



Guide to making a complaint about misconduct

The Integrity Commission was established to deal with misconduct and serious misconduct. If you see or suspect public sector misconduct, it is important that you report it.

Reporting misconduct is a 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.

What is misconduct?

Misconduct is improper behaviour by a public officer, as defined in the *Integrity Commission Act 2009*. It means:

- ▼ breaching an applicable code of conduct
- ▼ exercising functions or powers dishonestly or improperly
- ▼ misusing information obtained in carrying out duties
- ▼ misusing public resources, or
- ▼ adversely affecting or attempting to adversely affect the honest or proper performance of another public officer.

'Serious misconduct' means misconduct that could lead to a public officer losing their job or being charged with a serious offence.

Some examples

Misconduct by public officers could include:

- ▼ using public resources or property for personal benefit
- ▼ accepting money or gifts to take action or make a decision
- ▼ not declaring or managing a conflict of interest, for example, purposefully allocating contracts to a friend's business or employing a relative without proper recruitment or selection processes
- ▼ the use of excessive force, including by a police or prison officer, or
- ▼ the unauthorised release or use of official information, including using work databases for personal reasons.

The Integrity Commission is not a court of law. We cannot apply sanctions, or decide if people are guilty of criminal offences.

Misconduct by public sector employees

We can only deal with complaints about the conduct of public sector employees. Public sector employees includes people who work in:

- ▼ State Service organisations, including government departments such as the Department of Justice, public schools and public hospitals
- ▼ government business enterprises and state-owned companies such as TasNetworks and Hydro Tasmania
- ▼ the University of Tasmania
- ▼ local councils
- ▼ Tasmania Police
- ▼ prisons and correctional centres, and
- ▼ elected officials such as members of Parliament and local councillors.

We do not have the power to investigate:

- ▼ an organisation – misconduct can only be committed by a person
- ▼ the private sector
- ▼ tribunal members, judges and magistrates
- ▼ members of the Tasmanian Industrial Commission
- ▼ issues arising in other states or territories, and
- ▼ Commonwealth parliamentarians, departments or agencies.

Where to make a complaint

Anyone can make a complaint to us about Tasmanian public sector misconduct. We deal with public sector misconduct complaints and can investigate when we need to find out further information.

Every organisation should have its own policy to deal with reports of misconduct. An employer is usually the most efficient organisation to deal with complaints of misconduct about its staff.

If you wish to report misconduct in your organisation, the first step is to follow your internal complaints policy. If you are not sure how to do this, ask your line manager or human resources department. If you do not wish to reveal your report directly to your manager, contact your human resources department for advice.

If you are concerned that your organisation won't deal with your complaint fairly, you can submit a complaint to the Commission. We can also monitor and audit how public sector organisations handle complaints.

Other places to lodge a complaint

If you have a complaint or concern about misconduct outside the Integrity Commission's jurisdiction, but you are not sure where to report it, refer to our website for further information: www.integrity.tas.gov.au/reporting/other-agencies.

If you need further support, please get in touch with us. We may be able to advise you about another appropriate organisation to approach.

How to make a complaint

Your complaint must be made in writing and can be either handwritten or typed.

- ▼ We suggest you use the official complaint form. You can:
 - ▼ download it from our website at www.integrity.tas.gov.au/reporting/making-a-complaint
 - ▼ phone 1300 720 289 and ask for a form
 - ▼ email contact@integrity.tas.gov.au to ask for a form.
 - ▼ visit us at 199 Macquarie Street Hobart and pick up a form.
- ▼ If there isn't enough space on the form, you can provide further information on separate sheets of paper.

If you are providing information, but not lodging a formal complaint, it is still most useful if you do it in writing. If you choose not to make a formal complaint, it can restrict the action we can take to consider your complaint.

Making an anonymous complaint

You don't have to give your name when you make a complaint. However, we encourage you to provide your contact details when reporting misconduct. If we don't know who you are, we cannot follow up to ask for further information or let you know what happens.

We can keep your identity confidential if you ask us to.

Support services

Reading and writing

For help with reading, writing or maths, call the Tasmanian literacy hotline 1300 002 610 or visit the 26TEN website: www.26ten.tas.gov.au

Interpreting and translating

The Translating and Interpreting Service (TIS) has interpreters in more than 120 languages and dialects. To use the service, contact the TIS directly on 1300 655 820 or see their website: www.tisnational.gov.au



Services for deaf, hearing or speech impaired

Contact the National Relay Service using one of these options:

- ▼ See their website: www.communications.gov.au/what-we-do/phone/services-people-disability/accesshub/national-relay-service
- ▼ Voice Relay users phone 1300 555 727
- ▼ TTY users phone 133 677
- ▼ SMS relay users phone 0423 677 767



If you have other difficulties accessing or filling in our complaint form, please call the Commission on 1300 720 289.

Information to provide

Provide as much relevant and specific detail as you can, including:

- ▼ what kind of misconduct you are complaining about
- ▼ how the alleged misconduct happened, when it happened, where it happened
- ▼ who said what to who
- ▼ names of the persons who committed misconduct, and witnesses
- ▼ any evidence you have, and
- ▼ whether you have already reported the matter to another organisation.

Please be as specific as possible, and provide names, date and places. If you provide written material in support of your complaint, please make it clear what is relevant to your complaint.

People who deliberately provide false or misleading information to the Commission may commit an offence under the *Integrity Commission Act 2009*, and may be prosecuted.

Your complaint is confidential

We treat all complaints confidentially and protect your personal information. The Commission works within a range of strict confidentiality and privacy provisions.

We can require public officers and authorities to observe the strictest confidentiality or face serious penalties.

Complaints and information obtained in dealing with them are not subject to the *Right to Information Act 2009*.

After you have made the complaint

We carefully consider all allegations of misconduct. If the complaint is in our jurisdiction, we can:

- ▼ refer the complaint to an appropriate person for action
- ▼ monitor, audit or review how another organisation deals with the complaint
- ▼ use our own investigative powers
- ▼ initiate a joint investigation with another integrity agency or Tasmania Police
- ▼ refer the complaint to the Commissioner of Police
- ▼ recommend to the Premier to establish a commission of inquiry, or
- ▼ dismiss the complaint.

We will only contact you if we need more information, and to let you know the outcome. Remember, if you make your complaint anonymously, we cannot contact you.

All information you provide to us helps build our understanding of misconduct issues across Tasmania's public sector. This enables us to work closely with public sector organisations to ensure that misconduct prevention strategies and systems are continually improved.



The Commission can help

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

For more resources, go to www.integrity.tas.gov.au