

NMIT PROTECTED DISCLOSURES (WHISTLE-BLOWING) POLICY

MOKAMOKA WHAKAAETANGA | APPROVAL DETAILS

Section	Executive		
Approval Date	18.02.2026	Sponsor	Chief Executive Officer
Next Review	01.01.2027	Endorsed by	Audit and Risk Committee
		Approved by	NMIT Council

NGĀ WHAKATIKATIKA | AMENDMENT HISTORY

Version	Effective Date	Created/ Reviewed by	Reason for review / comment
1	01.01.2026	Transition Lead	New

Mō wai me te whānuitanga | Audience and scope

This policy applies to:

- All employees of NMIT, including contracted staff and secondees providing services for NMIT; and those on fixed term contracts (may be collectively referred to as kaimahi in this policy); and
- All governors of NMIT including members and advisors of NMIT Council and governance committees or boards (collectively referred to as governors in this policy).

Te Pūtaki | Purpose

The purpose of this policy is to:

- facilitate and encourage the reporting and investigation of matters of serious wrongdoing in and by NMIT
- comply with the laws and practices that protect the rights of kaimahi who raise concerns about serious wrongdoing, including the Protected Disclosures (Protection of Whistleblowers) Act 2022 ('the Act').

Ngā Mātāpono | Principles

Ethical and Accountable Conduct

NMIT commits to high standards of ethical and accountable conduct across all of its operations. We support and encourage the reporting of serious wrongdoing and recognise that doing so promotes integrity, accountability and good management and leadership within NMIT.

Natural Justice

NMIT's Protected Disclosures Policy and procedures follow the principles of natural justice, ensuring that kaimahi who make protected disclosures are treated fairly without bias, and that allegations are investigated impartially following fair processes.

Confidentiality

We will take all reasonable steps to ensure that all information relating to a protected disclosure remains confidential to protect the identity of the kaimahi making the disclosure, except where consent to disclose is given or where it is essential to disclose information.

Protection from Retaliation

NMIT commits to ensuring that kaimahi who make or intend to make protected disclosures are not retaliated against or treated less favourably than others, and upholds their immunity from civil, criminal and disciplinary proceedings

Good Faith

All parties commit to dealing with each other in a way that does not, or will not, mislead or deceive each other avoid, and that is not frivolous, vexatious or based on dubious motives. A mutual obligation shared by both the employer and kaimahi to act in good faith, work constructively together and maintain open communication.

Compliance

Decision-making and practice relating to protected disclosures will comply with the [Protected Disclosures \(Protection of Whistleblowers\) Act 2022](#) and all other relevant legislation, standards, policies and procedures.

Kaupapa Here | Policy Statements

NMIT aims to maintain an engaging, safe and ethical working environment, and supports the reporting of serious wrongdoing and the protection of those who make disclosures in good faith.

Protected disclosures will be addressed thoroughly, in a timely manner, and in accordance with the Act, following the processes outlined in the NMIT Protected Disclosures (Whistle-blowing) Procedure.

Serious Wrongdoing

Serious wrongdoing is defined in this Policy and by the Act.

Concerns such as dissatisfaction with leadership, more minor misconduct matters, or employment issues which are more properly covered by the Employment Relations Act 2000, may not amount to serious wrongdoing and therefore would not be covered by this Policy, its related procedure, or the Act.

Making the Disclosure

Kaimahi can make a protected disclosure about serious wrongdoing in the workplace at any time, either to:

- the NMIT Chief Executive Officer, or a senior leader, or a governor of NMIT (receiver) in accordance with the steps outlined in NMIT Protected Disclosures (Whistle-blowers) Procedure; and/or
- an appropriate authority as defined in [Schedule 2](#) of the Act

An appropriate authority does not include a Minister, a member of Parliament or the media. However, kaimahi can make a protected disclosure to a Minister, if they believe on reasonable grounds that NMIT or the appropriate authority to whom the disclosure was made has not acted to address the matter.

Protected Disclosure

NMIT will protect the identity of kaimahi who make a protected disclosure in accordance with the Act, this Policy and its related procedures, if the following are true:

- a) the information is about serious wrongdoing in or by NMIT
- b) you reasonably believe the information is true or likely to be true
- c) you make the disclosure to an appropriate person
- d) you want the disclosure to be protected and for the matter to be addressed under this policy and related procedure
- e) in making the disclosure, you comply with this Policy, NMIT Protected Disclosure Procedure and any aspects of the Act that may be relevant
- f) in making the disclosure externally to an appropriate authority, you comply with the Act.

Providing a disclosure is made in accordance with above, you will be entitled to protection even if:

- a) you are mistaken and there is no serious wrongdoing,
- b) you do not refer to the name of the Act when making the disclosure, or
- c) you technically fail to comply with some of the Act's requirements (as long as you have substantially complied with the Act),
- d) you also make the disclosure to another person (as long as you do so on a confidential basis, to seek advice about whether or how to make a protected disclosure).

A person who discloses information in support of, or relating to, someone else's protected disclosure is also entitled to protection under the Act if that person:

- a) does not disclose in bad faith; and
- b) discloses the information in accordance with this Policy, the related procedure and the Act. The same protections will apply to that discloser as if the information were a protected disclosure.

Protections for Disclosers

When you make a protected disclosure, you will be protected in the following ways:

NMIT will take all steps to keep your identity and any information that would identify you confidential unless any of the following exceptions apply:

- you consent to release of the identifying information, or
- there are reasonable grounds to believe that release of the identifying information is **essential**:
 - for the effective investigation of the disclosure;
 - to prevent a serious risk to public health, public safety, the health or safety of any individual, or the environment;
 - to comply with the principles of natural justice; or
 - for an investigation by a law enforcement or regulatory agency for the purpose of law enforcement.

Kaimahi will be protected by the anti-victimisation provisions of the [Human Rights Act 1993](#).

NMIT will take no disciplinary proceedings or retaliatory action (whether actual or threatened) against the person for making a protected disclosure, or for referring one to an appropriate authority, provided that the disclosure was made in good faith and was not frivolous, vexatious or trivial.

NMIT will treat kaimahi making a protected disclosure, and their relatives and associates, no less favourably than others in the same or similar circumstances, provided that the disclosure is made in good faith and is not frivolous, or vexatious.

Neither a discloser who makes a protected disclosure nor a receiver who refers a protected disclosure to an appropriate authority is liable to any civil, criminal, or disciplinary proceeding because of making or referring the disclosure.

Exceptions to protected disclosures

Disclosure will not be protected if:

- a) you know the allegations are false,
- b) you do not act in good faith,
- c) the information you're disclosing is subject to legal privilege,
- d) you disclose the information to the media, on social media, or to any third parties other than to seek advice about whether or how to make a protected disclosure.

A receiver need not keep a discloser's identity confidential if:

- a) the discloser consents to the release of the identifying information; or
- b) there are reasonable grounds to believe that the release of the identifying information is essential
 - i. for the effective investigation of the disclosure; or
 - ii. to prevent a serious risk to public health, public safety, the health or safety of any individual, or the environment; or
 - iii. to comply with the principles of natural justice; or
 - iv. to an investigation by a law enforcement or regulatory agency for the purpose of law enforcement.

Kaimahi who disclose their own wrongdoing are not protected under the Act and will be subject to normal disciplinary proceedings and liabilities as if another individual had disclosed the wrongdoing. In determining any action that NMIT may take, consideration will be given to them coming forward on their own volition.

Information, Support and Guidance

Kaimahi are supported to identify and receive support, guidance and/or advice throughout the process.

Kaimahi who believe on reasonable grounds that the receiver of their protected disclosure has not acted as it should or has not dealt with the matter so as to address the serious wrongdoing, may make a further disclosure to an appropriate authority, including an Ombudsman (which can be done at any time), or a Minister.

Pūrongo me te Whakapūmau | Reporting and Assurance

Regular reports will be submitted to Council and/or a committee of Council:	
Submitted by	Chief Executive Officer (CEO)
Submitted to	Council
What must be reported	Protected disclosures, actions and outcomes
Reporting cadence	Monthly report
Is immediate escalation required for material events?	Yes; immediate escalation required by <ul style="list-style-type: none"> • the People and Wellbeing Manager to Council Chair if a protected disclosure involves the CEO • the CEO to Risk and Audit Committee if a protected disclosure involves the Council Chair

Ngā Haepapa | Responsibilities

Role	Responsibilities
Discloser / Whistleblower	Follows this policy and the related procedures in making a protected disclosure
Receiver	Follows this policy and the related procedures in receiving and addressing a protected disclosure
Investigator	<p>May be another NMIT employee or an external investigator.</p> <p>Investigates the complaint according to the terms of reference.</p> <p>Must be neutral and consider all information in a balanced way.</p> <p>Establishes the facts but does not make or influence the decision regarding any action to be taken.</p>

Ngā Tikanga | Definitions

Term	Definition
Appropriate authority	<p>A trusted external party who can be approached if a discloser is not confident about making the disclosure within NMIT, or at any time throughout the process.</p> <p>An appropriate authority includes:</p> <ol style="list-style-type: none"> the head or deputy head of any public sector 5 organisation any officer of Parliament as listed in Schedule 2 of the Act (e.g., the Ombudsman, Controller and Auditor-General); and the membership body of a particular profession, trade, or calling with the power to discipline its members. <p>Special provisions of the Act limit who the appropriate authorities are for disclosures relating to intelligence and security or international relations information.</p> <p><i>Note: Ministers and members of Parliament are not appropriate authorities.</i></p>
Discloser / Whistleblower	A person who has an employment type relationship with the organisation they are disclosing about. This includes current and former employees, homeworkers, secondees, contractors, volunteers and board, council or committee members.
Frivolous complaint	A complaint without serious purpose or value. It may have little merit and be trivial, or a situation where investigating it would be out of proportion with the seriousness of the issues complained about.
Good faith	To deal with each other in a way that does not, or will not, mislead or deceive each other. A mutual obligation shared by both the employer and kaimahi to actively work constructively together and with open communication
Natural justice	<p>Natural justice means that a process must be conducted without bias. It includes three key rules to enable this:</p> <ol style="list-style-type: none"> In an investigation, kaimahi must be advised of the allegations in as much detail as possible, given time to prepare and present their side of the story including evidence and must be given the opportunity to reply to the allegations. Investigators and decision makers must be impartial and act without bias in procedures related to decision making. Decisions must be based on a balanced and considered assessment of the information and evidence.

	<p>c) Decisions must be based on logical proof or evidence. Investigators or decision makers should be able to clearly point to the evidence on which the decision is based. Evidence presented by one party must be disclosed to the other party, who may then have the opportunity to respond.</p>
Protected disclosure	<p>A protected disclosure is when the discloser believes on reasonable grounds that there is, or has been, serious wrongdoing in or by their organisation. For a disclosure to be protected, it must generally be disclosed in accordance with the Act and not disclosed in bad faith.</p>
Receiver	<p>The person who received the disclosure from the discloser (NMIT or an appropriate authority)</p>
Retaliatory action	<p>Means doing any of the following:</p> <ul style="list-style-type: none"> a) dismissing the employee b) refusing or omitting to offer or afford to the employee the same terms of employment, conditions of work, fringe benefits, or opportunities for training, promotion, and transfer as are made available to other employees of the same or substantially similar qualifications, experience, or skills employed in the same or substantially similar circumstances c) subjecting the employee to any detriment or disadvantage (including any detrimental or disadvantageous effect on the employee's employment, job performance, or job satisfaction) in circumstances in which other employees employed by the employer in work of that description are not or would not be subjected to such detriment or disadvantage d) retiring the employee, or requiring or causing the employee to retire or resign e) organising to do any of the above.
Serious wrongdoing	<p>Serious wrongdoing is an act, omission, or course of conduct, which constitutes one or more of the following:</p> <ul style="list-style-type: none"> a) An offence b) A serious risk to public health, or public safety, or the health or safety of any individual, or to the environment c) A serious risk to the maintenance of the law including the prevention, investigation and detection of offences or the right to a fair trial d) An unlawful, corrupt, or irregular use of public funds or public resources e) Oppressive, unlawfully discriminatory, grossly negligent, or represents gross mismanagement by a public sector employee or a person performing a function or duty or exercising a power on behalf of NMIT. <p>Minor misconduct and/or dissatisfaction with the leadership of NMIT that falls short of gross mismanagement DO NOT constitute serious misconduct.</p>
Vexatious complaint	<p>A complaint without merit that is intended to cause inconvenience or expense to NMIT or any member of staff. Includes obsessive, persistent, insistent, prolific, harassing or repetitious complaints.</p> <p>Where the complainant is insistent on pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason, or complaints with merit in an unreasonable manner.</p>

Ngā Hononga ki Tuhinga kē | Links to other documents

NGĀ KAUPAPA-HERE E HANGAI ANA | RELATED POLICIES

NMIT Bullying, Discrimination and Harassment Policy

NMIT Conflict of Interest Policy

NMIT Fraud Policy

NGĀ TUKANGA ME NGĀ HĀTEPE | RELATED PROCESSES, PROCEDURES

NMIT Protected Disclosures (Whistleblowing) Procedures

Public Service Commission's [Model standards: Speaking Up](#)

Ombudsman's [Serious wrongdoing at work \(protected disclosure\)](#) and [Making a protected disclosure - a guide to "blowing the whistle"](#)

TURE WHAI TAKE | RELEVANT LEGISLATION

[Protected Disclosures \(Protection of Whistleblowers\) Act 2022](#)