



Whistleblowers Protection Policy

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Relevant Document Reference	Whistleblowers Protection Act 1993

1. Purpose

Eastern Health Authority (EHA) provides the Whistleblowers Protection Policy (the Policy) to ensure that its responsibilities under the Whistleblowers Protection Act 1993 (the Act) are properly fulfilled.

The Policy encourages and facilitates the disclosures of Public Interest Information occurring in EHA so that internal controls and procedures can be strengthened and to ensure that the organisation's resources are efficiently applied towards the achievement of EHAs objectives.

2. Scope

This policy applies to Appropriate Disclosures of Public Interest Information made under the Act by or about Elected Members, Council Employees, Board Members and employees of a subsidiary of the Council, members of EHA Committee and members of the public.

This Policy is made pursuant to Section 132A of the *Local Government Act 1999* and Act. It is intended to complement the reporting framework under the ICAC (Independent Commissioner Against Corruption) Act 2012.

3. Principles

EHA will maintain an appropriate framework to allow Elected Members, Employees, Board Members and members of the public to provide information to EHA consistent and in accordance with the Act.

EHA is committed to investigating all appropriate disclosures of Public Interest Information in a confidential manner in accordance with the Act and taking appropriate action or if appropriate by referring the matter to the appropriate authority. Where a disclosure relates to corruption it will be

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reported directly to the OPI (Officer for Public Integrity) in accordance with procedures required by the ICAC Directions and Guidelines. A report of Misconduct or Maladministration may be made to OPI where it relates to a reasonable suspicion of serious or systemic misconduct and/or maladministration it will be reported to OPI unless a Disclosure of the same matter has already been reported to the Ombudsman.

EHA will take action as appropriate to investigate all appropriate Disclosures of Public Interest Information in a manner that promotes fair and objective treatment of those involved, and will protect informants from victimisation and ensure that they are not subjected to intimidation or discrimination.

EHA is committed to rectifying any substantiated wrong doing to the extent practicable in the circumstances.

4. Definitions

Definitions for the purpose of this Policy are:

Appropriate Authority may include

- a Minister of the Crown;
- a member of the police force – where the information relates to an illegal activity
- the auditor-General – where the information relates to a public officer
- the ombudsman – where the information relates to a public officer
- a responsibility of a Local Government body; or
- any other person to whom, in the circumstances of the case, it is reasonable and appropriate to make the disclosure.

Appropriate Disclosure

is made by a person where that person does so in accordance with Section 5 of the Act.

Corruption

refers to Corruption as defined under Part 7 Division 4 (Offences relating to public officers) of the Criminal Law Consolidation Act 1935, or any other offence including an offence against Part 5 (Offences of Dishonesty) of the Criminal Law Consolidation Act 1935 committed by:

- a public officer while acting in their capacity as a public officer or
- by a former public officer and related to their former capacity as a public officer or
- by a person before becoming a public officer and related to their capacity as a public officer or
- an attempt to commit such an offence

ICAC Directions and Guidelines

means the Directions and Guidelines as available on the ICAC website (www.icac.sa.gov.au)

Informant:

means any person who makes an Appropriate Disclosure of Public Interest Information in accordance with the Act.

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Maladministration

has the same definition as set out in Section 4 of the Act.

Public Interest Information

have the same definitions as set out in Section 4 of the Act.

Public Officer

includes an Elected Member or an officer or employee of EHA.

Responsible Officer

is a person who is authorised to receive and act upon information forwarded from Informants.

5. Policy

5.1 Responsible Officer

The Chief Executive Officer is the responsible Officer for the purpose of the Act.

5.2 Disclosure Process

Any person wishing to make a disclosure to the Responsible Officer under the Act can do so by following means:

In person by approaching the Chief Executive Officer at EHA's office at 101 Payneham Road, St Peters.

In writing addressed to:

PRIVATE AND CONFIDENTIAL
Whistleblowers Responsible Officer
Eastern Health Authority
PO Box 275
Stepney SA 5069
By telephone on: 8132 3611

Alternatively, a person may choose to make a disclosure of Public Interest Information directly to an Appropriate Authority.

In the case of a person disclosing information about or relating to the Chief Executive Officer, the disclosure should be in writing addressed to:

Confidential
Chairperson of the Board of Management
Eastern Health Authority
PO Box 275
Stepney SA 5069

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5.3 Confidentiality

The identity of an Informant will be kept confidential as required by the Act unless the consent of that person is obtained to divulge their identity or disclosure of their identity is otherwise required to investigate the matter.

If an informant wishes to remain anonymous EHA will investigate the Appropriate Disclosure of Public Interest information to the extent possible whilst keeping the Informant's identity to be divulged but only so far as may be necessary to ensure that the matter to which the information relates is properly investigated.

5.4 Notification

Where an Appropriate Disclosure of Public Interest Information has been made, the Responsible Officer will notify the person about whom the information concerns of the disclosure (but not the identity of the informant unless the Informant consents or unless otherwise provided for in the Whistleblowers Protection Act) and the investigation.

Where an appropriate Disclosure of Public Interest Information concerns the Chief Executive Officer, the Chairperson of EHA will notify the Chief Executive Officer of the disclosure (but not the identity of the informant unless the Informant consents or unless otherwise provided for in the Act) and the investigation.

Where Appropriate Disclosure of Public Interest Information has been made, the Responsible Officer will notify the person about whom the information concerns of the disclosure (but not the identity of the Informant unless the Informant consents or unless otherwise provided for in the Act) and the investigation.

The Act requires the Informant to assist with any investigation resulting from the disclosure.

The person about whom the information concerns will be afforded natural justice throughout the Investigation process.

5.5 Investigation

The investigation will be undertaken by a suitably qualified and experienced independent person appointed by the Responsible Officer. All Appropriate Disclosures of a serious or criminal nature will be reported to the police or other appropriate authority.

The independent investigator will carry out an investigation of the matter. The investigator will have consideration of EHA's investigation objectives which are to:

- investigate the substance disclosure
- collate information relating to the allegation(s)
- maintain sufficient records/notes/records of conversation
- consider the information collected and draw conclusions objectively and impartially
- act in accordance with the principals of natural justice; and
- make recommendations arising from any conclusion.

5.6 Reporting

All appropriate Disclosures made pursuant to the Whistleblowers Protection Act and the outcome of investigations will be reported to the Chief Executive Officer or, where the disclosure relates to information concerning the Chief Executive Office, to the Chairperson of EHA.

5.7 False Disclosure

A person who makes a disclosure of false public interest information knowing it to be false or being reckless about whether it is false is guilty of an offence under the Whistleblowers Protection Act.

An employee who makes a disclosure of false public interest information knowing it to be false or being reckless about whether it is false, in addition to being guilty of an offence, may face disciplinary action in accordance with the disciplinary process provisions of the current Workplace Agreements.

An elected Member who makes a disclosure of false public interest information knowing it to be false or being reckless about whether it is false, in addition to being guilty of an offence, may incur remedial action pursuant to the Council's Code of Conduct for Elected Members.

5.8 Supported Responsible Officers

Responsible Officers are to attend training in accordance with the requirements of the Local Government Act 1999.

6. Review of the Whistleblowers Policy

It is the responsibility of the Chief Executive Officer to monitor the adequacy of the policy and recommend appropriate changes.

The policy will be formally reviewed every 24 months or as needed.

7. Statement of Adoption

The policy was adopted by the Board of the Eastern Health Authority on 24 February 2016.