Public Interest Disclosures
Policy

1. Scope (audience and applicability)

This policy applies to all staff and contractors employed by the Department of Education.

2. Purpose

In line with the Public Interest Disclosures Act 2002 and associated Guidelines and Standards, the purpose of this policy is to ensure that there is a system for reporting disclosures of improper conduct or detrimental action by the Department of Education or officers or employees of the Department of Education.

3. Definitions

In this policy the following definitions apply:

Public Body: The Department of Education

Principal Officer: The Secretary of the Department of Education

Public Interest Disclosure Officer: Officer/s appointed by the Principal Officer to receive Public Interest Disclosures

Investigator: Officer appointed to investigate the disclosure in accordance with the Act. The investigator may be a person from with the Department of Education or a consultant engaged for that purpose. The investigator can only be appointed by the Principal Officer.

Welfare Manager: Officer appointed by the Principal Officer or his/her delegate. The Welfare Manager is responsible for looking after the general welfare of the discloser.

Natural Justice: The principles of natural justice will be carefully observed in the course of an investigation, with respect to all parties involved. These principles are also known as “procedural fairness”.

Contractor:

- a person who at any time has entered into a contract with a public body for the supply of goods or services to, or on behalf of, the public body
- an employee of the contactor
- a subcontractor engaged by the contractor to fulfil all or part of a contract with a public body for the supply of goods or services to, or on behalf of, the public body.

Improper conduct:

- conduct that constitutes an illegal or unlawful activity
• corrupt conduct
• conduct that constitutes maladministration
• conduct that constitutes professional misconduct
• conduct that constitutes a waste of public resources
• conduct that constitutes a danger to public health or safety or to both public health and safety
• conduct that constitutes a danger to the environment
• misconduct, including breaches of applicable codes of conduct
• conduct that constitutes detrimental action against a person who makes a public interest disclosure under the Act that is serious or significant as determined in accordance with guidelines issued by the Ombudsman

4. Policy Statement

The Department of Education is committed to the aims and objectives of the Public Interest Disclosures Act 2002 (the Act). http://www.austlii.edu.au/au/legis/tas/consol_act/pida2002313/

5. Requirements

Making a Disclosure

For the protections in the Act to apply, a disclosure must be made to the right person or body—Section 7 of the Act deals with this subject. The table on page 20 of the department’s Public Interest Disclosures Procedures must be followed.

Disclosures of improper conduct or detrimental action by an officer or employee of the Department of Education may be made to the following:

• The Principal Officer: The Secretary of the Department of Education
• Public Interest Disclosure Officers: Appointed/delegated by the Secretary of the Department of Education:
  o The General Managers Learning Services
  o State Archivist
• The Ombudsman
• The Integrity Commission

Exemptions under the Act

There are disclosures that the Department of Education is not required to investigate under the Public Interest Disclosures Act 2002. Refer to page 35 of the department’s Public Interest Disclosures Procedures.

Such disclosures may be covered under the department’s grievances guidelines available on the department’s website at www.education.tas.gov.au
6. Risk Management

Where a person is contemplating making a disclosure and is concerned about approaching the Principal Officer or his/her delegate in the workplace, he or she may call the relevant officer and request a meeting in a discreet location away from the workplace.

A disclosure about the Secretary of the Department must be immediately referred to the Ombudsman.

A disclosure about improper conduct or detrimental action by the Department of Education or any of its officers or employees may also be made directly to the Ombudsman. The contact details for the Ombudsman are:

The Ombudsman
GPO Box 960
HOBART
TASMANIA 7001

A disclosure about improper conduct or detrimental action by the Department of Education or any of its members, officers or employees may also be made directly to the Integrity Commission. The contact details for the Integrity Commission are

Tasmanian Integrity Commission
GPO Box 822
Hobart
Tasmania 7001

7. Associated Documents and Materials

The following document is available from www.education.tas.gov.au (Search for the Doc ID)

- Public Interest Disclosures Procedures (Doc ID: TASED-4-4907)
- Grievances–Guidelines for parents and the community (Doc ID: TASED-4-1275)

External links


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<th>Sue Kennedy</th>
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<td>Director, Office of the Secretary</td>
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<tr>
<td>Date authorised:</td>
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<tr>
<td>Developed by:</td>
<td>Suzanne Pennicott-Jones</td>
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