



What YOU can do to report 'disclosable' conduct including wasteful government spending

It is in the public interest that you report disclosable conduct including wasteful government spending.

If your employer is a public sector employer and contravened the *Fair Work Act 2009* and/or the *Health and Safety Act 2011* and this led to wasteful government spending, this is disclosable conduct and you need to consider reporting this to relevant government agencies. Some examples include your employer spending in legal and settlement costs because of contraventions to workplace laws or your employer does not take steps to stop workplace bullying and this has resulted in a worker compensation liability (e.g. Comcare) and increased insurance premiums for your employer. This is 'disclosable' conduct because it is wasteful government spending. It is because your employer contravened workplace laws that the taxpayer has had to carry a higher liability to support your employer.

Even if you have ended your employment matter with a deed of release (with your employer), you still have the right to report on matters which are in the public interest and deserve attention by relevant authorities. It is also no longer about you. It is about addressing systemic or other failures within organizations and having them working well so they don't burden the Australian taxpayer. Your evidence becomes important because it can facilitate change.

A deed of release between your employer and you was not meant to provide immunity to your employer for breaking workplace laws and to creating liabilities for the Australian taxpayer.

There are whistle blower protections available in disclosing information that is in the public interest. Example: the Public Interest Discloser (PID) 2013 legislation under the Commonwealth Ombudsman.

You should consider reporting disclosure conduct to some of the following agencies based on your particular circumstances.

The Commonwealth Ombudsman (PID Act 2013)

<http://www.ombudsman.gov.au/about/making-a-disclosure>

The Human Rights Commission -

<https://www.humanrights.gov.au/complaints/work-out-your-rights-info-employees>

The Commonwealth Director of Public Prosecutions -

<https://www.cdpp.gov.au/australia%E2%80%99s-federal-prosecution-service>

Transparency International (collects global data on corruption)

<https://www.transparency.org/>

Transparency Australia (covers issues related to 'integrity' and 'corruption')

<http://transparency.org.au/>

Integrity Commission - **check with your State/Territory for details** of an integrity commission in your area. Note that all States and Territories have integrity commissions except for the ACT which is currently in the process of considering one.

If your matter involved any of the following: disclosable conduct, corruption and/or unfair work practices which led to health and safety issues you may report the conduct to:

The Health and Safety Agency in your area. The list of agencies is listed at <https://www.business.gov.au/info/run/workplace-health-and-safety/whs-oh-and-s-acts-regulations-and-codes-of-practice>

If your matter involved any of the following: disclosable conduct, corruption and/or unfair work practices which led to health and safety issues and worker compensation claim *you should at the conclusion of your workers compensation matter* report your employer's involvement in disclosable conduct (i.e. making you sick in the workplace as a result of bullying) to:

The relevant worker compensation insurer or when the agency is Comcare, <https://www.comcare.gov.au/>

and

The Safety, Rehabilitation and Compensation Commission (SRCC) <http://www.srcc.gov.au>

or

Any other agency that has carriage over worker compensation matters in your case.

As the disclosable conduct which led to the wasteful government spending also relates to the fact that your employer did not follow due process i.e. contravened workplace laws you may consider copying any communications which you sent to the above listed organizations also to:

- the Fair Work Commission - www.fwc.gov.au
- the Fair Work Ombudsman - www.fwo.gov.au
- the Department of Employment and the Minister for Employment - www.employment.gov.au/
- the Shadow Minister for Employment and Workplace Relations - <http://brendanoconnor.ml.net.au/en-au/>
- The Human Rights Commission - <https://www.humanrights.gov.au>
- Independent Senators in Parliament

- Health and Safety agencies in your city which are responsible for Health and Safety matters. (Workplace bullying is a health and safety matter.)
- your union - write to the local union office but also the Central union headquarters
- your local Member

Take the time to investigate who in Parliament and which other non-profit or other agencies involved with the public, industrial relations and employment sectors have a greater interest in

- wasteful government spending
- corruption

then consider reporting your matters to these individuals/organizations so that they also consider the matters you have brought forward in their own deliberations when contributing to government policies. (Yes, it is like a pyramid scheme to have matters heard loud enough so that policy makers become aware of 'on the ground' issues.)

TIPS ABOUT WRITING AND DISCLOSING INFORMATION:

***TIP ONE:* Understand timelines.**

If you have pending matters - workers compensation claim or an unfair dismissal claim, you must wait until these matters have concluded before you bring your concerns about disclosable conduct (wasteful government spending) to the attention of relevant bodies. This is because collectively all the money spent by your employer in your unfair dismissal as well as your workers compensation matter is likely to have contributed to the disclosable conduct which is why you need to wait to get all the data together before you report it. Moreover, you don't want to unnecessarily complicate matters by letting your employer know in advance that you are collecting data on the disclosable conduct so you report the matter!

***TIP TWO:* Think about the end result and who you should be targeting**

Don't write to everyone on the list provided to you!

Think about who you should be targeting, why and why. For example, if your matter is about being unfairly dismissed but not bullied and made sick the workplace, you don't need to communicate with Health and Safety! Similarly if your matter does not fall within the Human Rights Commission's charter, there is very little reason to send your material to the HRC. Therefore, first read the information on the HRC website.

Don't write to agencies without going through the relevant processes.

Again, consider timelines carefully.

TIP THREE: Stick to facts not fiction!

When writing and disclosing information be clear and stick to facts.

Government and relevant agencies who deal with disclosable conduct and/or workplace policies are well aware that you need to provide evidence about your experience in order to report wrong doing and/or information on wasteful government spending. Therefore, you are likely to have to disclose the names of relevant individuals and organizations (who have been involved in the disclosable conduct and/or in wrong doing).

If in doubt:

- first speak to the relevant organization to discuss your matter
 - second, seek immunity in writing for supplying your evidence and bringing matters to the attention of the relevant agency;
- or
mark your material to the organization as 'confidential' and to be used only for the purpose of investigating the matters you have brought forward because you believe these are in the public interest.

Be aware that employers who contravene workplace laws and also create taxpayer liabilities (disclosable conduct) are accustomed to using the might of their HR and Legal offices to threaten you. Remember it is important that you stick to the facts and let the relevant agencies deal with the investigations that may be necessary to change the mindset of your toxic employer.

