

# Public Interest Disclosure Procedures

---

## INTRODUCTION

The University is committed to the aims and objectives of the [Public Interest Disclosure Act 2008](#), by facilitating the disclosure of improper conduct relating to the University, its staff members or members of Council; dealing with the disclosure in accordance with the [Public Interest Disclosure Act 2008](#) and taking all reasonable steps to protect a person who discloses improper conduct from any detrimental action in reprisal from making the disclosure.

## COMPLIANCE

This is a compliance requirement under the [Public Interest Disclosure Act 2008](#).

## INTENT

These procedures govern the handling of disclosures of improper conduct by:

- Informing staff members and students about how to make a disclosure of improper conduct relating to the University, its staff members or members of Council;
- Setting out procedures for receiving and assessing disclosures; and
- Protecting the persons who make public interest disclosures and others from acts of reprisal

## RELEVANT DEFINITIONS

In the context of this document

**Commissioner** means the person holding, or acting in, the Office of Commissioner for Public Interest Disclosures;

**Discloser** means a person who (purports to) make(s) a complaint, allegation or disclosure (however described) under [the Act](#);

**Disclosure** means the reporting of behaviour that is corrupt or improper conduct that is not corrupt but that would, if proved, constitute a criminal offence or reasonable grounds for dismissal;

**Improper conduct** means conduct on the part of a public body or public officer in, or related to, the performance of official functions that includes:

- Conduct that is dishonest;
- Inappropriately biased;
- Breaches public trust;
- Involves the misuse of confidential information;
- A substantial misuse or mismanagement of public resources;
- A substantial risk to public health or safety;
- A substantial risk to the environment;
- Or substantial maladministration that specifically; and/or
- Substantially and adversely affects someone's interests.

**Investigation** means an investigation under Part 3 of the [Public Interest Disclosure Act 2008](#);

**Protected discloser** means a person who makes a disclosure of improper conduct or detrimental action in accordance with the requirements of section 11 of [the Act](#);

**Public Body** means the University, according to [the Act](#);

**Public Officer** means a University staff member or member of Council, according to [the Act](#);

**Recipient** means any of the following to whom a public interest disclosure is made:

- The Speaker;
- The Commissioner, including if a disclosure is referred; and
- A responsible chief executive;

**Referred** means referred to the Commissioner under section 12 of [the Act](#);

**Speaker** means the Speaker of the Northern Territory Legislative Assembly;

**The Act** means the [Public Disinterest Disclosure Act 2008](#); and

**University Community** means officials and individuals carrying out University business. This includes, but is not limited to, all staff members, researchers, peer reviewers, students, volunteers, consultants, agents and contractors.

## PROCEDURES

### Making public interest disclosure whether orally or in writing

An individual (and only an individual) may report improper conduct and/or detrimental action on the part of the University, its staff members or members of Council, however, a public interest disclosure cannot be based solely or substantially on:

- Disagreement with a policy that may properly be adopted, including a disagreement about amounts, purposes and priorities of expenditure; or
- An employment related grievance (other than a grievance about an act of reprisal) or other personal grievance.

The procedure for making a public interest disclosure as mentioned in section 11 of the [Public Interest Disclosure Act 2008](#) is as follows:

For a public interest disclosure to be made orally to a recipient, the discloser must:

- Speak in person with the recipient (that is, both the discloser and recipient must be physically present for the disclosure); or
- Speak to, or leave a message for, the recipient by telephone or using some other form of electronic communication (other than a form that is in writing).

For a public interest disclosure to be made in writing to a recipient, the discloser must address the disclosure to, or otherwise mark it for, the recipient's attention and:

- Send the disclosure to a postal or email address for the recipient; or

- Deliver the disclosure to, or leave it for, the recipient at an office used by the recipient for his or her official business.

If a recipient reasonably suspects a public interest disclosure is about to be made, or is being made, the recipient must, with the discloser's agreement, take reasonable steps to ensure privacy during the disclosure.

### **Acknowledgment of receipt of disclosure**

The timeline for the process of receipt and referral of a disclosure is outlined in Part 2, Division 2 of [the Act](#).

This regulation applies to a public interest disclosure made to a recipient but does not apply if the disclosure is made anonymously or a postal or email address was not given by the discloser as part of making the disclosure.

Within fourteen (14) days after the day of the receipt of the public interest disclosure by the recipient, the recipient must acknowledge its receipt by written notice to the discloser sent to a postal or email address given as part of making the disclosure.

#### **Note for sub regulation (2)**

If the Speaker receives a public interest disclosure, the Speaker must acknowledge receipt within 14 days after the day of receipt by the Speaker. If the Speaker refers the disclosure and the Commissioner receives it, the Commissioner must acknowledge receipt within 14 days after the day of the receipt by the Commissioner.

If the recipient referred the public interest disclosure, the notice acknowledging receipt must state that fact and the date of the referral.

If a person giving information to the Speaker, the Commissioner or the Vice-Chancellor purports to be making a public interest disclosure but the information is not a public interest disclosure, the Speaker, Commissioner or Vice-Chancellor must acknowledge its receipt by giving notice under this regulation to the person as if the information were a public interest disclosure.

### **Referral of Public Interest Disclosure**

If a public interest disclosure is made to the Vice-Chancellor, the Vice-Chancellor must refer it to the Commissioner within fourteen (14) days after receiving it.

### **Commissioner to keep contact with discloser**

The Commissioner must keep contact with the discloser of a public interest disclosure, by giving information to the discloser about the status of the investigation relating to the disclosure, at times the Commissioner considers reasonable in the circumstances. This does not apply if the discloser has expressly stated he or she does not wish to have that contact. If the discloser asks the Commissioner for information about the investigation's status, the Commissioner must give information about the status to the discloser within twenty-eight (28) days after the day of the request. The Commissioner is not required to give information under sub-regulation unless satisfied it is reasonable to do so.

It is not reasonable to give information if:

- The information has already been given to the discloser or is publicly available; or
- Giving the information requested would endanger the safety of any person or prejudice the conduct of an investigation.

## Protection

Members of the University Community who refuse to accept or offer a bribe, or those who raise concerns or report another's wrongdoing, may be worried about the possible repercussions. The University aims to encourage openness and will support anyone who raises genuine concerns in good faith under this policy, even if the concern turns out to be mistaken.

The University is committed to ensuring no one suffers any detrimental treatment as a result of refusing to take part in fraud, bribery or corrupt conduct, or because of reporting in good faith his or her suspicion that an actual or potential bribery or other corrupt offence has taken place, or may take place in the future. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern.

If a discloser believes that he or she have suffered any such treatment, he or she should inform the Director, Strategic Services and Governance immediately. If the matter is not remedied, the discloser should consult with the Complaints Manager, Office of Leadership and Organisational Culture.

## Request for relocation

The discloser may request relocation because of an act of reprisal, or an apprehended act of reprisal, against the discloser. The request must be made to the Vice-Chancellor. If, under section 18 of [the Act](#), the discloser requests relocation but he or she is not relocated by agreement within twenty-eight (28) days after the day of the request, the Vice-Chancellor must give the discloser a written notice stating:

- The reason why relocation has not taken place; and
- If the reason is that the Vice-Chancellor is not satisfied there are reasonable grounds for the request – the following must be advised of:
  - The reasons why the Vice-Chancellor is not satisfied; and/or
  - A statement that the discloser may apply under section 19 of [the Act](#) for a review of the decision.

The Vice-Chancellor is not required to give information if giving it would prejudice the conduct of an investigation or endanger the safety of any person.

## Prescription of person or body as referral body

If the Commissioner considers it appropriate, the Commissioner may refer a public interest disclosure to any of the following (each of whom is a referral body):

For section 22(1) (d) of [the Act](#), the following are prescribed:

- The Ombudsman;
- The Police Commissioner;
- The Auditor-General; or
- A person or body prescribed by regulation.

In this regulation:

- The referral body exercises its own powers of investigation and [the Act](#) does not apply to the investigation conducted by the referral body. However, the public interest disclosure retains its protection under [the Act](#).

## Witness expenses

As part of an investigation, a witness may be required to attend for examination before the Commissioner, in which case travel, food and accommodation, if necessary, maybe be reimbursed.

## Guideline for reasonable time

Within a reasonable time after completing an investigation, the Commissioner must give written notice of the following to the discloser:

- The findings of the investigation;
- Any recommendations the Commissioner made as a result of the investigation; and
- The steps taken to give effect to the recommendations.

## ESSENTIAL SUPPORTING INFORMATION

### Internal

[Fraud Bribery and Corrupt Conduct Prevention Policy](#)

### External

[Public Interest Disclosure Act 2008](#) (NT)

[Public Interest Disclosure Regulations 2012](#) (NT)

[Work Health and Safety \(National Uniform Legislation\) Implementation Act 2011](#) (NT)

## Document History and Version Control

<b>Last amendment:</b>	15 Dec 2017	<b>Next Review:</b>	13 Nov 2015
<b>Sponsor:</b>	Director, Strategic Service and Governance		
<b>Contact Officer:</b>	Director, Strategic Services and Governance		

Version	Date Approved	Approved by	Brief Description
1.00	13 Nov 2013	Vice-Chancellor	Creation of original document and upload to CDU website.
1.01	15 Dec 2017	Governance	<ul style="list-style-type: none"> <li>• Conversion to new template due to new University branding</li> <li>• Updated hyperlinks</li> <li>• Reference to Fraud and Corruption Prevention Control Procedure removed</li> <li>• Reference Fraud and Corruption Prevention Control Policy changed to Fraud Bribery and Corrupt Conduct Prevention Policy</li> <li>• Added Sponsor Director, Strategic Services and Governance</li> </ul>