

# OFFICE OF THE CHILD SAFETY COMMISSIONER

## PROCEDURES

### **WHISTLEBLOWERS PROTECTION ACT 2001**

These guidelines are available for perusal by all employees of the Office of the Child Safety Commissioner.

All members of the public may view these guidelines free of charge during normal office hours at any OCSC Office. The Guidelines can also be viewed at the OCSC website:

<http://www.ocsc.vic.gov.au/>

## TABLE OF CONTENTS

<b>1. STATEMENT OF SUPPORT TO WHISTLEBLOWERS</b>	<b>3</b>
<b>2. PURPOSE OF THESE PROCEDURES</b>	<b>3</b>
<b>3. PURPOSE OF THE ACT</b>	<b>3</b>
<b>4. ROLES AND RESPONSIBILITIES</b>	<b>4</b>
4.1 Protected Disclosures	4
4.2 Employees	4
4.3 Protected Disclosure Co-ordination	4
4.4 Ombudsman	4
<b>5. DEFINITIONS OF KEY TERMS</b>	<b>4</b>
<b>6. CONFIDENTIALITY</b>	<b>5</b>
<b>7. THE ROLE OF THE CO-ORDINATOR</b>	<b>6</b>
7.1 Initial contact	6
7.2 Reporting and co-ordination	6
7.3 Collating and publishing statistics	7
<b>8. HOW A PROTECTED DISCLOSURE COMPLAINT IS INVESTIGATED</b>	<b>7</b>
8.1 Has the disclosure been made to the appropriate person?	8
8.2 Who can make a disclosure about improper conduct?	8
8.3 Is the disclosure a public interest disclosure?	8
<b>9. INVESTIGATIONS</b>	<b>10</b>
9.1 Terms of reference	10
9.2 Investigation plan	10
9.3 Conduct of the investigation	11
9.4 Referral of an investigation to the Ombudsman	11
9.5 Reporting requirements	11
<b>10 ACTION TAKEN AFTER AN INVESTIGATION</b>	<b>12</b>
10.1 Investigator's final report	12
10.2 Action to be taken	12
<b>11. MANAGING THE WELFARE OF THE WHISTLEBLOWER</b>	<b>13</b>
11.1 Commitment to protecting whistleblowers	13
11.2 Occurrence of detrimental action	13
11.3 Keeping the whistleblower informed	13
11.4 Whistleblowers implicated in improper conduct	14
<b>12. MANAGEMENT OF THE PERSON AGAINST WHOM A DISCLOSURE HAS BEEN MADE</b>	<b>14</b>
<b>13. CRIMINAL OFFENCES</b>	<b>15</b>
<b>14. REVIEW</b>	<b>15</b>
<b>15. CONTACT DETAILS</b>	<b>16</b>
15.1 Protected Disclosure Co-ordinator	16
15.3 Natural Justice	17

## 1. Statement of support to whistleblowers

The Office of the Child Safety Commissioner (“the OCSC”) is committed to the aims and objectives of the *Whistleblowers Protection Act 2001* (“the Act”). The OCSC does not tolerate improper conduct by its employees or officers nor the taking of reprisals against those who come forward to disclose such conduct. The OCSC’s values are: a focus on the safety of children, respect, leadership, quality and accountability, and integrity and impartiality. These values supplement the values of the Department of Human Services (“DHS”) to which staff of the OCSC are also expected to abide. The DHS values are collaborative relationships, professional integrity, responsibility, quality and client focus.

The OCSC supports the making of disclosures that reveal improper and/or corrupt conduct, conduct involving a substantial mismanagement of public resources or conduct involving a substantial risk to public health and safety or the environment. Reasonable steps are taken to protect people who make such disclosures from any detrimental action or reprisal for the making of the disclosure.

## 2. Purpose of these procedures

The OCSC’s Whistleblower Procedures establish a system for the reporting of improper conduct or detrimental action by the OCSC or its employees. All disclosures are to be made to the Protected Disclosure Co-ordinator (“Co-ordinator”). Disclosures under the Act will be serious allegations, which if proven, would warrant dismissal or lead to criminal charges.

Disclosures may be made by employees or by members of the public.

These procedures are designed to complement normal communication channels between supervisors and employees. Employees are encouraged to continue to raise appropriate matters at any time with their supervisors.

## 3. Purpose of the Act

The purpose of the Act is to encourage and facilitate the making of disclosures of improper conduct by public officers and public bodies. 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 for rectifying action to be taken.

## 4. Roles and responsibilities

### 4.1 Protected Disclosures

It is the responsibility of those wishing to make a Protected Disclosures to make every effort to ensure that their complaint is an expression of legitimate concern.

### 4.2 Employees

Employees are encouraged to report behaviour, which they consider to be inappropriate to the Coordinator.

All employees of the OCSC have an important role to play in supporting those who have made a disclosure. Employees must refrain from any activity that is or could be perceived to be victimisation or harassment of a person who makes a disclosure. Furthermore, employees should protect and maintain the confidentiality of a person they know or suspect to have made a disclosure.

### 4.3 Protected Disclosure Co-ordination

All Protected Disclosure complaints are received by the Coordinator. The Coordinator is responsible for personally assessing whistleblower complaints or overseeing the work of investigators assigned to particular complaints. The Coordinator is also responsible for liaising with the Ombudsman and for referring complaints for investigation.

An investigator may be a person from within the OCSC or a consultant engaged for that purpose.

### 4.4 Ombudsman

The Ombudsman has a state-wide role in handling disclosures of improper conduct made under the Act. The Ombudsman may refer matters for assessment and /or investigation or investigate directly if circumstances warrant such involvement. The Ombudsman has responsibility for final endorsement of all assessments of Whistleblower complaints prior to them being referred for investigation.

## 5. Definitions of key terms

Like all pieces of legislation, the *Whistleblowers Act 2001* uses a number of terms that have specific meanings. It is important that these terms are understood by all those who use the Act.

Three key concepts in the reporting system are **improper conduct**, **corrupt conduct** and **detrimental action**. Below are the definitions as outlined in Section 3(1), of the Act:

**“Improper conduct”** means —

- a) Corrupt conduct; or
- b) A substantial mismanagement of public resources; or
- c) Conduct involving substantial risk to public health or safety; or
- d) Conduct involving substantial risk to the environment

That would, if proved, constitute—

- a) A criminal offence; or
- b) Reasonable grounds for dismissing or dispensing with, or otherwise terminating, the services of a public officer who was, or is, engaged in that conduct;

**“Corrupt conduct”** means —

- a) conduct of a person (whether or not a public officer) that adversely affects, or could adversely affect, either directly or indirectly, the honest performance of a public officer's or public body's functions; or
- b) conduct of a public officer that amounts to the performance of any of his or her functions as a public officer dishonestly or with inappropriate partiality; or
- c) conduct of a public officer, a former public officer or a public body that amounts to a breach of public trust; or
- d) conduct of a public officer, a former public officer or a public body that amounts to the misuse of information or material acquired in the course of the performance of their functions as such (whether for the benefit of that person or body or otherwise); or
- e) a conspiracy or attempt to engage in conduct referred to in paragraphs (a) to (d);

**“Detrimental action”** includes —

- a) action causing injury, loss or damage; and
- b) intimidation or harassment; and
- c) discrimination, disadvantage or adverse treatment in relation to a person's employment, career, profession, trade or business, including the taking of disciplinary action;

## 6. Confidentiality

The OCSC will take all reasonable steps to protect the identity of the whistleblower. Maintaining confidentiality is crucial in ensuring that reprisals are not made against a whistleblower.

Section 22 of the Act prohibits any person who receives information due to the handling or investigation of a protected disclosure, from disclosing that information - except in certain limited circumstances. Disclosure of information in breach of this section constitutes an offence that is punishable by a maximum fine of 60 penalty units (\$6000) or 6 months imprisonment or both.

The Act prohibits the inclusion of particulars in any report or recommendation that is likely to lead to the identification of the whistleblower. The Act also prohibits the identification of the person who is the subject of the disclosure in any particulars included in an annual report.

The OCSC will ensure that all files, whether paper or electronic, are kept in a secure manner and can only be accessed by the Protected Disclosure Co-ordinator (or delegate) or the investigator. All printed material will be kept in files clearly marked as a Whistleblower Protection Act matter and which warn of the criminal penalties that apply to any unauthorised divulging of information concerning a protected disclosure. All electronic files will be produced and stored securely and be given password protection. Back up files will be kept on floppy disc and stored in a secured location. All materials relevant to an investigation, such as tapes from interviews, will also be stored securely with the whistleblower files.

OCSC staff will only use encrypted e-mail facilities to send and receive communication and staff involved in the assessment or investigation of matters will ensure that all phone calls and meetings are conducted in private.

## **7. The role of the Co-ordinator**

### **7.1 Initial contact**

All correspondence, phone calls and e-mails from internal or external whistleblowers are referred to the Co-ordinator. The Co-ordinator will record and assess the complaint.

Where a person is contemplating making a disclosure and is concerned about confidentiality, he or she can call the Co-ordinator and request a meeting in a discreet location.

Employees can also obtain information about Whistleblower policy and procedures from the DHS Employee Support Services Co-ordinator (in DHS).

### **7.2 Reporting and co-ordination**

The Co-ordinator has overall responsibility for:

- Receipt of phone calls, e-mails and letters from members of the public or employees seeking to make a disclosure;
- Impartially assessing each disclosure to determine whether it is a Protected Disclosure and a Public Interest Disclosure (see 10.2 and 10.3)
- Referring all assessments to the Ombudsman;
- Conducting or appointing an investigator to carry out an investigation;
- Overseeing and coordinating an investigation where an investigator has been appointed;
- Liaising with the Employee Support Services Co-ordinator (in DHS);
- Advising the whistleblower of the legislative and administrative protections available to him or her;
- Advise the whistleblower of the progress of an investigation into the disclosed matter;
- Establishing and managing a confidential filing system;
- Collating and publishing statistics on disclosures made through the Annual report and other internal reporting as required;

- Taking all reasonable steps to ensuring that the identity of the whistleblower and the identity of the person who is subject of the disclosure are kept confidential; and
- Liaising with the Child Safety Commissioner or their delegate in respect to Whistleblower matters.

### 7.3 Collating and publishing statistics

The Co-ordinator will establish a secure register to record the information required to be published in the annual report and to generally keep account of the status of whistleblower disclosures. The register will be confidential and will not record any information that may identify the whistleblower.

The register will contain the following information:

- The number and types of disclosures made to OCSC during the year;
- The number of disclosures referred to the Ombudsman for determination as to whether they are “public interest disclosures”;
- The number and types of disclosed matters referred to the OCSC by the Ombudsman for investigation;
- The number and types of disclosures referred by the OCSC to the Ombudsman for investigation;
- The number and types of investigations taken over from the OCSC by the Ombudsman;
- The number of requests made by a whistleblower to the Ombudsman to take over an investigation by the OCSC;
- The number and types of disclosed matters that the OCSC has declined to investigate;
- The number and types of disclosed matters which were substantiated upon investigation and the action taken on completion of the investigation; and
- Any recommendations made by the Ombudsman that relate to the OCSC;
- The total number of disclosed matters that have been referred to alternative complaints mechanisms;
- The number of disclosed matters that have been referred to alternative complaints mechanisms internal to the OCSC; and
- The number of disclosed matters that have been referred to alternative complaints mechanisms external to the OCSC.

## 8. How a Protected Disclosure complaint is investigated

Where the Co-ordinator has received a disclosure, he or she will assess whether the disclosure has been made in accordance with Part 2 of the Act and is, therefore, a “protected disclosure”. The key aspects of this assessment are described below.

The Co-ordinator will make a preliminary determination as to whether the disclosure is a protected disclosure, and then make a recommendation to the Child Safety Commissioner.

Where a disclosure is assessed not to be a protected disclosure, the matter does not need to be dealt with under the Act. The Child Safety Commissioner or their delegate will decide in consultation with the Co-ordinator how the matter should be dealt with.

### **8.1 Has the disclosure been made to the appropriate person?**

For the disclosure to be responded to by the OCSC it must concern an employee, or officer of the OCSC. If the disclosure concerns an employee or officer of another department or funded agency, the person who has made the disclosure must be advised of the correct person or body to whom the disclosure should be directed. If the disclosure has been made anonymously, it should be referred to the Ombudsman.

### **8.2 Who can make a disclosure about improper conduct?**

The Act provides that:

1. A natural person who believes on reasonable grounds that a public officer or public body—
  - a) has engaged, is engaging or proposes to engage in improper conduct in their capacity as a public officer or public body; or
  - b) has taken, is taking or proposes to take detrimental action in contravention of section 18 —
2. may disclose that improper conduct or detrimental action in accordance with this Part.

### **8.3 Is the disclosure a public interest disclosure?**

If the Co-ordinator believes the disclosure is a protected disclosure then the disclosure must be assessed to determine if it is a 'public interest disclosure' under part 4 of the Act. The Co-ordinator must apply section 24 to the complaint.

Under section 24 of the Act:

Determination of disclosure as public interest disclosure

1. If a person makes a disclosure to the Ombudsman in accordance with Part 2, the Ombudsman must, within a reasonable time after receiving the disclosure, determine whether the disclosure is a public interest disclosure.
2. In making a determination under sub-section (1), the Ombudsman must be satisfied that the disclosure shows or tends to show that a public officer or public body —
  - a) has engaged, is engaging or proposes to engage in improper conduct in their capacity as a public officer or public body; or
  - b) has taken, is taking or proposes to take detrimental action in contravention of section 18.

On finalisation of this determination, the Co-ordinator will make a recommendation to the Child Safety Commissioner or his delegate. The full assessment process including the Child Safety Commissioner's determination must be completed by the OCSC within 45 days of the receipt of the disclosure.

**If the Child Safety Commissioner or their delegate accepts the Co-ordinator's recommendation that the disclosure amounts to a public interest disclosure, then the Co-ordinator will:**

- Notify the person who made the disclosure of that conclusion; and
- Refer the disclosure to the Ombudsman for formal determination as to whether it is indeed a public interest disclosure.

**If the OCSC determines that the disclosure is not a "public interest disclosure", then the Co-ordinator will:**

- Notify the person who made the disclosure of that conclusion; and
- Advise that person that he or she may request the OCSC to refer the disclosure to the Ombudsman for a formal determination as to whether the disclosure is a public interest disclosure and that this request must be made within 28 days of the notification.

In either case, the Co-ordinator will make the notification and the referral within 14 days of the conclusion being reached by the OCSC. Notification to the whistleblower is not necessary where the disclosure has been made anonymously.

## 9. Investigations

Following information from the Ombudsman that the complaint is a Public Interest Disclosure the Co-ordinator will appoint an investigator to carry out the investigation.

### 9.1 Terms of reference

The objectives of an investigation will be:

- To collate information relating to the allegation as quickly as possible. This may involve taking steps to protect or preserve documents, materials and equipment;
- To consider the information collected and to draw conclusions objectively and impartially;
- To maintain procedural fairness in the treatment of witnesses and the person who is the subject of the disclosure; and
- To make recommendations arising from the conclusions drawn concerning remedial or other appropriate action.

Before commencing an investigation, the Co-ordinator will draw up terms of reference and obtain authorisation for those terms by the Child Safety Commissioner or his delegate. The terms of reference will set a date by which the investigation report is to be concluded and will describe the resources available to the investigator to complete the investigation within the time set. The terms of reference will require the investigator to make regular reports to the Co-ordinator, who in turn is to keep the Ombudsman informed of general progress. The Co-ordinator may if necessary, approve an extension of time requested by the investigator.

### 9.2 Investigation plan

The investigator will prepare an investigation plan for approval by the Co-ordinator. The plan will list the issues to be investigated and describe the avenue of inquiry. It will address the following issues:

- What is being alleged?
- What are the possible findings or offences?
- What are the facts in issue?
- How is the inquiry to be conducted?
- What resources are required?

The investigator will notify the whistleblower that they have been appointed to conduct the investigation. The whistleblower may be asked to clarify any matters or provide any additional material he or she might have. The investigator will be sensitive to the whistleblower's possible fear of reprisals and will need to be aware of the statutory protections provided to the whistleblower.

### **9.3 Conduct of the investigation**

The investigator will:

- make contemporaneous notes of all discussions and phone calls;
- tape all interviews with witnesses;
- Where appropriate request that all witness statements are signed;
- securely store all information gathered;
- conduct interviews in private and take all reasonable steps to protect the identity of the whistleblower; and
- inform the whistleblower and human resources if the identity of the Whistleblower may become known to others during the course of the investigation.

It is in the discretion of the investigator to allow any witness to have legal or other representation or support during an interview. If a witness has a special need for legal representation or support, permission should be granted.

### **9.4 Referral of an investigation to the Ombudsman**

The Co-ordinator may refer an investigation to the Ombudsman, following the advice of the investigator that for example:

- The investigation is being obstructed by, for example, by the non-cooperation of key witnesses; or
- The investigation has revealed conduct that may constitute a criminal offence.

### **9.5 Reporting requirements**

The Co-ordinator will ensure that the whistleblower is kept regularly informed of the progress of the handling of an investigation.

The Co-ordinator will report to the Ombudsman about the progress of an investigation.

Where the Ombudsman or the whistleblower requests information about the progress of an investigation, that information will be provided within 28 days of the date of the request.

## 10. Action taken after an investigation

### 10.1 Investigator's final report

At the conclusion of the investigation, the investigator will submit a written report of findings to the Co-ordinator. The report will contain:

The allegation/s:

- account all relevant information received and if the investigator has rejected evidence as being unreliable, the reasons for this opinion being formed;
- the conclusions reached and the basis for them; and
- any recommendations arising from the conclusions.

Where the investigator has found that the conduct disclosed by the whistleblower has occurred, recommendations made by the investigator will include:

- The steps which need to be taken by the OCSC to prevent the conduct from continuing or occurring in the future;
- Any action which should be taken by the OCSC to remedy any harm or loss arising from the conduct. This action may include the bringing of disciplinary proceedings against the person responsible for the conduct subject of the disclosure, and the referral of the matter to an appropriate authority eg Police for further consideration.

The report will be accompanied by:

- The transcript or other record of any oral evidence taken, including tape recordings;
- All documents, statements or other exhibits received by the officer and accepted as evidence during the course of the investigation.

Where the investigator's report is to include an adverse comment against any person, that person will be given the opportunity to respond and his or her defence will be fairly included in the report.

The report will not disclose particulars likely to lead to the identification of the whistleblower.

### 10.2 Action to be taken

If the Co-ordinator is satisfied with the investigator's recommendations that the disclosed conduct has occurred, they:

- will make recommendations to the Child Safety Commissioner or his delegate stating the action which must be taken to prevent the conduct from continuing or occurring in the future; and
- may also recommend that action be taken to remedy any harm or loss arising from the conduct.

These recommendations must be provided in writing to the Child Safety Commissioner, the Minister, and the Ombudsman. The Co-ordinator will also provide a written report to the Ombudsman and the whistleblower setting out the findings of the investigation and any remedial steps taken.

## 11. Managing the welfare of the whistleblower

### 11.1 Commitment to protecting whistleblowers

The OCSC is committed to the protection of whistleblowers against detrimental action taken in reprisal for the making of protected disclosures. The Co-ordinator is responsible for ensuring that whistleblowers are protected from direct and indirect detrimental action and that the culture of the workplace is supportive of protected disclosures being made.

The Co-ordinator will consult with the Employee Support Services Co-ordinator regarding the welfare needs of the whistleblower. The Employee Support Services Co-ordinator in the Department of Human Services will contact the whistleblower to discuss what support is needed.

The Employee Support Services Co-ordinator welfare will:

- Examine the immediate welfare and protection needs of a whistleblower who has made a disclosure and where the whistleblower is an employee, seek to foster a supportive work environment;
- Listen and respond to any concerns of harassment, intimidation or victimisation in reprisal for making disclosure;
- Keep a contemporaneous record of all aspects of the case management of the whistleblower including all contact and follow up action; and to
- Ensure that the welfare expectations of the whistleblower are realistic.

All employees are advised that it is an offence for a person to take detrimental action in reprisal for a protected disclosure. The maximum penalty is a fine of 240 penalty units (\$24,000) or 2 years imprisonment or both. The taking of detrimental action in breach of this provision can also be grounds for the making of a disclosure under the Act and can result in an investigation.

### 11.2 Occurrence of detrimental action

If a whistleblower reports an incident of harassment, discrimination or adverse treatment that would amount to detrimental action, the Employee Support Services Co-ordinator will:

- record details of the incident;
- advise the whistleblower of their rights under the Act; and
- advise the Co-ordinator and/or the Child Safety Commissioner or his delegate of the detrimental action.

### 11.3 Keeping the whistleblower informed

The Co-ordinator will keep the whistleblower informed of action taken in relation to his or her disclosure and the time frames that apply. The whistleblower will be informed of the objectives of an investigation, the findings of an investigation and the steps taken by the OCSC to address any improper conduct that have been found to have occurred. The whistleblower will be given reasons for decisions made by the OCSC in relation to a protected disclosure. All communication with the whistleblower will be in a clear and concise manner and information may be provided in the whistleblower's preferred language if appropriate.

## 11.4 Whistleblowers implicated in improper conduct

The OCSC acknowledges that the act of whistleblowing should not shield whistleblowers from the reasonable consequences flowing from any involvement in improper conduct.

Section 17 of the Act specifically provides that a person's liability for his or her own conduct is not affected by the person's disclosure of that conduct under the Act. However, in some circumstances an admission may be a mitigating factor when considering disciplinary or other action.

The Child Safety Commissioner or his delegate will make the final decision on the advice of the Co-ordinator as to whether disciplinary or other action will be taken against a whistleblower. Where disciplinary or other action relates to conduct which is the subject of the whistleblower's disclosure, the disciplinary or other action will only be taken after the disclosed matter has been appropriately dealt with.

In all cases where disciplinary or other action is being contemplated, the Child Safety Commissioner or his delegate must be satisfied that it has been clearly demonstrated that:

- The intention to proceed with disciplinary action is not causally connected to the making of the disclosure (as opposed to the content of the disclosure or other available information);
- There are good and sufficient grounds which would fully justify action against any non-whistleblower in the same circumstances; and
- There are good and sufficient grounds that justify exercising any discretion to institute disciplinary or other action.

The Co-ordinator will thoroughly document the process including recording the reasons why the disciplinary or other action is being taken and the reasons why the action is not in retribution for the making of the disclosure. The Co-ordinator will clearly advise the whistleblower of the proposed action to be taken and of any mitigating factors that have been taken into account.

## 12. Management of the person against whom a disclosure has been made

The OCSC recognises that employees against whom disclosures are made must also be supported during the handling and investigation of disclosures. The OCSC will take all reasonable steps to ensure the confidentiality of the person subject of the disclosure during the assessment and investigation process. Where investigations do not substantiate disclosures, the fact that the investigation has been carried out, the results of the investigation and the identity of the person subject of the disclosure will remain confidential.

The Co-ordinator will ensure that the person subject of any disclosure that is investigated by or on behalf of a OCSC is:

- Informed as to the substance of the allegations;
- Given the opportunity to answer the allegations before a final decision is made;
- Informed as to the substance of any adverse comment that may be included in any report arising from the investigation; and has
- His or her defence set out fairly in any report.

Where the allegations in a disclosure have been investigated, and the person who is subject of the disclosure is aware of the allegations or the fact of the investigation, the Co-ordinator will formally advise the person subject of the disclosure the outcome of the investigation.

The OCSC will give its full support to a person subject of a disclosure where the allegations contained in a disclosure are clearly wrong or unsubstantiated. If the matter has been publicly disclosed, the Child Safety Commissioner or his delegate will consider any request by that person to issue a statement of support setting out that the allegations were clearly wrong or unsubstantiated.

## 13. Criminal Offences

The OCSC will ensure that officers appointed to handle protected disclosures and all other employees are aware of the following offences created by the Act:

1. It is an offence for a person to take detrimental action against a person in reprisal for a protected disclosure being made. The Act provides a maximum penalty of a fine of 240 penalty units (\$24,000) or 2 years imprisonment or both.
2. It is an offence for a person to divulge information obtained as a result of the handling or investigation of a protected disclosure without legislative authority. The Act provides a maximum penalty of 60 penalty units (\$6,000) or 6 months imprisonment or both.
3. It is an offence for a person to obstruct the Ombudsman in performing his responsibilities under the Act. The Act provides a maximum penalty of 240 penalty units (\$24,000) or 2 years imprisonment or both.
4. It is an offence for a person to knowingly provide false information under the Act with the intention that it be acted on as a disclosed matter. The Act provides a maximum penalty of 240 penalty units (\$24,000) or 2 years imprisonment or both.

## 14. Review

These procedures will be reviewed annually to ensure that they meet the objectives of the Act and accord with the Ombudsman's guidelines.

## 15. Contact Details

### 15.1 Protected Disclosure Co-ordinator

#### Mr Ray Carroll

PHONE: 03 8601 5818(business hours, other times 24 Hour Voice Mail)

FACSIMILE: 03 8601 5877

ADDRESS: Level 20, 570 Bourke Street, Melbourne, Victoria 3000

Designated Alternate if Mr Carroll is unavailable:

#### Mr Chris Walsh

PHONE: 03 8601 5278(business hours, other times 24 Hour Voice Mail)

FACSIMILE: 03 8601 5877

ADDRESS: Level 20, 570 Bourke Street, Melbourne, Victoria 3000

### 15.2 Ombudsman Contact Details

A disclosure about improper conduct or detrimental action by the OCSC or its employees, may also be made directly to the Ombudsman:

Mr George Brouwer  
Ombudsman Victoria  
Level 9, 459 Collins Street  
Melbourne Victoria 3000

Tel: (03) 9613 6222

Toll Free: 1800 806 314

(DX 210174)

Fax: (03) 9614 0246

Internet:

<http://www.ombudsman.vic.gov.au>

Email:

[ombudvic@ombudsman.vic.gov.au](mailto:ombudvic@ombudsman.vic.gov.au)

The following table sets out where disclosures about persons other than employees of OCSC should be made:

Person subject of the disclosure	Person/body to whom the disclosure must be made
Employee of a public body	That public body or the Ombudsman
Member of Parliament (Legislative Assembly)	Speaker of the Legislative Assembly
Member of Parliament (Legislative Council)	President of the Legislative Council
Councillor	The Ombudsman
Chief Commissioner of Police	The Ombudsman or Deputy Ombudsman
Member of the Police Force	The Ombudsman, Deputy Ombudsman or Chief Commissioner of Police
Employee of a funded agency	The funded agency or the Ombudsman

### 15.3 Natural Justice

The principles of natural justice will be followed in any investigation of a public interest disclosure. The principles of natural justice concern procedural fairness and ensure that a fair decision is reached by an objective decision maker. Maintaining procedural fairness protects the rights of individuals and enhances public confidence in the process.

The OCSC will have regard to the following issues in ensuring procedural fairness:

- The person who is subject of the disclosure is entitled to know the allegations made against him or her and must be given the right to respond. (This does not mean that the person must be advised of the allegation as soon as the disclosure is received or the investigation has commenced);
- If the investigator is contemplating making a report adverse to the interests of any person, that person should be given the opportunity to put forward further material which may influence the outcome of the report and that person's defence should be fairly set out in the report;
- All relevant parties to a matter should be heard and all submissions should be considered;
- A decision should not be made until all reasonable inquiries have been made;
- The investigator or any decision maker should not have a personal or direct interest in the matter being investigated;
- All proceedings must be carried out fairly and without bias. Care should be taken to exclude perceived bias from the process; and
- The investigator must be impartial in assessing the credibility of the whistleblowers and any witnesses. Where appropriate, conclusions as to credibility should be included in the investigation report.