



Whistleblowing position statement

1. Purpose

This position statement sets out the responsibilities the Australian Nursing and Midwifery Federation (ANMF) considers health services, employers, and nurses, midwives and assistants in nursing should meet to ensure public safety and trust under Australia's whistleblowing laws.¹

2. Definitions

Whistleblowing is when a person (**whistleblower**) connected to an organisation reports potential misconduct, an improper state of affairs, or breaches of law by that organisation to an authorised person or government regulator. The whistleblower must make the report or disclosure in the public interest.

Misconduct includes fraud, negligence, default, breach of trust and breach of duty.

An **improper state of affairs** includes an offence or breach of regulations; conduct that represents a danger to the public or the financial system; activities that risk harm to consumers or other employees; and activities that are unethical.

Whistleblower protections are the legal protections provided to whistleblowers to ensure they do not face retribution or personal detriment when they make a report under the whistleblower laws.

3. Context

Whistleblowing helps to protect consumers and the community. It is important that nurses, midwives and assistants in nursing understand the protections available to them and are ready, willing and able to 'blow the whistle' in the interests of protecting the public. It is also important that health services and employers are responsive to employee concerns and complaints and have policies and procedures in place to manage complaints fairly and uphold whistleblower protections.

4. Position

Responsibilities of healthcare organisations

It is the position of the ANMF that:

1. Healthcare organisations subject to the *Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2019* (Cth) (the Act) must have a *Whistleblower policy* in place that complies with the Act.²
2. The policies and procedures of healthcare organisations must also comply with the professional standards and reporting requirements of the Act and the Australian Health Practitioners Regulation Agency (Ahpra).

¹ The term assistant in nursing includes all care workers however titled.

² *Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2019* is available at <https://www.legislation.gov.au/Details/C2019A00010>.



Reporting

3. Healthcare organisations must ensure their policies and procedures:
 - help employees, including managers, make, receive and respond to reports
 - safeguard the privacy and anonymity of a person making a report
 - ensure whistleblowers do not suffer any form of retaliation, victimisation, discrimination or adverse action because they made a report
 - provide an alternative reporting procedure (for example to another senior person in the organisation or to an independent external person or body) when the person's immediate supervisor is implicated in the report.
4. Healthcare organisations must also:
 - provide the training needed to equip managers who receive reports to manage them in accordance with relevant legislation and the organisation's policies and procedures
 - ensure all investigations are managed by a suitably qualified and independent person.

Investigating

5. Healthcare organisations must:
 - investigate all reports as soon as practicable
 - manage all reports with procedural fairness and natural justice
 - ensure all relevant third-party bodies are notified as required by the laws
 - ensure whistleblowers are kept informed about the progress of any investigation; the actions that will take place; and the findings and recommendations
 - advise whistleblowers about the steps they can take if they are not satisfied with the process or outcome of an investigation.

Responsibilities of nurse, midwives and assistants in nursing whistleblowers

It is the position of the ANMF that whistleblowers should:

1. comply with the Ahpra reporting requirements when making a report³
2. follow internal procedures wherever possible to make a report to their employer
3. report directly to an external body, such as the Ahpra, the police, or another regulatory body when they reasonably believe their concern gives rise to an imminent threat or danger to health and safety.

5. Position statement management

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³ Nursing and Midwifery Board of Australia. *Nursing and midwifery guidelines for mandatory notifications*. Available at: <https://www.nursingmidwiferyboard.gov.au/Codes-Guidelines-Statements/Codes-Guidelines/Guidelines-for-mandatory-notifications.aspx#:~:text=You%20must%20make%20a%20mandatory,by%20practising%20with%20an%20impairment.>