

## 1. Purpose

The Veterinary Practitioners Board (Board) is committed to supporting and protecting staff when they report wrongdoing. The Board is firmly of the opinion that staff who come forward and report wrongdoing are helping to promote integrity, accountability and good management within the authority.

The Board has a number of functions as detailed in the *Veterinary Practice Act 2003 (Act)* which contribute to the achievement of the objects of the Act:

- i. To promote the welfare of animals
- ii. To ensure that consumers of veterinary services are well informed as to the competencies required of veterinary practitioners
- iii. To ensure that acceptable standards are required to be met by veterinary practitioners so as to meet the public interest and national and international trade requirements
- iv. To provide public health protection

Staff who report wrongdoing are therefore supporting the achievement of the objects of the Act and this policy is supported by procedures based on guidelines provided by the Ombudsman.

## 2. Organisational commitment

In order to ensure achievement of the aims of this policy, the Board is committed to creating a climate of trust that encourages staff to come forward if they are aware of wrongdoing. The Board will protect staff from any adverse action resulting from them making genuine disclosures about wrongdoing and, if necessary and where possible, will keep the identity of staff members disclosing a wrongdoing confidential.

The Board has made a commitment to facilitate a culture aligned with achieving the principles of the *Public Interest Disclosures Act 1994 (PID Act)* through ensuring there are adequate resources to:

- i. encourage reports of wrongdoing
- ii. protect and support those who make them
- iii. provide training for staff about how to make reports and the benefits of internal reports to the authority and the public interest generally
- iv. properly investigate allegations
- v. properly manage any workplace issues that the allegations identify or that result from a report
- vi. appropriately address any identified problems.

## 3. Roles and responsibilities of staff

This policy applies to:

- i. Permanent employees, whether full time or part time
- ii. Temporary or casual employees
- iii. Board members
- iv. Consultants and individual contractors

Staff are encouraged to support those who have made reports about wrongdoing as well as protect and maintain their confidentiality where possible. Staff must not victimise or harass anyone who has made a report about wrongdoing.

## 4. What should be reported?

You should report any suspected wrongdoing you see within the Board. Reports about the five categories of serious wrongdoing will be dealt with under the PID Act as public interest disclosures and according to this policy.

### a. Corrupt conduct

Corrupt conduct is the dishonest or partial exercise of official functions by a public official.

For example, this could include:

- the improper use of knowledge, power or position for personal gain or the advantage of others
- acting dishonestly or unfairly, or breaching public trust
- a member of the public influencing a public official to use their position in a way that is dishonest, biased or breaches public trust.

For more information about corrupt conduct, see the NSW Ombudsman's guideline on [what can be reported](#).

### b. Maladministration

Maladministration is conduct that involves action or inaction of a serious nature that is contrary to law, unreasonable, unjust, oppressive or improperly discriminatory or based wholly or partly on improper motives.

For example, this could include:

- making a decision and/or taking action that is unlawful
- refusing to grant someone a licence for reasons that are not related to the merits of their application.

For more information about maladministration, see the NSW Ombudsman's guideline on [what can be reported](#).

**c. Serious and substantial waste of public money**

Serious and substantial waste is the uneconomical, inefficient or ineffective use of resources that could result in the loss or wastage of public resources.

For example, this could include:

- not following a competitive tendering process for a large scale contract
- having bad or no processes in place for a system involving large amounts of public funds.

For more information about serious and substantial waste, see the NSW Ombudsman's guideline on [what can be reported](#).

**d. Government information contravention**

A government information contravention is a failure to properly fulfil functions under the *Government Information (Public Access) Act 2009* (GIPA Act).

For example, this could include:

- destroying, concealing or altering records to prevent them from being released
- knowingly making decisions that are contrary to the legislation
- directing another person to make a decision that is contrary to the legislation.

For more information about government information contravention, see the NSW Ombudsman's guideline on [what can be reported](#).

**e. Local government pecuniary interest contravention**

A local government pecuniary interest contravention is a failure to fulfil certain functions under the *Local Government Act 1993* relating to the management of pecuniary interests. These include obligations to lodge disclosure of interests returns, lodge written declarations and disclose pecuniary interests at council and council committee meetings. A pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person.

For example, this could include:

- a senior council staff member recommending a family member for a council contract and not declaring the relationship
- a general manager holding an undisclosed shareholding in a company competing for a council contract

For more information about local government pecuniary interest breaches, see the NSW Ombudsman's guideline on [what can be reported](#).

**f. Other wrongdoing**

Although reports about the previous five categories of conduct can attract the specific protections of the PID Act, you should report all activities or incidents that you believe are wrong.

For example, these could include:

- harassment or unlawful discrimination
- reprisal action against a person who has reported wrongdoing
- practices that endanger the health or safety of staff or the public.

These types of issues should be reported to the Registrar, or if concerning the Registrar, the Deputy Registrar or President of the Board.

Even if these reports are not dealt with as public interest disclosures, the Board will consider each matter and make every attempt to protect the staff member making the report from any form of reprisal.

## 5. When will a report be protected?

The Board will support any staff who report wrongdoing. For a report to be considered a public interest disclosure, it has to meet all of the requirements under the PID Act. These requirements are:

- The person making the disclosure must honestly believe on reasonable grounds that the information shows or tends to show wrongdoing.
- The report has to be made to a position nominated in this policy (see section 9) or an investigating authority (see section 10).

Reports by staff cannot be considered to be public interest disclosures if they:

- mostly question the merits of government policy

- are made with the sole or substantial motive of avoiding dismissal or other disciplinary action.

## 6. How to make a report

You can report wrongdoing in writing or verbally. You are encouraged to make a report in writing as this can help to avoid any confusion or misinterpretation.

If a report is made verbally, the person receiving the report must make a comprehensive record of the disclosure and ask the person making the disclosure to sign this record. The staff member should keep a copy of this record.

## 7. Can a report be anonymous?

There will be some situations where you may not want to identify yourself when you make a report. Although these reports will still be dealt with by the Board, it is best if you identify yourself. This allows us to provide you with any necessary protection and support, as well as feedback about the outcome of any investigation into the allegations.

It is important to realise that an anonymous disclosure may not prevent you from being identified. If we do not know who made the report, it is very difficult for us to prevent any reprisal action.

## 8. Maintaining confidentiality

The Board realises many staff will want their report to remain confidential. This can help to prevent any action being taken against you for reporting wrongdoing.

We are committed to keeping your identity, and the fact you have reported wrongdoing, confidential. However there may be situations where this may not be possible or appropriate. We will discuss with you whether it is possible to keep your identity confidential.

If confidentiality cannot be maintained, we will develop a plan to support and protect you from risks of reprisal. You will be involved in developing this plan.

If you report wrongdoing, it is important that you only discuss your report with those responsible to deal with it. This will include the Registrar and the President.

## 9. Who can receive a report within the Board?

You are encouraged to report general wrongdoing to the Registrar. However the PID Act requires that for a report to be a public interest disclosure, it must be made to a public official in accordance with the authority's disclosure procedures - this means this policy and any supporting procedures.

Any supervisor who receives a report that they believe may be a public interest disclosure must refer the staff member making the report to one of the positions listed below. The broader responsibilities of these positions will be outlined in the procedures supporting this policy.

The following positions are the only staff within the Board who can receive a public interest disclosure.

### a. Registrar

You can report wrongdoing directly to the Registrar. This position is responsible for:

- i. receiving, assessing and where appropriate referring disclosures made by staff to the President
- ii. deciding if a report is a public interest disclosure
- iii. determining what needs to be done next, including referring it to other authorities
- iv. deciding what needs to be done to address any problem that has been identified
- v. ensuring that there are systems in place to support and protect staff who report wrongdoing
- vi. referring actual or suspected corrupt conduct to the Independent Commission Against Corruption.

### b. President

In the absence of the Registrar or if your report concerns the Registrar, you may report wrongdoing to the President who is then responsible for the above actions.

## 10. Who can receive a report outside of the Board

Staff are encouraged to report wrongdoing within the Board, but internal reporting is not your only option. If you follow the guidance below, you can make a public interest disclosure to:

- i. an investigating authority. Any report about the Board should be made to an investigating authority.
- ii. a Member of Parliament or a journalist, but only in the limited circumstances outlined below.

#### a. Investigating authorities

The PID Act lists a number of investigating authorities in NSW that staff can report wrongdoing to and the categories of wrongdoing each authority can deal with.

These authorities are:

- i. the Independent Commission Against Corruption (ICAC) — for corrupt conduct
- ii. the Ombudsman — for maladministration
- iii. the Auditor-General — for serious and substantial waste
- iv. the Information Commissioner — for disclosures about a government information contravention
- v. the Division of Local Government, Department of Premier and Cabinet — for disclosures about local government agencies
- vi. the Police Integrity Commission (PIC) — for police misconduct
- vii. the Inspector of the Police Integrity Commission— for disclosures about the PIC or its staff
- viii. the Inspector of the Independent Commission Against Corruption — for disclosures about the ICAC or its staff
- ix. the Inspector of the Crime Commission – for disclosures about the NSW Crime Commission or its staff.

You should contact the relevant investigation authority for advice about how to make a disclosure to them. Contact details for each investigating authority are provided at the end of this policy.

You should be aware that it is very likely the investigating authority will discuss the case with the Board. We will make every effort to assist and cooperate with the investigating authority to ensure the matter is dealt with appropriately and there is a satisfactory outcome. We will also provide appropriate support and assistance to staff who report wrongdoing to an investigating authority.

#### b. Members of Parliament or journalists

To have the protections of the PID Act, staff reporting wrongdoing to a Member of Parliament (MP) or a journalist must have already made substantially the same report to one of the following:

- i. the Registrar
- ii. a person nominated in this policy
- iii. an investigating authority listed in this policy and in accordance with the PID Act.

Also, the Board or investigating authority that received your initial report must have either:

- i. decided not to investigate the matter
- ii. decided to investigate the matter, but not completed the investigation within six months of the original report
- iii. investigated the matter but not recommended any action as a result
- iv. not told the person who made the report, within six months of the report being made, whether the matter will be investigated.

Most importantly – to be protected under the PID Act – if you report wrongdoing to an MP or a journalist you will need to be able to prove that you have reasonable grounds for believing that the disclosure is substantially true and that it is in fact substantially true.

If you report wrongdoing to a person or an organisation that is not listed above, you will not be protected under the PID Act. This may mean you will be in breach of legal obligations or our code of conduct – by, for example, disclosing confidential information.

For more information about reporting wrongdoing outside the Board, contact the disclosures coordinator or the NSW Ombudsman’s Public Interest Disclosures Unit. Their contact details are provided at the end of this policy.

## 11. Feedback to staff who report wrongdoing

Staff who report wrongdoing will be told what is happening in response to their report.

When you make a report, you will be given:

- i. an acknowledgement that your disclosure has been received
- ii. the timeframe for when you will receive further updates
- iii. the name and contact details of the people who can tell you what is happening.

The PID Act requires that you are provided with an acknowledgement letter and a copy of this policy within 45 days after you have made your report. We will attempt to get this information to you within two working days from the date you make your report. After a decision is made about how your report will be dealt with, you will be given:

- i. information about the action that will be taken in response to your report
- ii. likely timeframes for any investigation
- iii. information about the resources available within the Board to handle any concerns you may have
- iv. information about external agencies and services you can access for support.

This information will be given to you within 10 working days from the date you make your report.

During any investigation, you will be given:

- i. information on the ongoing nature of the investigation
- ii. information about the progress of the investigation and reasons for any delay
- iii. advice if your identity needs to be disclosed for the purposes of investigating the matter, and an opportunity to talk about this.
- iv. At the end of any investigation, you will be given:
- v. enough information to show that adequate and appropriate action was taken and/or is proposed to be taken in response to your disclosure and any problem that was identified
- vi. advice about whether you will be involved as a witness in any further matters, such as disciplinary or criminal proceedings.

Behaviour of all staff involved in the PID process needs to adhere to the Board code of conduct. A breach of code could result in disciplinary action.

## 12. Protection against reprisals

The PID Act provides protection for people reporting wrongdoing by imposing penalties on anyone who takes detrimental action substantially in reprisal for them making the public interest disclosure.

The Board will not tolerate any reprisal action against staff who report wrongdoing. The criminal penalties that can be imposed include imprisonment or fines. Detrimental action is also misconduct that justifies disciplinary action. People who take detrimental action against someone who has made a disclosure can also be required to pay damages for any loss suffered by that person.

Detrimental action means action causing, comprising or involving any of the following:

- i. injury, damage or loss
- ii. intimidation or harassment
- iii. discrimination, disadvantage or adverse treatment in relation to employment
- iv. dismissal from, or prejudice in, employment
- v. disciplinary proceedings.

### a. Responding to reprisals

The Board will act to protect staff who report wrongdoing from reprisals.

When a report is received, we will ensure that a thorough risk assessment is conducted. This will identify any risks to the member of staff who reported the wrongdoing, as well as strategies to deal with those risks.

If you believe that detrimental action has been or is being taken against you or someone else who has reported wrongdoing in reprisal for making a report, you should tell your supervisor, the disclosures coordinator or the Registrar immediately.

All supervisors must report any suspicions they have that reprisal action against a staff member is occurring, or any reports that are made to them, to the disclosures coordinator or the Registrar.

If the disclosures coordinator becomes aware of or reasonably suspects that reprisal action is or has been taken against a person who has made a disclosure, they will:

- ensure a senior and experienced member of staff, who has not been involved in dealing with the initial disclosure, will investigate the suspected reprisal
- give the results of that investigation to the Registrar for a decision
- if it has been established that reprisal action is occurring against someone who has made a disclosure, take all steps possible to stop that activity and protect the member of staff who made the disclosure
- take appropriate disciplinary or criminal action against anyone proven to have taken or threatened any action in reprisal for making a disclosure.

If you report reprisal action, you will be kept informed of the progress of any investigation and the outcome.

The Registrar may issue specific directions to help protect against reprisals, including:

- issuing warnings to those alleged to have taken reprisal action against the member of staff who made the disclosure
- relocating the member of staff who made the disclosure or the subject officer within the current workplace
- transferring the member of staff who made the disclosure or the staff member who is the subject of the allegation to another position for which they are qualified
- granting the member of staff who made the disclosure or the subject officer leave of absence during the investigation of the disclosure.

These directions will only be taken if the member of staff who made the disclosure agrees to it. The disclosures coordinator will make it clear to other staff that this action was taken in consultation with the staff member and with management support – and it is not a punishment.

If you have reported wrongdoing and feel that any reprisal action is not being dealt with effectively, contact the Ombudsman or the ICAC – depending on the type of wrongdoing you reported. Contact details for all these investigating authorities are included at the end of this policy.

#### **b. Protection against legal action**

If you make a disclosure in accordance with the PID Act, you will not be subject to any liability and no action, claim or demand can be taken against you for making the disclosure. You will not have breached any confidentiality or secrecy obligations and you will have the defence of absolute privilege in defamation.

### **13. Support for those reporting wrongdoing**

The Board will make sure that staff who have reported wrongdoing, regardless of whether they have made a public interest disclosure, are provided with access to any professional support they may need as a result of the reporting process – such as stress management, counselling services, legal or career advice.

We also have staff that will provide support for those who report wrongdoing. They are responsible for initiating and coordinating support, particularly to staff who are suffering any form of reprisal.

All supervisors must notify the disclosures coordinator if they believe a staff member is being subjected to any detrimental action as a result of disclosing wrongdoing.

### **14. Sanctions for making false or misleading disclosures**

It is important that all staff are aware that it is a criminal offence under the PID Act to wilfully make a false or misleading statement when reporting wrongdoing.

### **15. Support for the subject of a report**

The Board is committed to ensuring staff who are the subject of a report of wrongdoing are treated fairly and reasonably. If you are the subject of a report, you will be:

- i. treated fairly and impartially
- ii. told your rights and obligations under our policies and procedures
- iii. kept informed about the progress of any investigation
- iv. given a reasonable opportunity to respond to any allegation made against you
- v. told the result of any investigation.

### **16. Review**

This policy will be reviewed by the Board every two years. For any advice or guidance about this review, contact the NSW Ombudsman's Public Interest Disclosures Unit.

### **17. More information**

More information around public interest disclosures is available on our company server. Staff can also access advice and guidance from the disclosures coordinator and the NSW Ombudsman's website at [www.ombo.nsw.gov.au](http://www.ombo.nsw.gov.au).

### **18. Resources**

The contact details for external investigating authorities that staff can make a public interest disclosure to or seek advice from are listed below.

**For disclosures about corrupt conduct:**

Independent Commission Against Corruption (ICAC)  
Phone: 02 8281 5999  
Toll free: 1800 463 909  
Tel. typewriter (TTY): 02 8281 5773  
Facsimile: 02 9264 5364  
Email: [icac@icac.nsw.gov.au](mailto:icac@icac.nsw.gov.au)  
Web: [www.icac.nsw.gov.au](http://www.icac.nsw.gov.au)  
Address: Level 21, 133 Castlereagh Street,  
Sydney NSW 2000

**For disclosures about serious and substantial waste:**

Auditor-General of the NSW Audit Office  
Phone: 02 9275 7100  
Facsimile: 02 9275 7200  
Email: [mail@audit.nsw.gov.au](mailto:mail@audit.nsw.gov.au)  
Web: [www.audit.nsw.gov.au](http://www.audit.nsw.gov.au)  
Address: Level 15, 1 Margaret Street, Sydney NSW 2000

**For disclosures about maladministration:**

NSW Ombudsman  
Phone: 02 9286 1000  
Toll free (outside Sydney metro): 1800 451 524  
Tel. typewriter (TTY): 02 9264 8050  
Facsimile: 02 9283 2911  
Email: [nswombo@ombo.nsw.gov.au](mailto:nswombo@ombo.nsw.gov.au)  
Web: [www.ombo.nsw.gov.au](http://www.ombo.nsw.gov.au)  
Address: Level 24, 580 George Street, Sydney NSW 2000

**For disclosures about breaches of the GIPA Act:**

Information Commissioner  
Toll free: 1800 463 626  
Facsimile: 02 8114 3756  
Email: [oinfo@oic.nsw.gov.au](mailto:oinfo@oic.nsw.gov.au)  
Web: [www.oic.nsw.gov.au](http://www.oic.nsw.gov.au)  
Address: Level 11, 1 Castlereagh Street, Sydney NSW 2000