



Reporting misconduct in the public sector

What should you do if you know of or suspect misconduct in the Tasmanian public sector?

Reporting is a helpful public duty

Reporting misconduct helps to ensure that:

- ▼ public sector organisations operate honestly, ethically and fairly
- ▼ public money and resources are not wasted, and
- ▼ misconduct risks are identified so they can be dealt with and prevented.

If you are a member of the public

For most complaints, you should initially direct them to the relevant public sector organisation. All organisations that work with public stakeholders – customers, clients, suppliers and contractors – have policies and procedures for dealing with reports of misconduct.

If you feel that the organisation won't deal with your complaint fairly, you can contact the Integrity Commission for advice.

If you are a public sector employee

If you wish to report misconduct – whether actual or suspected – within your organisation, the first step is to follow your internal complaints management policies and procedures.

If you are not sure how to do this, ask your line manager or Human Resources (HR) department.

Most public organisations have their complaints reporting policy and procedure available online or included in your induction package.

If you do not wish to reveal your report directly to your manager, contact your HR department for advice.

If you feel that your report or complaint needs further investigation or are unsure where to turn, you can contact us.

Making a complaint to the Integrity Commission

We deal with misconduct complaints about the public sector and can investigate when we need to find out further information. We operate within the powers provided in the *Integrity Commission Act 2009*.

Who can make a complaint?

Anyone can make a complaint to us about Tasmanian public sector misconduct. An important factor to consider when making a complaint is whether you give us your contact details. We understand that this can be a difficult decision to make and want to support you to make it with confidence.

We offer three options:

- 1. Provide your contact details*
 - ▽ This allows us to follow up with you about your complaint and seek further information if required. We can also keep you informed about the status of your complaint.
 - ▽ If we decide to refer your complaint to a different agency, your contact details may be included where required.
- 2. Provide your contact details, but request they are withheld*
 - ▽ We can follow up with you about your complaint and seek further information if required.
 - ▽ However, if you tell us you would prefer your contact details to be kept confidential, we can then withhold them from other organisations if we refer your complaint for action.
- 3. Make an anonymous complaint*
 - ▽ If you submit an anonymous complaint, make sure the information you provide is as comprehensive as possible. This is important because the information you provide in the complaint will determine what action we can take.
 - ▽ We won't be able to contact you to seek further information or update you about the status of your complaint, but we will take it seriously.

Is it misconduct?

Public sector misconduct, as defined in our legislation, must involve at least one of the following:

- ▽ misuse of public sector resources
- ▽ dishonest or improper use of functions or powers
- ▽ misuse of workplace information
- ▽ breaching a code of conduct, or
- ▽ behaviour that could lead to termination of employment or being charged with a criminal offence

Does it fall under the Integrity Commission's jurisdiction?

We only consider the conduct of public sector employees, which includes those working in:

- ▼ local government
- ▼ the Tasmanian state service
- ▼ statutory authorities
- ▼ government business enterprises
- ▼ state-owned companies
- ▼ Tasmania Police, and
- ▼ Tertiary education providers (TasTafe and UTAS)

We do not deal with actions by employees of private businesses or Federal Government agencies, lawyers in private practice, or parliamentarians during proceedings in Parliament. We also do not deal with actions by tribunal members or judicial officers, such as judges and magistrates.

If you are not sure if your complaint meets our criteria, please contact us for advice.

To find out more about making a complaint, go to our website:

www.integrity.tas.gov.au/reporting/making-a-complaint

We have also produced a separate fact sheet titled, 'Reporting misconduct to the Integrity Commission'.

Other complaint agencies

If you are unsure who else can help, we can direct you to the relevant authority. Other complaint agencies deal with matters outside our responsibilities include:

Ombudsman Tasmania

Ombudsman Tasmania investigates administrative actions of public authorities to ensure they are lawful, reasonable and fair. The Ombudsman has several functions under the *Public Interest Disclosures Act 2002*, Tasmania's whistleblowing legislation.

www.ombudsman.tas.gov.au

Tasmania Police

Tasmania Police handles complaints about police conduct. These complaints are managed under the *Police Service Act 2003* (Tas) and should be made within six months of the conduct occurring.

www.police.tas.gov.au/about-us/abacus

Equal Opportunity Tasmania

Equal Opportunity Tasmania deals with unlawful treatment covered by the *Anti-Discrimination Act 1998* (Tas), such as bullying or discrimination based on age, race or gender, religious belief or political activity.

www.equalopportunity.tas.gov.au

Health Complaints Commissioner

The Health Complaints Commissioner considers complaints about public or private health services.

www.healthcomplaints.tas.gov.au

Energy Ombudsman

The Energy Ombudsman is an independent dispute-resolution service for electricity or natural gas customers who have been unable to resolve a complaint with their energy supplier.

www.energyombudsman.tas.gov.au

Consumer, Building and Occupational Services

Consumer, Building and Occupational Services (CBOS) provides advice and conciliation services to consumers and tenants. CBOS ensures compliance with consumer and building laws, as well as gas and electricity safety standards.

www.cbos.tas.gov.au

Legal Profession Board of Tasmania

The Legal Profession Board of Tasmania is an independent body responsible for dealing with complaints about the conduct of lawyers.

www.lpbt.com.au



The Commission can help

We are available to provide support and assistance with identifying, reporting, investigating, managing and preventing misconduct: prevention@integrity.tas.gov.au or 1300 720 289.

For more Integrity Commission resources go to www.integrity.tas.gov.au/resources.