



Office of the Commissioner for
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NTPS bulletin

HAVE YOUR SAY ON WHISTLEBLOWER PROTECTION IN THE NTPS

The Government is looking to introduce whistleblower protection legislation for the NTPS and is inviting employees to have their say in how the new law will work.

A Discussion Draft for a proposed Public Interest Disclosure Act is available at www.nt.gov.au/justice for you to comment on by 18 March 2005. Comments received will be taken into consideration when preparing the final draft Bill.

WHAT IS WHISTLEBLOWER PROTECTION?

Whistleblower protection laws are common place in Australia and have three main purposes:

1. to encourage people to disclose or “blow the whistle” on improper conduct by a public official or public body,
2. to protect anybody who makes a disclosure from reprisals,
3. to ensure that the disclosure is properly investigated and dealt with.

At their core, whistleblower protection laws are about improving governance and accountability in public administration.

HOW MIGHT THE NEW LAW AFFECT ME?

All NTPS employees and all NTPS agencies (including Police) will be covered by the new law. This means that you will have the right to make a disclosure, have it investigated and dealt with, and a right to the protection from reprisals available under the Act.

Similarly, if someone makes a disclosure about your alleged conduct, you will have the right to have the allegation properly and independently investigated, and be afforded a fair hearing.

Heavy penalties will apply to anyone individual or agency that is found to have taken reprisals against a person who has made a disclosure.

WHAT DOES IMPROPER CONDUCT MEAN?

A disclosure must be in the public interest and fit within the meaning of “improper conduct” within the Act. Broadly speaking this means:

- corrupt conduct,
- substantial mismanagement of public resources,
- conduct involving substantial risk to public health or safety or the environment.

Whistleblower protection is not meant to take the place of the employee grievance or discipline processes. These will still be dealt with under the *Public Sector Employment and Management Act*.

WHO WILL MAKE SURE THE LAW IS WORKING PROPERLY?

The Northern Territory Ombudsman will have responsibility for ensuring that all disclosures are dealt with in accordance with the law and will issue guidelines for employees and agencies.

Employees will be able to make a disclosure to:

- the Ombudsman
- the relevant public body; or the
- Commissioner of Police.

All agencies will be required to notify the Ombudsman of any disclosure made to them which they consider to be a public interest disclosure. The Ombudsman will then make a determination as to whether the disclosure is a public interest disclosure and decide how the matter is to be investigated, whether by the Ombudsman him/herself, or another public body.

The results of any investigation and the action taken to deal with the matter must be reported to the Ombudsman, the person who made the disclosure, and anyone who was the subject of the disclosure.

WHAT DOES PROTECTION FROM REPRISALS MEAN?

Without some form of protection from reprisals, people may be worried about what might happen to them personally if they “blow the whistle”. The Act will prohibit any person or public body from taking reprisals against a person who makes a disclosure. The penalties for such action will include heavy fines and imprisonment and a person may also seek damages in court.

WHAT DO I NEED TO DO NOW?

You now have the opportunity to have your say in how the new law might work. If you have a particular concern, or you feel the draft Bill requires change in some area, you are encouraged to submit a comment to:

Director
Policy Unit
Department of Justice
PO Box 1722
45 Mitchell Street
DARWIN NT 0801

or

ceo_feedback.ntag@nt.gov.au



JOHN KIRWAN
Commissioner for Public Employment

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