (with a serious monetary or custodial penalty) for a person to:

- take or threaten detrimental action in reprisal for a public interest disclosure that has been made, or the person believes will be made;
- disclose the content (or information about the content) of a public interest disclosure, or the identity of the person who made the public interest disclosure, unless this is permitted by law;
- make a false public interest disclosure or provide false information in relation to a disclosure; or
- disclose that an official body (such as IBAC) has decided to investigate or take action in relation to a public interest disclosure, unless this is permitted by law.

A person who threatens a reprisal for a public interest disclosure may also be liable to severe civil liability in tort, or to action for victimisation under legislation such as the *Equal Opportunity Act 1984* (SA).

11. What will happen if you make a disclosure directly to AHPRA?

Any person may complain directly to AHPRA (either through a Public Interest Disclosure Officer or the Independent Hotline) about improper conduct, corrupt conduct, detrimental action or other misconduct by a person in the course of administering the National Law. As noted above, if the complaint could be a public interest disclosure that may be made to an independent government body (such as IBAC), AHPRA or the Board will ordinarily redirect the person to make a public interest disclosure to that body.

If, however:

- the person making the complaint states in writing that it is not a disclosure for the purposes any Protected Disclosure Act; or
- the complaint is not regarding a matter about which a public interest disclosure may be made (e.g. harassment or bullying claims are not likely to be 'public interest disclosures'),

then AHPRA may consider the complaint under relevant AHPRA internal policies such as:

- Grievance Resolution Policy; or
- Workplace Complaint Resolution Policy

12. How will AHPRA deal with a public interest disclosure? (All jurisdictions except Victoria and Northern Territory)

In Victoria and the Northern Territory, public interest disclosures are dealt with respectively by IBAC or the Commissioner for Public Interest Disclosures. In all other states and territories, AHPRA will deal with public interest disclosures regarding AHPRA and the Boards in the way set out immediately below.

13. Confidentiality regarding a public interest disclosure

In states and territories whose Public Interest Disclosure Acts apply to AHPRA and the Boards, those Acts impose confidentiality obligations regarding information disclosed or obtained in relation to a public interest disclosure. AHPRA and Board officers must comply with these binding legal obligations. Generally, those Acts prohibit the disclosure of the identity of a person who makes a public interest disclosure. However, such information may be disclosed in some circumstances, such as:

- where the maker of the disclosure consents to this;
- where it is necessary to do so in order to provide natural justice or procedural fairness (e.g. so a person the disclosure is about knows the claims made against him or her);
- where it is necessary to do so 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 person whose identity is being disclosed that the disclosure is to be made, and why.

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 public interest disclosure (including the name of the person who made the disclosure), consistently with the general principles set out above.

In all cases, files relating to a public interest disclosure, whether paper or electronic, must be kept secure and accessible only by authorised persons. Files should be clearly marked 'Confidential – Penalties may apply for improperly disclosing the contents of this file.'

Sensitive information regarding a public interest disclosure must not be emailed or faxed to machines with general or shared access.

14. You will be kept informed of the progress of the matter

If you make a public interest disclosure, AHPRA will keep you informed of the progress and outcome of any investigation and action taken as a result, subject to any privacy or confidentiality obligations that may apply to AHPRA.

15. AHPRA will assess the public interest disclosure

If you make a public interest disclosure to an AHPRA Public Interest Disclosure Officer or through the Independent Hotline (and the disclosure is not required to be referred to an external body such as IBAC), the relevant Public Interest Disclosure Officer will make an initial assessment of whether:

- the information disclosed relates to AHPRA or a Board (or a contractor to AHPRA or other person appointed to perform a function for the purposes of the National Law);
- the information disclosed relates to the performance of a public function to which the relevant Public Interest Disclosure Act applies;
- the information disclosed tends to show improper conduct;
- the improper conduct is not of a kind that should be reported to a different entity (such as the police or a crime commission);
- the discloser believes on reasonable grounds that the information is or may be true; or
- the information is not protected by legal professional privilege.

If the above questions are all answered "yes", then the Public Interest Disclosure Officer may proceed to investigate (or arrange investigation of) the disclosure.

The Public Interest Disclosure Officer should follow the steps set out in the *Flowchart for receiving and assessing disclosures*, set out in Appendix 2 to this Policy.

If you did not make the disclosure in writing, the Public Interest Disclosure Officer will now make a written record of it.

The Officer will then:

- make a separate confidential file for the Disclosure, including a password-protected electronic file that records the details of the disclosure and any subsequent investigation; and
- record the key details of the disclosure on AHPRA's Public Interest Disclosure Register.

16. AHPRA may investigate a public interest disclosure

The Public Interest Disclosure Officer will now consider whether:

- the matter is trivial;
- the disclosure is vexatious or frivolous;
- there is no reasonable prospect of obtaining sufficient evidence due to the time that has elapsed since the occurrence of the matter; or
- the matter is being or has been adequately or properly investigated by another proper authority to which an appropriate disclosure of public interest information has been made.

If the answer to any of these is "yes", the Officer may cease to investigate and close AHPRA's file.

Where the Public Interest Disclosure Officer considers that he or she lacks sufficient power to effectively investigate the matter, but the information received causes him or her to form the opinion that an officer, contractor or employee of AHPRA or a Board or other person involved in administering the National Law may have engaged in improper conduct, the Officer should refer the matter to another appropriate investigative body. For example, an allegation of an offence supported by cogent evidence may need to be referred to the Police for investigation.

Where the Public Interest Disclosure Officer determines that the disclosure is a public interest disclosure that should be investigated, the Officer must investigate the disclosed matter himself or herself or engage

another person to carry out the investigation. For example, if a disclosure relates to a sensitive matter and it is not practical or appropriate for AHPRA to investigate the matter itself, or the Officer may have a conflict of interest, the Officer may engage an independent external party to investigate.

The steps required for an investigation will depend on the magnitude and complexity of the problems raised by the public interest disclosure. However, as a general rule, an investigation (by a Public Interest Disclosure Officer or external investigator arranged by AHPRA) may involve taking the following steps:

- drawing up terms of reference, which should clarify the key issues identified by the disclosure;
- specifying a date by which the investigation should be completed;
- ensuring the objectives of the investigation include collecting and collating information relating to the disclosure, considering the information collected and drawing conclusions objectively and impartially
- maintaining procedural fairness for the person who is the subject of the disclosure;
- giving information to the person who is the subject of a disclosure about their rights and obligations under the applicable Public Interest Disclosure Act (if any), any applicable AHPRA policy, and the law;
- the investigator making contemporaneous notes of discussions and interviews and, where practicable and appropriate, recording discussions and interviews on audio or videotape; and
- ensuring strict security with all investigations, so as to meet the confidentiality requirements of the applicable Public Interest Disclosure Act (if any) and this policy.

A public interest disclosure once properly made cannot be withdrawn. AHPRA may still continue to investigate the issues raised.

The Public Interest Disclosure Officer should follow the steps set out in the *Flowchart for investigating information disclosed*, set out in Appendix 3 to this Policy.

17. AHPRA will record the outcome of the investigation

The outcome of any investigation into a public interest disclosure will be clearly and comprehensively recorded in writing by the relevant Public Interest Disclosure Officer or external investigator.

18. AHPRA may take action following an investigation

The relevant Public Interest Disclosure Officer must take action where he or she forms the opinion that a person may be, or has been or may in the future be, involved in improper conduct. Action that may be taken includes:

- preventing the matter to which the disclosure relates from continuing or occurring;
- referring the matter to the Police or other appropriate body; or
- taking disciplinary action against a person responsible for the matter.

Before taking any action, the person against whom the action is to be taken is to be given the opportunity to make written or oral submissions. The Chief Public Interest Disclosure Officer will be consulted before AHPRA makes any final decision on a disclosure, including a decision to take no further action.

To avoid doubt, the Public Interest Disclosure Officer is limited in the powers that he or she may exercise to the relevant powers (if any) set out in the *Health Practitioner Regulation National Law* and AHPRA's powers as an employer or party to a contract. Furthermore, the action to be taken must be guided by what is necessary and reasonable.

When taking action, confidentiality and privacy must be maintained, unless its disclosure is:

- required or permitted by law; or
- is necessary to take the required action.

The Public Interest Disclosure Officer must keep a record of all action taken and record a copy of the action taken on AHPRA's Public Interest Disclosure register. AHPRA may be required by a particular jurisdiction's Public Interest Disclosure Act to report to a relevant authority on the outcome of public interest disclosure matters.

The Public Interest Disclosure Officer should follow the steps set out in the *Flowchart for taking action*, set out in Appendix 4 to this Policy.

19. Reports to the person who made a public interest disclosure

Where a Public Interest Disclosure Officer decides not to investigate a public interest disclosure, or discontinues an investigation, the Officer must give the person who made the disclosure reasons for doing so.

Within three months of the disclosure being made the Public Interest Disclosure Officer must notify the discloser of the action taken or proposed to be taken in relation to the disclosure.

A discloser may also request a progress report regarding any investigation into his or her disclosure.

If an investigation is not complete, the Public Interest Disclosure Officer may provide to the discloser a progress report on the current status of the investigation.

If an investigation is complete, the Public Interest Disclosure Officer must provide a final report to the discloser, stating the outcome of the investigation and the reason for taking action following the investigation.

In providing information and reports to disclosers, the Public Interest Disclosure Officer must not give information that, in their opinion, would be likely to adversely affect:

- any person's safety
- the investigation of an offence or possible offence; or
- necessary confidentiality as to the existence or identity of another person who has made a disclosure of public interest information.

20. Public Interest Disclosure Register

AHPRA maintains a Public Interest Disclosure Register, in which Public Interest Disclosure Officers must:

- allocate a unique reference number to each public interest disclosure; and
- record the key information regarding the disclosure, which includes:
 - a summary of the disclosure;
 - the assessment and investigation (if any) regarding the disclosure; and
 - the action taken in response to the disclosure.

The Register (paper and electronic copies) must be kept strictly confidential and in a secure place, accessible only by authorised persons.

The Register will be used to:

- keep a record of all Public Interest Disclosures regarding AHPRA and the Boards; and
- for reporting to state and territory governments where this is required under relevant Public Interest Disclosure legislation.

21. Who can you complain or appeal to regarding AHPRA's handling of a disclosure?

If you are dissatisfied with the way AHPRA has handled a disclosure, you may wish to complain about that action to the National Health Practitioner Ombudsman at:

Mailing address

National Health Practitioner Ombudsman and Privacy Commissioner

GPO Box No 2630

Melbourne VIC 3001

Email address: complaints@nhpopc.gov.au

Telephone: 1300 795 265.

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

If your disclosure relates to:

- Victoria, you should contact the Independent Broad-based Anti-Corruption Commission; or
- Northern Territory, you should contact the Commissioner for Public Interest Disclosures.

22. AHPRA will review this Policy annually

AHPRA is committed to maintaining the currency, relevance and effectiveness of this Policy and will review it annually. If you have concerns about this Policy or how it applies to you, please raise this with a Public Interest Disclosure Officer.

Appendix 1 – Definitions and useful contacts/links

Protected Interest Disclosure legislation

Public Interest Disclosure Act 2012 (ACT) <[link](#)>

Public Interest Disclosures Act 1994 (NSW) <[link](#)>

Public Interest Disclosure Act (NT) <[link](#)>

Public Interest Disclosure Act 2010 (Qld) <[link](#)>

Whistleblowers Protection Act 1993 (SA) <[link](#)>

Public Interest Disclosures Act 2002 (Tas) <[link](#)>

Protected Disclosure Act 2012 (Vic) <[link](#)>

Public Interest Disclosure Act 2003 (WA) <[link](#)>

All referred to as ‘**Public Interest Disclosure Acts**’ in this Policy.

Useful contacts for general information about public interest disclosures/whistleblowing

State/Territory	Site for further information
Australian Capital Territory	http://ombudsman.act.gov.au/pages/making-a-complaint/complaints-the-ombudsman-can-investigate/public-interest-disclosure.php
New South Wales	http://www.ombo.nsw.gov.au/what-we-do/our-work/public-interest-disclosures
Northern Territory	http://www.blowthewhistle.nt.gov.au/
Queensland	http://www.ombudsman.qld.gov.au/PublicationsandReports/PublicInterestDisclosures/tabid/339/Default.aspx
South Australia	http://www.ombudsman.sa.gov.au/complaints/whistleblower-protection/
Tasmania	http://www.ombudsman.tas.gov.au/publications_and_media/guidelines
Victoria	http://www.ibac.vic.gov.au/
Western Australia	https://publicsector.wa.gov.au/public-administration/official-conduct-and-integrity/public-interest-disclosures

How to contact AHPRA's Public Interest Disclosure Officers

Chief Public Interest Disclosure Officer: martin.fletcher@ahpra.gov.au

Public Interest Disclosure Officers: chris.robertson@ahpra.gov.au

kym.ayscough@ahpra.gov.au

sarndrah.horsfall@ahpra.gov.au

barry.bennett@ahpra.gov.au

Chair of Agency Management Committee michael.gorton@ahpra.gov.au

Definitions used in this Policy

Different Protected Disclosure Acts define commonly-used terms differently. The Definitions set out below are a general guide to the meaning of the relevant concepts. Before making a decision or taking action based on this policy, you should confirm the meaning of relevant words in the Public Interest Disclosure Act that applies in your state or territory.

corrupt conduct	<p>Means conduct</p> <p>(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</p> <p>(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</p> <p>(c) of a public officer or public body that constitutes or involves knowingly or recklessly breaching public trust; or</p> <p>(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; or</p> <p>(e) that could constitute a conspiracy or an attempt to engage in any conduct referred to in paragraph (a), (b), (c) or (d)—</p> <p>being conduct that would, if the facts were found proved beyond reasonable doubt at a trial, constitute a relevant offence.</p>
detrimental action	<p>includes:</p> <p>(a) action causing injury, loss or damage;</p> <p>(b) intimidation or harassment;</p>

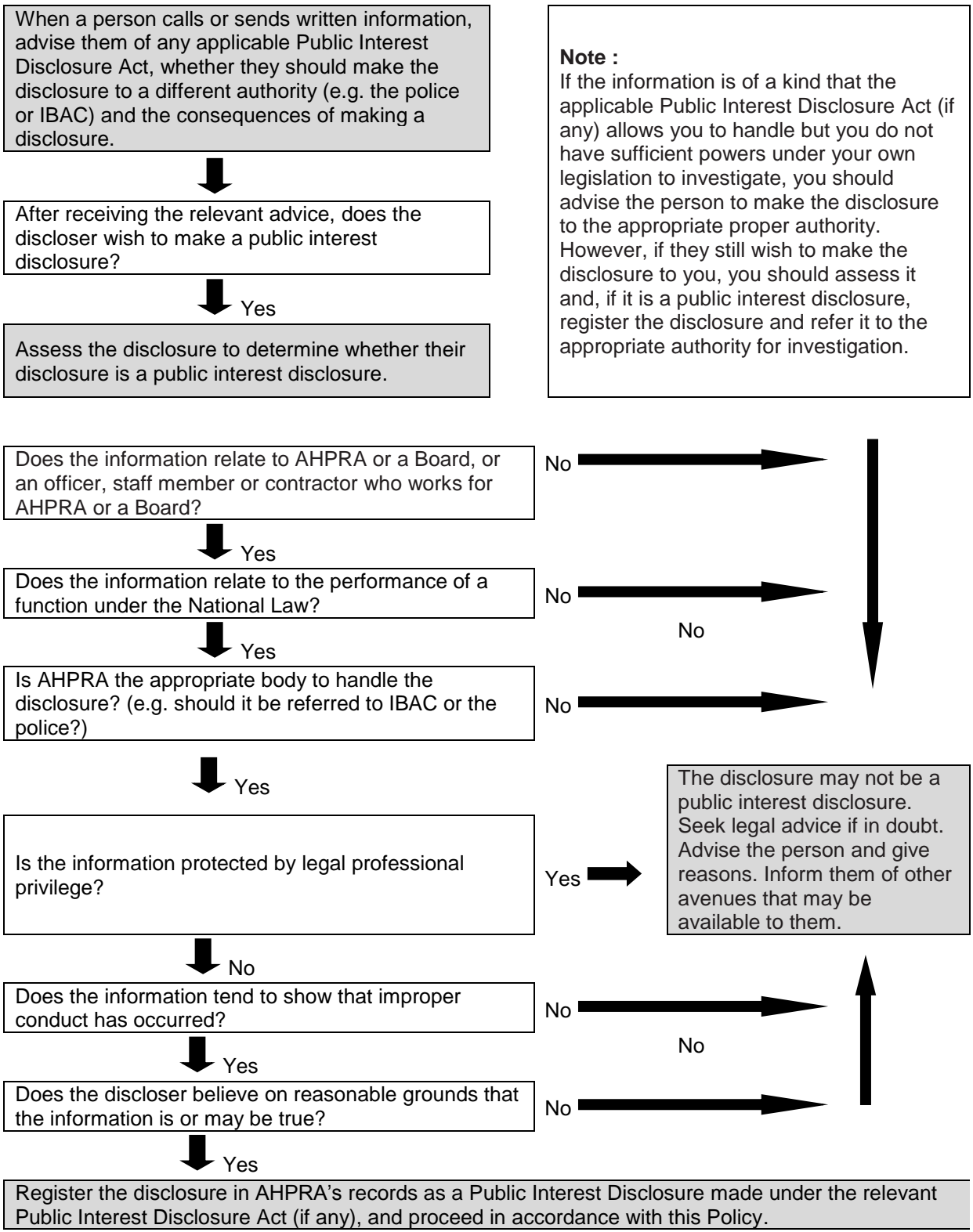
	(c) discrimination, disadvantage or adverse treatment in relation to a person's employment, career, profession, trade or business, including the taking of disciplinary action.
improper conduct	<p>means conduct that is:</p> <ul style="list-style-type: none"> (a) corrupt conduct; (b) conduct that is not corrupt conduct, but that, if proved, would constitute a criminal offence or reasonable grounds for terminating/dismissing the officer who engaged in that conduct, where that conduct: <ul style="list-style-type: none"> (i) adversely affects the honest performance by a public officer or public body of his or her, or its, functions; (ii) constitutes or involves the dishonest performance of a public body or public officer's functions as a public officer or public body; (iii) constitutes, or involves knowingly or recklessly breaching public trust; (iv) involves the misuse of information or material acquired in the course of the performance of public duties, whether or not this is done for the benefit of the public body or officer, or for any other purpose; (v) constitutes a conspiracy or an attempt to engage in any of the above conduct; or (vi) conduct of a public officer or public body that involves substantial- <ul style="list-style-type: none"> • mismanagement of public resources; • risk to public health or safety; or • risk to the environment. <p>A substantial, sustained or repeated breach of AHPRA's Code of Conduct may amount to improper conduct.</p>
Independent Hotline	means the Independent Hotline described in Paragraph 6 of this Policy.
public interest disclosure	<p>means a disclosure of information that shows or tends to show (or that the person reasonably believes shows or tends to show) that a person engaged by AHPRA or a Board (e.g. a member, employee or contractor), or AHPRA or a Board itself, or other person involved in administering the National Law:</p> <ul style="list-style-type: none"> - has engaged in, is engaging in, or proposes to engage in improper conduct or corrupt conduct; or - has taken, is taking, or proposes to take detrimental action against a person in reprisal for a public interest disclosure.
Public Interest Disclosure Acts	The state and territory Acts (however described) regarding the making of public interest disclosures, as set out in Appendix 1 to this Policy
Public Interest Disclosure Officers	Means the AHPRA officers described in Paragraph 5 of this Policy.

Other relevant AHPRA policies

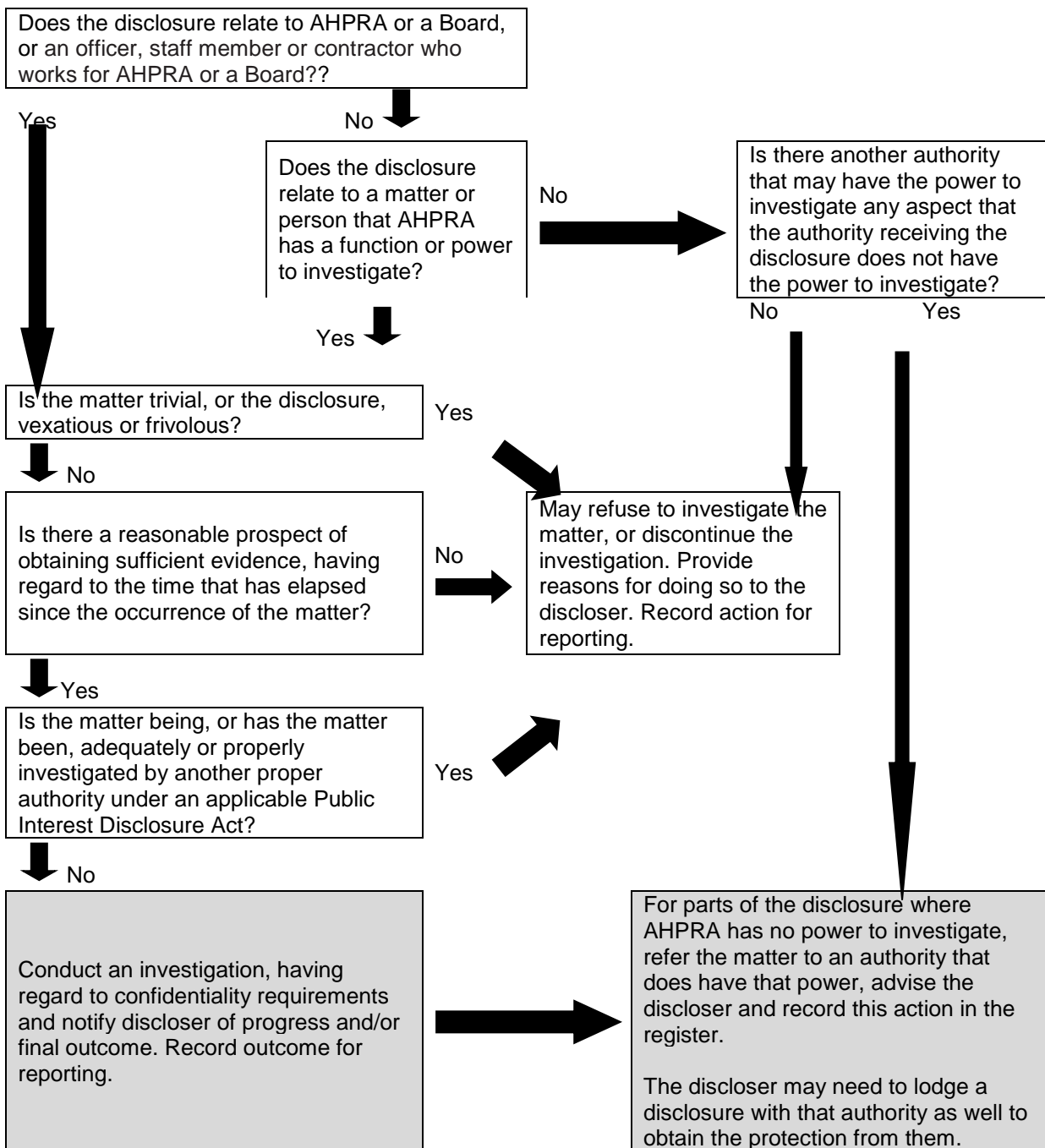
The following AHPRA policies may be relevant to public interest disclosures and matters relating to those disclosures:

- Code of Conduct
- Fraud and Corruption Control Policy and Framework
- Grievance Resolution Policy
- Workplace Complaint Resolution Policy
- Confidentiality HR041
- Information technology acceptable use policy
- Gifts, benefits and hospitality AMANC903
- Media and press relations HR051
- Equal employment opportunity policy HR045
- Harassment and bullying policy HR056
- Work, health and safety policy AManC006
- Smoking, drug and alcohol policy HR049

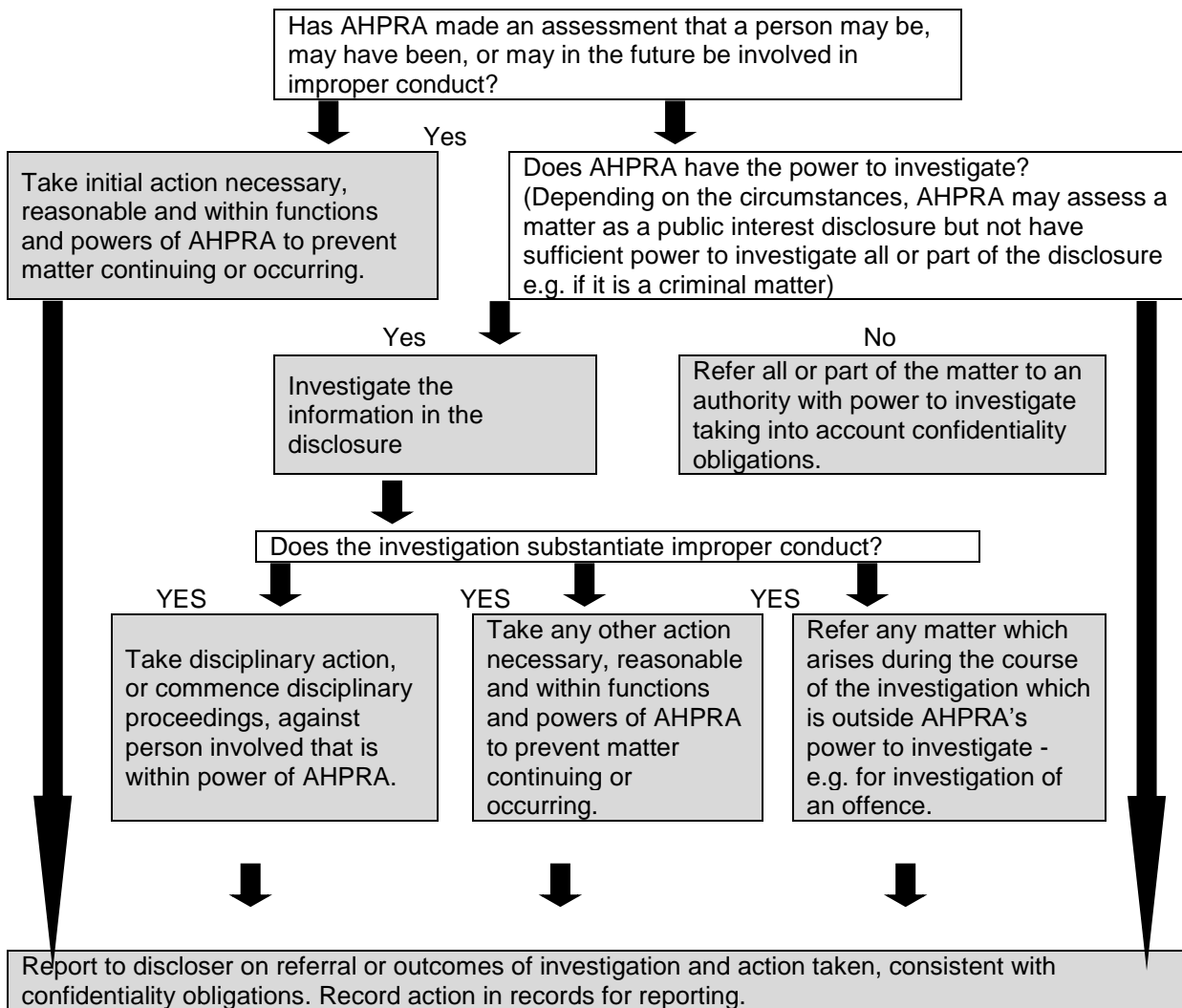
Appendix 2 – flowchart for receiving and assessing disclosures



Appendix 3 – flowchart for investigating information disclosed



Appendix 4 – flowchart for taking action



Note: AHPRA gratefully acknowledges the assistance provided in the *Public Interest Disclosure Guidelines*, issued by Western Australian Public Sector Commission, which were used in compiling this Policy, and in particular these Appendices.