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PRIVATE and CONFIDENTIAL

RESUME

Glenn David Tathem

(07) 3872 0897 (Work)

EDUCATION AND QUALIFICATIONS

TERTIARY EDUCATION

1997 - 2000 Certificate in Commerce

University of Southern Queensland (USQ)

Toowoomba Campus TOOWOOMBA

1988 – 1992 Associate Diploma in Mechanical Eng

Queensland University of Technology

Gardens Point Campus

BRISBANE

SECONDARY EDUCATION

1981 - 1985

Senior Certificate (T.E Score 930) Camp Hill State High School

CAMP HILL QLD

PROFESSIONAL DEVELOPMENT/TRAINING

1995	Investigations Training Course Human Resource Management
1996	Alternative Dispute Resolution Credit Code
1997	ACCC Investigations Training Industrial Relations Course
1998	Misleading and Deceptive Conduct
1999	Misappropriation (Fraud) - Criminal Code
2000	Insolvency / Bankruptcy – Corporations Law
2002	Handling Public Complaints to ensure
2003	successful outcomes Train the Trainer
2004	Financial Analysis Training

EMPRILOYMIENTE ETSTORY

DECEMBER 2002 -- PRESENT

INVESTIGATIONS SECTION
COMPLIANCE DIVISION
QUEENSLAND OFFICE OF GAMING
REGULATION
QUEENSLAND TREASURY

Position:- Principal Investigator (AO6)

Duties:-

- Investigate complex and sensitive issues specific to the legislation administered by the Office of Gaming Regulation.
- Supervise and train in the area of investigations, including interviewing techniques, preparation of briefs and court procedures.
- Prepare detailed brief reports on alleged breaches.
- Coordination of complaint investigations State wide.
- Providing advice to Inspectors on issues relating to compliance investigations and enforcement.
- To provide regular feedback to inspectors/senior inspectors concerning investigations, including outcomes.
- Preparation and presentation of investigative training manuals.
- Directing staff in relation to complaint investigations, including file review.
- Liasing with the Crown Solicitors Office in relation to prosecution matters.
- Implementation and review of office policies, in particular to enforcement matters.
- Reviewing legislation with a view to making appropriate amendments.
- Reviewing financial viability and trading profitability of gaming licensees.
- Making recommendations on remedial action available to the office that includes, prosecution, show cause, issue of infringement notices, formal warning/letter of censure regarding complaint investigations.

Achievements:-

- Development, presentation and facilitation of the Compliance Enforcement Guidelines.
- Development of the Lottery Enforcement Guidelines for foreign gaming schemes:
- Secured the most number of prosecutions resulting in increased compliance across the State.
- Prepared Wagering procedures to be used for on and off course inspections.
- Training and mentor investigators and inspectors in investigation methodologies.
- Responsible for overseeing all prosecutorial matters State Wide.
- Undertaken prosecution action under all legislation administered by office.
- Declarations handed down by the Supreme Court which ruled that the Oz Power System conducted by The Syndicate Club Pty Ltd was unlawful and in contravention of the Lotteries Act 1997.

- Prepared issues paper on legislation such as Interactive Gambling and Lotteries identifying regulatory deficiencies and making appropriate recommendations on suggested amendments.
- Investigations resulted in the negotiation and payment of million dollar tax claim by a casino operator with respect to junket players.
- Planned and directed staff State wide in regards to proactive inspection initiated pursuant to the Keno Act 1996 and Gaming Act 1991.

MAY 2004 - DECEMBER 2004

INVESTIGATIONS SECTION AUDIT AND OPERATIONAL REVIEW QUEENSLAND HEALTH

Position: Principal Investigator (AO7): Secondment

Duties:-

- Investigate suspected official misconduct involving staff employed by Queensland Health.
- Make recommendations and report on whether Districts are compliant with internal policies, procedures, Code of Conduct and legislation applicable to Queensland Health.
- Make sound recommendations regarding workplace procedures.
- Thorough knowledge of Criminal Code, Crime and Misconduct Act, Whistleblowers Protection Act 1994, Public Service Act, Public Sector Ethics Act and Health Service Act.
- Report to the Director General and Director of Health Service on matters involving suspected official misconduct. Represent Queensland Health at various misconduct forums.
- Liaise and report to Queensland Police and Crime and Misconduct Commission on matters relating to investigation into suspected official misconduct. Provide authoritative advice to various stakeholders within Queensland Health and outside agencies.
- Prepare, present and facilitate training packages in relation to the Queensland Health Code of Conduct and Ethical Awareness.

Achievements:-

- During my seven month secondment I undertook 23 special investigations into suspected
 official misconduct involving assault, sexual harassment, breach of confidentially, Fraud
 and falsifying and forging medical record reports.
- The investigations resulted in internal disciplinary action being taken whereby the grounds for show cause action were invoked in accordance with the Public Sector Ethics Act and Public Services Act. Actions resulted in termination, suspension and imposition of penalty.
- Outcome of investigations also included charges being made under the Criminal Code by the Police.
- Prepared, presented and facilitated 'Ethical Awareness' training packages State Wide to all Queensland Health staff.
- Received commendation for the timeliness and accuracy of the reports prepared detailing the investigations findings which were released to the District.

JULY 1999 - DECEMBER 2002

INVESTIGATIONS SECTION
COMPLIANCE DIVISION
QUEENSLAND OFFICE OF GAMING
REGULATION
OUEENSLAND TREASURY

Position:- Investigator (AO5)

Duties:-

- Investigate complex and sensitive issues specific to the legislation administered by the Office of Gaming Regulation.
- Supervise and train in the area of investigations, including interviewing techniques, preparation of briefs and court procedures.
- Prepare detailed brief reports on alleged breaches.
- Coordination of complaint investigations State wide. Providing advice to Inspectors on issues relating to compliance investigations and enforcement.
- To provide regular feedback to inspectors/senior inspectors concerning investigations, including outcomes.
- Liasing with the Crown Solicitors Office in relation to prosecution matters.
- Implementation and review of office policies, in particular to enforcement matters.
- Reviewing legislation with a view to making appropriate amendments.
- Reviewing financial viability and trading profitability of gaming licensees.
- Making recommendations on remedial action available to the office that includes, prosecution, show cause, issue of infringement notices, formal warning/letter of censure regarding complaint investigations.

MAY 1996 - JULY 1999

INVESTIGATIONS SECTION
OFFICE OF FAIR TRADING
JUSTICE DEPARTMENT
BRISBANE

Position:- Investigator (AO4)

Duties:-

- Investigate complex and sensitive issues specific to the legislation administered by the Investigations Section.
- Supervise and assist in the training of staff.
- Prepare detailed brief reports on alleged breaches.
- Identify and monitor trade practice issues and trends in the marketplace for compliance with legislation administered by the Investigations Section of the Office of Consumer Affairs.
- Undertake investigations into complex breaches and complaints relating to Office of Consumer Affairs Legislation, collect evidence, prepare comprehensive reports and briefs for submission to Crown Law.
- Appear in court as a prosecution witness and when required conduct prosecutions on behalf of the Office.

- Advise and assist consumers and traders on licensing and trade practice issues relating
 to legislation administered by the investigations Section and where appropriate, assist
 in the resolution of trader and consumer grievances.
- Contribute to the identification and undertaking of education programs throughout the Brisbane Region and undertake research and development as identified by these programs.

Achievements:-

- Prepared, Presented and facilitated training to all Investigations Staff, members from Queensland Police and Liquor Licensing on the Security Providers Act.
- During the period secured the most number of prosecutions across a diverse range of legislation.
- Supreme Court Injunction taken against seven (7) operators found to be operating in contravention of the Fair Trading Act 1989. This ruling prohibited the operators from operating within the Industry in Queensland. (such action was the first to initiated by the Office at the time)
- Initiated proceedings under the Criminal Code against the operators who were the subject of injunctive proceedings. Significant penalties and orders were made by the Court.
- Involved in the drafting of the Introduction Agents Bill that was assented to by Parliament in May 2001.
- Planned, led and directed investigations, including proactive inspections under the Security Providers Act State wide.

AUGUST 1993 - MAY 1996

INVESTIGATIONS SECTION / TRADE MEASUREMENT BRANCH OFFICE OF CONSUMER AFFAIRS MARYBOROUGH

Position:- District Consumer Affairs Officer (TO4)

Duties:-

- Manage the activities and responsibilities of a Regional Office including budget control and monthly reporting of operations.
- Contribute to the formulation of strategic plans and associated Operational plans from a regional office perspective.
- Conduct verification and re-verification tests on trade measuring instruments and standards of measurement and audit work on servicing licensees for compliance with legislation.
- Identify and monitor trade practices, issues and trends in the marketplace for compliance with legislation administered by the Office of Consumer Affairs.
- Undertake investigations into complex breaches and complaints relating to Office of Consumer Affairs legislation, collect evidence, prepare reports and briefs for Crown Law.
- Appear in Court as a prosecution witness and when required conduct prosecutions on hehalf of the Office.

- Advise and assist consumers, trade and industry on licensing, technical and trade practice issues relating to legislation administered by the Office and where appropriate, assist the resolution of disputes.
- Evaluate and assess the performance of licensees and their employees for compliance with the conditions of licences issued by the Office.
- Contribute to the identification and undertaking of education programs throughout the region and to undertake research and development as identified

Achievements:-

- Aldershot investigation Investigations into house and land scam that resulted in significant financial redress for all affected consumers.
- Prosecution action taken against fraudulent operators brought about increase in compliance within Real Estate and Motor Industry of the Wide Bay area.
- Regular training and education seminars held with Industry groups also brought about greater awareness of the legislative provisions



MEMORANDUM

To:

Mr P Leck, Manager, Bundaberg Health Service District.

From:

Mr M Schafer, Director, Audit and

Contact No:

(07) 323 40835

Operational Review

Fax No:

(07) 323 41528

Subject:

Ethical Awareness Information Sessions

File Ref:

Protected

Queensland Health is fortunate enough to enjoy relatively low levels of unethical behaviour. In order to maintain these high standards and to further minimise the risks associated with unethical behaviour, the Audit and Operational Review Unit is developing a training program to proactively target identified problem behaviours by raising staff awareness of the issues associated with unethical behaviour.

The first phase of this training program is the roll-out of Audit's Ethical Awareness Information Sessions to every District within Queensland Health.

These sessions are designed to be an interactive and informative workshop, primarily targeted at middle or line managers who have a supervisory role in the workplace. However, as the material contained within the session has relevance to all employees, any officer within the District who has an interest in the session is welcome to attend.

The information session is designed as a forum for attendees to discuss any issues associated with the following structured topic areas:

- The role of the Audit and Operational Review Unit in managing official misconduct and unethical behaviour, with particular emphasis on the activities of the Investigations Unit.
- The management of official misconduct within Queensland Health and the procedures for dealing with complaints involving official misconduct.
- Real-life examples of official misconduct within Queensland Health and scenario based activities.
- The responsibility of individual officers to report official misconduct and the procedures for reporting.
- The management of "Whistleblower" complaints and common issues associated with this
 process.
- How other government agencies such as the Crime and Misconduct Commission, the Queensland Police Service, the Medical Board of Queensland and the Queensland Nursing Council could affect the workplace.

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- Consequences of official misconduct in the workplace.
- Strategies to promote ethical behaviour amongst staff.

Audit is currently planning the eleventh delivery stage of these sessions and is proposing to travel to the Health Service Districts of North Burnett, Banana, Gladstone and Bundaberg in October 2004.

The Audit officers who are delivering this session are planning to travel to Bundaberg on Thursday 14 October 2004, and if possible, to meet with you to discuss these training initiatives at approximately 9am, prior to presenting the Ethical Awareness Information Session at 10am. It is expected that this session will last for approximately one hour, depending on questions.

In order to facilitate the presentation of the session in the District, it would be greatly appreciated if the following information could be provided as soon as possible, in order to commence the necessary arrangements prior to Audit attending the District:

- Confirmation of the appointment time with yourself;
- The name and contact details of an appropriate officer within the District to assist with arranging the attendance of all relevant staff at the Ethical Awareness Information Session and to assist with arranging the presentation (ic. Organisation of presentation venue, audiovisual equipment and list of potential attendees).

I have attached a promotional flyer for distribution within the District, in order to assist in attracting interest in the session.

If you have any further questions please do not hesitate to contact me on 323 40835, or Mr Robert Sullivan, A/Principal Internal Auditor (Investigations), on 323 40529.

Cleared and Proofed By:

Mr M Schafer

Director

Audit and Operational Review 30/

Rebecca McMahon

A/Manager

Investigations

Audit and Operational Review Branch



ARE YOU ETHICALLY AWARE?

Queensland Health enjoys relatively low levels of unethical behaviour. In order to maintain these high standards, the Audit and Operational Review Unit is presenting **Ethical Awareness Information Sessions** across the stateand we are visiting you!

If you are a line manager, or have a supervisory role in the workplace this session is a must for you. The session runs for approximately 1-1/5 hours and is designed to provide an interesting and worthwhile discussion on the following issues:

- The role of the Audit and Operational Review Unit, with particular emphasis on the Investigations Unit.
- Official misconduct within Queensland Health and specifically, within your District.
- Your obligations to report official misconduct.
- Managing "Whistleblowers".
- How other government agencies such as the Crime and Misconduct Commission, the Queensland Police Service, the Medical Board of Queensland and the Queensland Nursing Council could affect your workplace.
- Consequences of official misconduct in the workplace.
- Strategies to promote ethical behaviour amongst your staff.

By now, you MUST be interested, so please check the list below to see when we will be in your District.

For further details on the content of the session please contact Mr Robert Sullivan, A/Principal Internal Auditor (Investigations), Audit and Operational Review Unit, on 323 40529.

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Why Are We Talking About Ethical Awareness?

- Public office involves a public trust
- Queensland Health= largest public sector agency= more intensive scrutiny of our actions.
- Costs/risks of unethical behaviour
- · Benefits of ethical behaviour

Why should you be sitting in this room?



We have ethical obligations contained in legislation

- ·Public Sector Ethics Act, Public Service Act
-and in our code of conduct

A unique public sector -

- 65 000 employees
- \$4.3 billion budget
- ·largest and arguably most visible of public sector agencies in Queensland
- *significant responsibilities in relation to our clients and the health of Queenslanders in general

Costs of unethical behaviour -

To organisation

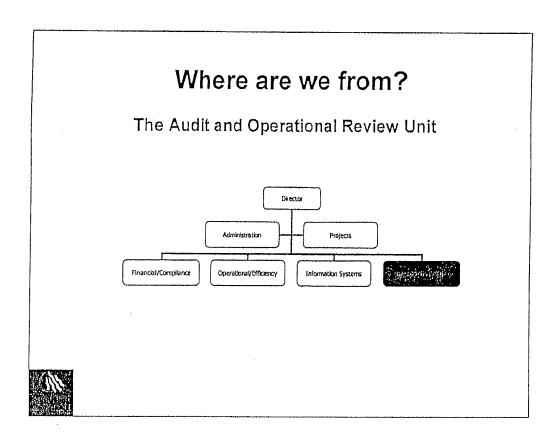
- •high sick leave rates, high turnover & loss of skilled/valued staff, cost of investigations, grievances & appeals To 'victims'
- •stress, job dissatisfaction,
- ·clients possibly receive unsatisfactory standard of care, even physical neglect & abuse
- ·less money to spend on delivery of health services.

Benefits of ethical behaviour

- ·Opposite of above
- ·increase & higher quality productivity
- ·better able to serve public interest
- ·protection of employees & clients

Why are we talking to you:

- ·You supervise & manage our most valuable, and perhaps our most fallible, resource our employees.
- •We want to arm you with information & assist you with strategies on -
- how to deal with and respond to unethical conduct in your workplace.



Financial/Compliance Unit

- •Provides the D-G with independent appraisal of effectiveness of financial controls in place
- ·Purchasing
- •Revenue
- Inventory
- Assets

Operational/Efficiency

- •Appraises performance of departmental operations, improvement in allocation resources.
- ·Use of vehicles
- •Efficient use resources, hospital catering

Information Systems

- •Risks and internal controls in place for information systems
- •IT Quality Management Planning

Investigations Unit

- •Report to the D-G
- •Provide advice to the D-G in relation to investigations we undertake.
- •Report & investigate 'official misconduct' involving QH employees responsibility of Audit's Investigations Unit
- •Comprised of manager, investigative staff and a Qld Police Service Officer

The Investigations Unit

Report and investigate 'official misconduct'



- Liaison with:
 - -Crime and Misconduct Commission
 - -Queensland Police Service
 - -Various registration boards
- Ad hoc advice on misconduct issues.



Qualifications

- •Between us, extensive investigations experience in the public sector
- •Tertiary qualifications in law percentage admitted as barristers and/or solicitors.
- •QPS Officer, current serving officer & retains all police powers, acts as liaison officer between QH and QPS

Liaise with Crime and Misconduct Commission

- •Liaison point with the Crime & Misconduct Commission
- •CMC the agency responsible for preventing & dealing with official misconduct in the Qld public sector.
- •Constantly communicating with other government agencies in relation to official misconduct eg. Medical Board, Queensland Nursing Council.

Official Misconduct

- A definition
- Areas of concern and "war stories"
- The importance of reporting official misconduct
- "Whistleblowing"
- Consequences/price of official misconduct.
- Strategies for promoting ethical behaviour



• What I want to run though with you.

What Is 'Official Misconduct'?

Crime and Misconduct Act 2001:

- Serious misconduct relating to the performance of an officer's duties
- Conduct that:
 - · is dishonest or lacks impartiality
 - involves breach of trust, or misuse of officially obtained information
- Serious enough to be a criminal offence or to warrant dismissal



Definition

- •contains three elements
- ·Includes all criminal offences ie. summary and indictable offences
- •Eg. Breach of s.63 of the Health Services Act (confidentiality of patient identifying information) is a criminal offence.
- •Serious enough to provide reasonable grounds dismissal.
- •seek advice from Corp HR/IR Policy and Strategy Centre in Corporate Office.

Reporting Official Misconduct

- All Qld Health employees have an obligation to report misconduct
 - Public Sector Ethics Act
 - Qld Health Code of Conduct
 - IRM 3.1-5
- IRM 3.1-5 Process and requirements for reporting 'official misconduct'



All staff obligated by legislation & QH policy to report misconduct -

- ·Public Sector Ethics Act 1994
- •must disclose fraud, corruption and maladministration of which you become aware (s.9(2))
- •QH Code of Conduct reflects that.

(reporting of fraud; corruption; maladministration; misconduct; criminal conduct; wrongful use of public resources; unlawful, negligent or improper public sector conduct; and activities which pose a danger to public health & safety)

•IRM 3.1-5 – also reflects.

(must report any fraud, corruption, maladministration or other conduct which you suspect may involve 'official misconduct'

(failure to report - may be subject to disciplinary penalty under the Public Service Act 1996 for breach of the Code of Conduct)

IRM 3.1-5 Requirements & Process for reporting 'official misconduct':

- Duty to report immediately
- ·Any employee to immediate line manager
- Line manager to District Manager
- District Manager to D-G via Audit

Confidential Investigation Process

- •Information should be reported only to those officers specified in the IRM.
- Assist in preserving confidentiality during investigation
- •Goes towards preventing gossip.
- •Gossip can hinder investigations because witness recollections can be clouded/influenced by what they've heard
- •prevents possible destruction of evidence

You may not hear anything further

- ·If report a matter, may be interviewed
- •If interviewed as complainant ordinarily advised of outcome

Areas of Concern for QH

- Breach of Confidentiality
- Fraud
- Drug/Substance Abuse
- Assault.



Borrowing money from patient/client.

Addit received a complaint from the son of a patient who was receiving treatment from community health. The patient (his father), was receiving home visits from a community health nurse, who assisted him in bathing, eating etc. As a result of their close dealings, his father and the nurse became quite close. One day the nurse told his father that she was having trouble paying close dealings, his father and the nurse became quite close. One day the nurse told his father that she was having trouble paying coustanding bills, and was in financial trouble. It was alleged that his father loaned the nurse approximately \$3000, in three installments, and that she was refusing to pay the money back. After the involvement of Audit, and the suggested involvement of the Qld Police, the nurse formed an agreement to pay the money back in installments.

There are many examples of this that occur. Unfortunately, due to the nature of the provision of health services, patients often There are many examples of this that occur. Unfortunately, due to the nature of the provision of health services, patients often a gift of jewelfrey, form a close connection with their primary health carer and often want to express their thanks by giving them a gift of jewelfrey, money or other assets. Most staff are well aware of their obligations in this regard. However, tricky situations often still arise, money or other assets. Most staff are well aware of their obligations in this regard. However, tricky situations often still arise, money or other assets. Most staff are well aware of their obligations in this regard. However, tricky situations often still arise, money or other assets. Most staff are well aware of their obligations in this regard. However, tricky situations often still arise, money or other assets. Most staff are well aware of their obligations in this regard. However, tricky situations often still arise, money or other assets. Most staff are well aware of their obligations in this regard. However, tricky situations often still arise, money or other assets. Most staff are well aware of their obligations in this regard. However, tricky situations of the intensity of their thanks by giving them a gift of jewelfrey, money or other assets. Most staff are well aware of their obligations in this regard. However, tricky situations of the intensity of the provision of th

This is an obvious category. However, often people breach this section of the code without realising. For example, we had a doctor who often went out for a couple of drinks while on call. The first time this was reported, he argued that it was not affecting his work performance, and therefore was not a breach. The second time this issue came to us was after he had gone out for a couple of drinks, then crashed a government car whilst on duty. Obviously his previous argument did not stick as well the

Accessing inappropriate sites

Once again, this is a common problem, and thankfully, most people are aware of their obligations in this regard. However, unfortunately, we still get the odd person who does not realise that viewing pomographic material at work is forbidden.

Breach of Confidentiality

- Section 63 Health Services Act
- No disclosure of information which identifies a patient.

"The small town scandal"



Contact with Medical Records, Patient Information Constantly

- ·Confidential information
- ·powerful

S63 Health Services Act - offence

- •Offence to disclose information that identifies a patient receiving (or one who had received) a health service
- •Penalty fine (\$3,500)

General Exceptions

- ·Give the information with prior consent
- ·Give the information as required in connection with treatment
- ·Give the information in the course of an investigation

The Small Town Scandal

- In a small rural town in Qld, two families lived side by side.
- •The parents of the two families initially were close friends and their children played together regularly.
- •The families had a falling out and stopped interacting.
- •The wife of one of the families happened to work at the local hospital.
- •It was alleged that In the course of her duties she came across her neighbour's medical records, which showed that he had HIV.
- *she proceed to inform the entire town that this man was suffering from HIV.
- ·As a result the man received adverse treatment from the majority of the town
- ·man's children were bullied at school
- ·Had to leave town

Fraud

Section 408C Criminal Code

Can be summarised as:

"any deceitful conduct, including (but not limited to) oral and written statements which are false and which are made with the express intention or purpose of gaining:

- Money
- Chattels
- Information
- Some other benefit/advantage"



408C Fraud

- (1) A person who dishonestly-
- (a) applies to his or her own use or to the use of any person—
- (i) property belonging to another; or
- (ii) property belonging to the person, or which is in the person's possession, either solely or jointly with another person, subject to a trust, direction or condition or on account of any other person; or
- (b) obtains property from any person; or
- (c) induces any person to deliver property to any person; or
- (d) gains a benefit or advantage, pecuniary or otherwise, for any person; or
- (e) causes a detriment, pecuniary or otherwise, to any person; or s 408C 191 s 408C

Criminal Code Act 1899

- (f) induces any person to do any act which the person is lawfully entitled to abstain from doing; or
- (g) induces any person to abstain from doing any act which that person is lawfully entitled to do; or
- (h) makes off, knowing that payment on the spot is required or expected for any property lawfully supplied or returned or for any service lawfully provided, without having paid and with intent to avoid payment; commits the crime of fraud.

Essentially Fraud is

*Deceitful conduct carried out with the intention of gaining a benefit or advantage, financial or otherwise.

Examples of Fraud

- Falsifying timesheets and travel olaims
- Using departmental assets for a private business during work hours
- Unauthorised use of government veh cab-charge vouchers.
- Writing-off recoverable assets
- Collusive tendering

Scenario: "The Tupperware Trap"



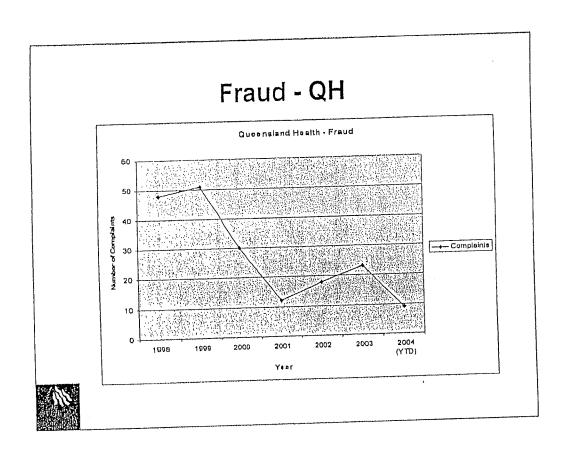
Examples of fraud

- •Misuse of departmental assets eg using photocopiers, scanners, laptops for private business purposes.
- •Laptop incident
- •CIB raid on second hand shop
- •Police seized the QH property and charges laid
- •QII purchasing officers inviting tenders for the purchase of equipment stationary. The officer's brother owns a stationary company, and that company is successful.

Impact of Fraud

- Loss of stock and equipment
- Interruption to effective service delivery
- Low staff morale/retention
- Reduced public confidence
- Unethical workplace culture

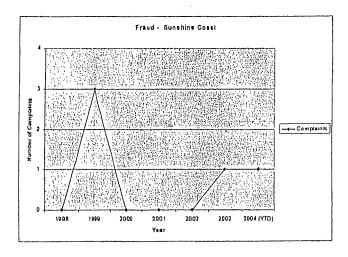




Rollout of FPack

- •Fraud Prevention and Control Kit
- •Requirements pursuant to the Public Sector Ethics Act 994
- •Requirement to act with integrity and report misconduct, including fraud.
- •Raising awareness of fraud in workplace.

Fraud - Sunshine Coast

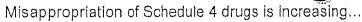




Substance Abuse

Potential Offences

- Unlawful possession and other offences Health (Drugs and Poisons) Regulation 1996
- Theft QCC
- Breach of Code of Conduct







Affect of these practices on Queensland Health?

drugs.
☐Theft of QH stock — financial cost to organisation
Self-administration of stolen medications – adversely affects work performance and impacts patient care, increases risks.
Dimension collegences strong of "missing" medication, workplace conflicts

Offences relating to unlawful possession and use of restricted drugs and controlled

- Ulmpact on colleagues stress of "missing" medication, workplace conflicts
- Dif suffering affects of medication, risks of mistakes on other staff members, increased workload for them.
- □Professional misconduct may lead to cancellation of registration as a nurse or medical officer, or conditions on registration.

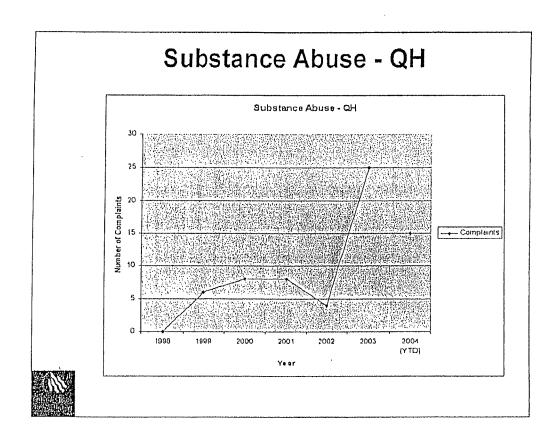
Examples of Substance Abuse

- Theft from drug cupboards/storage areas
- Substituting saline solution for intravenous drugs
- Substituting tablet medication
- Not administering medication to patients, but recording as having been administered on medical charts
- Fraudulent entries in drug registers to facilitate theft
- Theft, forgery and altering of prescriptions
- Supplying illicit drugs to patients eg. Cannabis

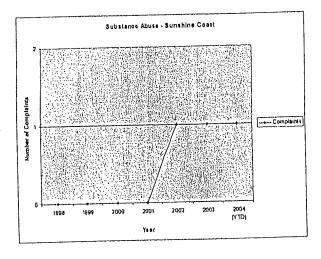
Scenario: "The Bottle Swap"







Substance Abuse – Sunshine Coast





Assault

s.245 & 246 Criminal Code IRM 3.1-3: Assault in the Workplace



- Striking/attempting to strike another person
- Engaging in physical struggle/fight
- Use of unnecessary or excessive force when restraining another person eg a
 patient
- Throwing or propelling a liquid or other substance at a person
- Threatening another person with violence
- Verbal abuse

Scenario: "The After Work Altercation"

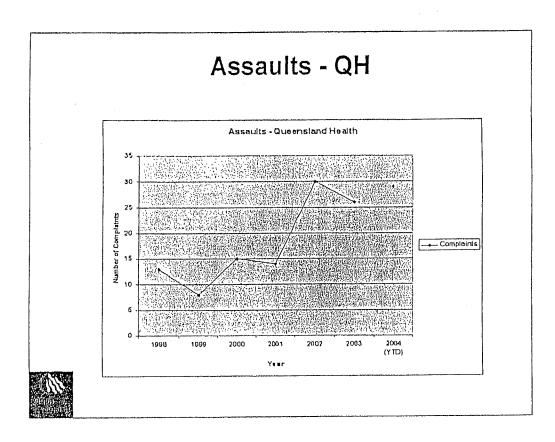


Defining Assault in the Workplace

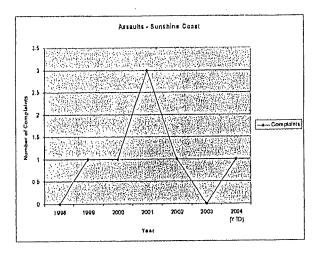
- •Two officers are drinking socially in a pub near the hospital.
- ·Left directly from the hospital to the pub
- •They are both just finished work and are still in uniform.
- ·Social event organised through the hospital
- one of them accidentally spills a beer over another
- •A bit of push and shove, one officer punches the other in the face.
- Would this constitute "assault in the workplace"?

Dismissal - Both officers appealed to IRC

- •On appeal, the IRC has ruled that an assault such as the one in the example would constitute workplace conduct
- ·liable to disciplinary action.
- ·Assessment made on a case by case basis
- •Contributing factors in determining assault in workplace.
- •Uniform
- •Directly from work
- Organised by work
- •Absence or addition of other factors could change outcome.



Assaults – Sunshine Coast





After Official Misconduct is Reported to Audit

- Complaint is assessed.
- Referral to the Crime and Misconduct Commission & other professional bodies where regulred.
- Investigation and/or other appropriate action.
 - 99% of matters referred back to Audit for investigation.
- Findings to the District/Branch, usually in investigation report format.



Assessment of complaints

- Complaint received from District/Branch Managers, but also other employees/members of public.
- Assessed to determine if they might involve official misconduct against test mentioned earlier.
- •24 hour advice to District/Branch if OM or not.

Referral of Complaint
• Referral to CMC within 24 hours.

Crime & Misconduct Commission

- •the Act states that, wherever possible, misconduct should be investigated within the agency (Principle of Devolution).
- •CMC will only investigate extremely serious matters where there is some public interest involved.
- ·Audit reports the outcome of the investigation to the CMC.
- •If criminal offence referral to QPS liaison officer takes over.

Investigation of 'Official Misconduct'

- Gather all relevant evidence, documentary or otherwise
- interview witnesses & interview the person the subject of the allegation.
 obligation to provide natural justice to the person against whom the allegations have been made
- presumption of innocence, provision of particulars, right to respond to allegations,
 right to be represented during investigation process (union / legal / other support)

Report findings to District/Branch

- •Compile the Investigation Report
- •summary of evidence gathered, analysis of that evidence to determine whether the allegations were substantiated on the balance of probabilities.
- Finding of fact (did something happen/not happen), based on tangible evidence findings are made on the balance of probabilities
- Further issues recommendations.
- Does not make any recommendations re: disciplinary action matter for the District/Branch, sometimes in consultation with ERSU

Whistleblowers

Whistleblowers Protection Act 1994

- "Whistleblower" = person making a 'public interest disclosure'
- · Public Interest Disclosure
 - -disclosure of Information
 - by "public officer"
 - -about 'Official Misconduct' or other certain malters involving
 - "serious wrongdoing"

Qld Health policy - IRM 3.1-4



What is a Whistleblower

- •A person making a Public Interest Disclosure
- •To an entity positioned to act on the disclosure

Information

- ·Verbal or in writing
- anonymous

Public Officer

- •Under the Act includes
- ·An officer of a public sector entity
- · Includes temporary, permanent, casual officer

What is other serious wrongdoing?

- Maladministration that substantially adversely affects anybody's interests administrative action that is unlawful, discriminatory, oppressive
- · Improper management of public funds
- Substantial and specific danger to public health or safety, or the environment, or a person with a disability
- · Reprisal actions

Under the IRM, a PID can be made to

- D-G
- Director of Audit (or delegate)
- · person who directly or indirectly supervises or manages the employee
- · or the CMC

A PID can not be made to,

- ·for example, a union rep,
- ·the media or
- •a Member of Parliament.
- •If you disclose information in this way you will not be protected under the Act for that disclosure.

Whistleblowers - Protections and **Obligations**

Protections

- Confidential Information protected
- Not liable civilly, criminally or administratively
- Reasonable procedures to protect against reprisal
- A reprisal is an indictable offence and could lead to a civil claim for damages

Obligations

- Cannot make a false/misleading statement in a public interest disclosure indictable offence
- Must disclose to appropriate entity



Confidentiality

- Confidential info protected
- ·identity of whistleblower protected
- •Provision under the act for a whistleblower to remain anonymous if s/he wishes

Protection against Reprisals

- •Reprisal = cause, or attempt or conspire to cause, detriment to another person in the belief that they have made a public interest disclosure
- •Doesn't have to be action directly against the person who made the PID can be made against any person - eg against the person's family members or friends.
- ·Examples:
- ·personal injury or prejudice to safety
- ·property damage or loss
- intimidation or harassment
- ·adverse discrimination, disadvantage or adverse treatment in employment
- Prejudicial treatment in job application process
- •Includes attempting & conspiring to do these things

Protection Against Reprisals

- ·Legislative obligation to establish reasonable procedures to protect against reprisal
- •Organisation must, upon receiving a PID, assess whether a risk of reprisal exists and take steps to ensure not disadvantaged.
- •Relocate WB to safer work environment.
- ·Re-allocate shifts
- ·Counselling all employees regarding appropriate workplace behaviour.
- •(CMC has whistleblower support program for people requiring information about making a PID)
- ·Employees can also seek assistance through EAS and, outside QH, from union/legal rep

Taking of a reprisal is an indictable offence

- •punishable by maximum 2 yrs jail/substantial fines
- ·Civil liability ie damages to anyone who suffers detriment as a result

Consequences....



- Disciplinary action
- Criminal prosecution
- Civil liability
- Professional registration
- Professional reputation & standing



Disciplinary action:

- Public Service Act 1996 basis for disciplinary action against employees one ground is misconduct
- Prosecution for a criminal offence.
- Civil Liability eg. for negligence, for reprisal under WP Act, for assault (victim seeking compensation).
- Action by professional registration body suspension of registration, conditions on registration, assessment & rehabilitation outcomes
- Loss of professional reputation & standing amongst colleagues and community (especially in rural areas).
- Other personal consequences?
- · Loss of respect, friendships
- explaining behaviour to family and friends.

Strategies to Promote Ethical Behaviour

Actively mould and shape workplace culture

Ask yourself:

- 1. Is the action legal and consistent with departmental policy?
- 2. Is it in line with departmental values and the Code of Conduct?
- 3. Is it the right thing to do?
- 4. Consequences be for me, the department colleagues, others?
- 5. Is there justification?



>Don't accept/participate in/condone 'small' unethical behaviours - this leads to poor workplace culture - as supervisors you need to lead by example.

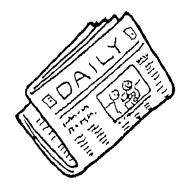
- >Little leads to bigger things
- >Boundaries can get pushed wider
- >Let people know behaviour is not tolerated
- >Maintain personal high ethical standards/culture/climate lead by example.

When faced with an ethical dilemma – ask yourself the following questions:

- 1. Is the action legal and consistent with departmental policy?
- 2. Is it in line with departmental values and the Code of Conduct?
- 3. Is it the right thing to do?
- 4. What will the consequences be for me, my department, my colleagues, others?
- 5. Would I be able to justify my actions?
- 6. Finally the Courier Mail test would I like to see my actions as front page news?

And lastly...

"The Courier Mail Test"





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Investigations Unit Fax: (07) 323 41528

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Audit and Operational Review Unit Ethical Awareness Information Session Evaluation

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