

Public Interest Disclosure Policy and Guidelines

Division Name - Strategy & Governance

Policy Details

Department	Legal	Policy ID	VCET-725537380-7297
Sponsor	Chief Strategy & Governance	Version	3.0
Responsible Officer	General Counsel	Approved Date	16/10/2025
Review Frequency	Two Yearly	Next Review Date	15/10/2027

Purpose

The Victorian Convention and Events Trust (**VCET/we/us/our**) is a public body that is subject to the *Public Interest Disclosure Act 2012* (Vic) (**the Act**). An object of the Act is to foster public sector accountability.

There are three main purposes of the Act:

1. To encourage and assist people to make a disclosure of improper conduct and detrimental action by public officers and public bodies.
2. To provide protection for people who make a disclosure, or those who may suffer detrimental action in reprisal for a disclosure under the Act.
3. To ensure that certain information about a disclosure is kept confidential – the identity of the person making the disclosure, and the content of that disclosure.

This policy outlines our commitment to the making and handling of public interest disclosures. It also includes the procedures that we are required to establish under section 58 of the Act to facilitate the making of those disclosures, for the handling of those disclosures and, where appropriate, the notification of those disclosures to the Independent Broad-based Anti-Corruption Commission (IBAC).

IMPORTANT NOTE: We are not authorised to receive public interest disclosures even though we may be the subject of a disclosure. If you wish to report that VCET, its officers and staff have engaged in improper conduct or that you are being subjected to

Our venues



detrimental action by us or our staff in reprisal for disclosing such conduct, you must report such conduct to the Independent Broad-based Anti-Corruption Commission (IBAC) directly. Regardless, you are encouraged to contact our Protected Disclosure Coordinator if you suspect any improper conduct or detrimental action in broad terms provided that a public interest disclosure is not made as it will no longer be considered a 'public interest disclosure.'

Policy Statement

We expect the highest standards of integrity on the part of our officers and are committed to a culture of transparency and accountability. We do not tolerate improper conduct by our employees, officers or contractors, nor the taking of reprisals against those who come forward to make a disclosure.

We encourage people to report improper conduct in the public sector and support the making of disclosures. Through our nominated representatives, we will cooperate with lawful investigations.

We are committed to protecting people in accordance with these procedures who make such disclosures from any detrimental action in reprisal for making the disclosure. We will also afford natural justice to the person who is the subject of the disclosure.

What is a public interest disclosure?

A person may make a disclosure about two things under the Act:

1. improper, actual or alleged conduct of public bodies or public officers to any of the organisations specified in Part 2 of the Act - Table 1 sets out the definition of "improper conduct" provided in the Act; and
2. detrimental action against a person by public bodies or public officers in reprisal for the making of a public interest disclosure by any person – detrimental action as defined by the Act includes:
 - action causing injury, loss or damage
 - intimidation or harassment; and
 - discrimination, disadvantage or adverse treatment in relation to a person's employment, career, profession, trade or business, including the taking of disciplinary action.

In addition, a person can have taken detrimental action by threatening to take such action. Further, the detrimental action need not necessarily have been taken (or threatened to be taken) against a person making a public interest disclosure, but against any person connected with a public interest disclosure.

Appendix 1. sets out some examples of detrimental action.

In either case, the conduct or action being disclosed may be one which has taken place, is still occurring, or is believed is intended to be taken or engaged in. Disclosures may

also be made about conduct that occurred prior to the commencement of the Act on 10 February 2013.

A person who makes a valid public interest disclosure is afforded a number of protections under Part 6 of the Act.

A complaint or allegation that is already in the public domain will not normally be a public interest disclosure, for example if the matter has already been subject to media or other public commentary. The term 'disclosure' is interpreted under the Act in the ordinary sense of the word as a 'revelation' to the person receiving it.

You are encouraged to refer to the IBAC website for information and guidance on making and handling protected disclosures. IBAC's details are as follows:

Independent Broad-based Anti-Corruption Commission

Phone: 1300 735 135
Fax: 03 8635 6444
Post: GPO Box 24234, Melbourne, Victoria, 3001
Street: Level 1, North Tower, 459 Collins Street, Melbourne, Victoria, 3000
Website: www.ibac.vic.gov.au

If you make a disclosure to us, it will not be a disclosure made in accordance with Part 2 of the Act and you will not be able to rely on the protections under Part 6 of the Act. You may still wish for us to deal with your complaint or report nevertheless, in which case we will manage your complaint or report in accordance with our internal Grievance Procedure Policy and procedures.

Who can make a disclosure?

Any individual can make a disclosure about improper conduct by public bodies and public officers. This includes a person who is a member, officer or employee of a public body or public officer. However, the making of disclosure is not limited only to 'internal' disclosers. A company or a business cannot make a disclosure. The person making the disclosure must be an individual or a group of individuals making joint disclosures.

A disclosure must be private and can be made anonymously, orally or in writing. Disclosures cannot be made by fax. A person can also make a disclosure in circumstances where they cannot identify the person or the organisation to which the disclosure relates.

Remember, for the disclosure to be a public interest disclosure, it must be made to IBAC.

For further information about how to make a disclosure to the IBAC, see [**https://www.ibac.vic.gov.au/reporting-corruption/how-to-make-a-complaint**](https://www.ibac.vic.gov.au/reporting-corruption/how-to-make-a-complaint).

The following are not public interest disclosures under the Act:

- a disclosure made by a discloser who states in writing, at the time of making the disclosure, that the disclosure **is not** a disclosure under the Act; and
- a disclosure made by an officer or employee of an investigative entity in the course of carrying out his or her duties or functions under the relevant legislation, unless the person expressly states in writing that the disclosure is a disclosure is otherwise made in accordance with Part 2 of the Act.

How a disclosure is assessed by IBAC

Once a notification is made to IBAC, then IBAC will assess whether, in its view, the assessable disclosure is a public interest disclosure. It must do this within a reasonable time after the disclosure is notified to IBAC.

If the IBAC determines the disclosure is not a public interest complaint, the IBAC must advise the discloser in writing and within a reasonable time after the determination is made, that:

- the IBAC has determined that the disclosure is not a public interest complaint; and
- as a consequence of that determination:
 - the disclosure will not be investigated as a public interest complaint; and
 - the confidentiality provisions under Part 7 of the Act no longer apply in relation to the disclosure; and
- regardless of whether IBAC has determined that the disclosure is a public interest complaint, the protections under Part 6 apply to a public interest disclosure.

In addition, if IBAC is of the view that the disclosure, although not a public interest disclosure, may be able to be dealt with by another entity, IBAC may inform the discloser that:

- the matter which is the subject of the disclosure may be able to be dealt with by that entity other than as a public interest complaint; and
- if the discloser wishes to pursue the matter, make a complaint directly to that entity.

In making its assessment, IBAC may seek additional information from the named entity or from the discloser if it considers there is a requirement for further information to enable it to reach a decision.

Once IBAC has determined that a disclosure is a public interest complaint, the discloser cannot withdraw that disclosure. An ordinary complaint made to IBAC differs in that it can be withdrawn at any time after making it.

Once IBAC has made a determination in respect of an assessable disclosure notified to it, then IBAC has a responsibility to advise the relevant notifying entity of its determination, and the action that it intends to take. This advice must be provided within a reasonable time of the action being taken, or an investigation commenced.

IBAC is also responsible for advising disclosers who have made their disclosures directly to IBAC, or who have had their disclosures notified to IBAC, of the determination and

the action IBAC intends to take. This advice must be provided within a reasonable time of the action being taken, or an investigation commenced.

Welfare Management

We are committed to the protection of genuine disclosers against detrimental action taken in reprisal for the making of public interest disclosures.

We recognise the protection of persons making genuine public interest disclosures about improper conduct or detrimental action is essential for the effective implementation of the Act. In addition, the Act extends the need for welfare management to people who have cooperated or intend to cooperate with an investigation of a public interest complaint ("co-operators"). Persons who are the subject of allegations will also have their welfare looked after.

As we cannot receive disclosures, we may not know that a person has made a public interest disclosure. Confidentiality obligations require a person who has made a public interest disclosure not to discuss the matter with any other person except with the IBAC (or another investigative entity to which the IBAC may have referred the disclosure). We can only be made aware that a person requires protection under the Act if that information has been provided to us by the IBAC (when assessing whether a disclosure is a public interest complaint), or by the investigative entity investigating a public interest complaint.

Once we have been made aware of the identity of a discloser, and any other relevant information about the public interest disclosure, all information we receive will be kept confidential, and will manage the welfare of any relevant persons in accordance with our obligations under the Act.

Where we become aware of the identity of disclosers and co-operators, we must ensure the protection from direct and indirect detrimental action being taken against them. We will ensure our workplace culture supports disclosers and co-operators. Such support will extend to the relevant persons regardless of whether they are internal to the organisation (e.g., employees, Board members, other officers) or external members of the public. However, different legislative responsibilities (including those external to the Act) apply to persons internal to the organisation, and to persons who may be clients or users of our services. These responsibilities derive from various legislative and administrative obligations to:

- ensure the health and wellbeing of employees of a public sector body under laws including those relating to occupational health and safety, the *Charter of Human Rights and Responsibilities Act 2006* (Vic), the *Public Administration Act 2004* (Vic), and various Victorian Public Sector Codes of Conduct (as relevant); and
- comply with various relevant laws, policies and practices when making administrative and other decisions or taking particular actions affecting a customer, client or user of our services.

Generally, for internal persons, we will ensure a supportive work environment and respond appropriately to any reports of intimidation or harassment against these persons. For external persons, we will take reasonable steps to provide appropriate

support. We will discuss reasonable expectations with all persons receiving welfare management in connection with a public interest disclosure.

How VCET supports disclosers and co-operators

This list is indicative only, not all these actions may need to be taken, and other support may be offered as appropriate for each case.

We will support disclosers and co-operators by:

- keeping them informed, by providing:
 - confirmation that the disclosure has been received, if the relevant investigative agency has provided this information to us.
 - the legislative or administrative protections available to the person.
 - a description of any action proposed to be taken.
 - if any action has been taken by us, details about results of the action known to us.
- providing active support by:
 - acknowledging the person for having come forward.
 - assuring the discloser or co-operator that they have done the right thing, and that we appreciate it.
 - making a clear offer of support.
 - assuring them that all reasonable steps will be taken to protect them.
 - giving them an undertaking to keep them informed as far as we are reasonably able to.
- managing their expectations by undertaking an early discussion with them about:
 - what outcome they seek.
 - whether their expectations are realistic.
 - what we will be able to deliver.
- maintaining confidentiality by:
 - ensuring as far as is possible that other people cannot infer the identity of the discloser or co-operator;
 - reminding the discloser or co-operator not to reveal themselves or to reveal any information that would enable others to identify them as a discloser or co-operator;
 - ensuring that hardcopy and electronic files relating to the disclosure are accessible only to those who are involved in managing disclosures within VCET;
- proactively assessing the risk of detrimental action being taken in reprisal (rather than reactively waiting for a problem to arise and a complaint to be made by the discloser or co-operator), that is, actively monitor the workplace, anticipating problems and dealing with them before they develop as far as is possible;
- protecting the discloser or co-operator by:

- examining the immediate welfare and protection needs of the person and seeking to foster a supportive work environment;
 - listening and responding to any concerns the person may have about harassment, intimidation or victimisation in reprisal for their actions;
 - assessing whether the concerns the person may have about harassment, intimidation or victimisation might be due to other causes other than those related to the public interest disclosure;
- using best endeavours to prevent the spread of gossip and rumours about any investigation into the public interest disclosure where we are aware of any investigation being undertaken or about to be undertaken; and
- keeping contemporaneous records of all aspects of the case management of the person, including all contact and follow-up action.

Appointing a welfare manager

We will appoint a welfare manager where we believe that one is required to ensure that the appropriate support can be provided to the discloser or co-operator. We will take into account the following matters when deciding whether to appoint a welfare manager in a particular case:

- are there any real risks of detrimental action against the discloser or co-operator, taking into account their particular circumstances?
- whether we will give the discloser or co-operator effective support, including keeping the discloser informed of the status of the disclosure (as far as we have been provided with such information by a relevant investigative entity)?
- can we protect the person from suffering repercussions, by dealing with the matter discreetly and confidentially, and responding swiftly and fairly to any allegations that the discloser or co-operator has in fact suffered retribution?

If the answer to the first question is 'yes' then the IBAC recommends the appointment of a dedicated welfare manager. If the answer to the first question is 'no' and we can meet the needs set out in the remainder of the questions, the IBAC suggests there may be no need for a dedicated welfare manager to be appointed for that particular case.

Whilst we will assess each case on its own merits, a welfare manager will only be required where a public interest complaint proceeds to investigation in most cases.

If appointed, the welfare manager will, in addition to providing the general support:

- advise the discloser or co-operator of the legislative and administrative protections available to him or her, including providing practical advice;
- listen and respond to any concerns of harassment, intimidation or victimisation in reprisal for making a disclosure;
- not divulge any details relating to the public interest disclosure to any person other than the Public Interest Disclosure Coordinator;

- ensure all meetings between the welfare manager and the discloser or co-operator are conducted discreetly to protect the person from being identified as being involved in the public interest disclosure;
- encourage the discloser to use the employee assistance program if needed; and
- ensure the expectations of the discloser are realistic and reasonable, and that the discloser or co-operator understands the limits of the support we are able to reasonably provide in the particular circumstances. This is particularly the case where a welfare manager has been appointed in relation to an external discloser or co-operator.

Welfare management of persons who are the subject of public interest disclosures

We will also meet the welfare needs of a person who is the subject of a public interest disclosure. It is important to remember that until a public interest complaint is resolved, the information about the person is only an allegation.

We will decide about whether or when the subject of a disclosure will be informed about a public interest disclosure involving an allegation made against him or her. It is possible that the subject of the disclosure may never be told about the disclosure if it is not determined to be a public interest complaint, or if a decision is made to dismiss the disclosure.

The Act limits the disclosure of information about the content of an assessable disclosure and the identity of the discloser to certain specified circumstances set out in Part 7 of the Act. We may give information about the disclosure to the subject of the disclosure if directed or authorised to do so by the investigative entity investigating the public interest complaint, or for the purpose of taking action with respect to the conduct alleged, including disciplinary action.

Investigative entities may also inform the subject of the public interest complaint in the course of their investigation for the purposes of conducting that investigation, or any actions that they propose to take as a result of the investigation.

Welfare services

A person the subject of a disclosure who is made aware of their status as such may have a welfare manager appointed by us or be referred to VCET's employee assistance program for welfare assistance. Alternatively, our nominated Public Interest Disclosure Coordinator will provide support and advice to a person the subject of a disclosure, particularly in relation to their rights and obligations under the Act, these procedures, and any other relevant law or code of conduct. Each matter will be assessed by us on its own merits.

Natural justice

We will ensure that an individual the subject of a disclosure is provided natural justice prior to any decision being made about the allegations. If the matter has been investigated by an investigative entity, then the investigative entity will be responsible for ensuring consultations with the subject include the provision of natural justice to him or her. This would include:

- informing them about the substance of the allegations against them.
- giving them the opportunity to answer the allegations before a final decision is made.
- informing them about the substance of any adverse comment that may be included in any report arising from an investigation; and
- having his or her defence set out fairly in any report.

If the allegations are wrong or unsubstantiated

We will give full support to a person who is the subject of a disclosure where the allegations contained in a disclosure are wrong or unsubstantiated. In those circumstances, we (and any investigative entity involved) will ensure that there are no adverse consequences for this person arising out of the disclosure or its investigation. This is particularly crucial in a situation where there has been publicly disclosed information identifying the subject, but also where such information has become well-known across our organisation and the subject is a staff or Trust member.

Further, if the matter has been publicly disclosed by us, our Chief Executive will consider any request by that person to issue a statement of support setting out that the allegations were clearly wrong or unsubstantiated.

If detrimental action is reported

If any person reports an incident of harassment, discrimination or adverse treatment that may amount to detrimental action apparently taken in reprisal for a disclosure, the welfare manager or Public Interest Disclosure Coordinator must record details of the incident and advise the person of their rights under the Act to make a disclosure to IBAC.

Where the detrimental action is of a serious nature likely to amount to a criminal offence, we will also consider reporting the matter to the police or the IBAC.

A discloser of a public interest disclosure may also:

- take civil action against the person who took detrimental action against the discloser and seek damages;
- take civil action against us jointly and severally to seek damages if the person who took detrimental action against the discloser took that action in the course of employment with, or while acting as our agent; and
- apply for an order or an injunction from the Supreme Court.

Protections for persons making a public interest disclosure

In addition to the protections available to a person who makes a public interest disclosure under Part 6 of the Act, an employee of a public service body or public entity who has made a public interest disclosure and believes on reasonable grounds that detrimental action will be, is being, or has been taken against them, may request a transfer of employment.

After making a disclosure an employee can be transferred internally to another part of a public service body, or to another public service body or public entity on similar terms and conditions of employment. This can only happen if they request, or consent to, a transfer and the following other conditions apply:

- the head of the public body has reasonable grounds to suspect detrimental action will be, is being, or has been taken against the employee;
- the head of the public body considers that the transfer will avoid, reduce or eliminate the risk of detrimental action; and
- if transfer to another public body is proposed, the head of that public body consents to the transfer.

The transfer can be temporary or permanent, and if the employee is moved to another public body, the employee's service in the new body is regarded as continuous with their pre-transfer service.

Loss or limitations on the protections available

A discloser is not protected if they:

- provide false or misleading information, or further information that relates to a public interest disclosure, that the person knows to be false or misleading in a material particular, intending that the information be acted on as a public interest disclosure.
- claim that a matter is the subject of a public interest disclosure knowing the claim to be false.
- falsely claim that a matter is the subject of a disclosure that IBAC has determined to be a public interest complaint.

All of the above matters attract a maximum fine of 120 penalty units, 12 months' imprisonment or both.

A discloser is not protected against legitimate management action being taken by us in accordance with the Act.

In addition, although the discloser of a public interest disclosure is not subject to criminal or civil liability for making the disclosure, the Act specifically provides that a person remains liable for their own conduct even though the person has made a disclosure of that conduct under the Act. Therefore, the discloser will still be held liable for their own conduct that they disclose as part of making a public interest disclosure.

Taking disciplinary or other action against a person who has made a public interest disclosure invariably creates the perception that it is being taken in reprisal for the disclosure. Our Chief Executive will make the final decision on the advice of the Public Interest Disclosure Coordinator as to whether disciplinary or other action will be taken against a discloser. Where disciplinary or other action relates to conduct that is the subject of the disclosure, the disciplinary or other action will only be taken after the disclosed matter has been appropriately dealt with. In all cases where disciplinary or

other action is being contemplated, any such action will not be taken without VCET ensuring that:

- the fact that a person has made a public interest disclosure is not any part of the reason for VCET taking the action against the employee.
- there are good and sufficient grounds that would fully justify action against any other person in the same circumstances.
- there are good and sufficient grounds that justify exercising any discretion to institute disciplinary or other action.

We will take all reasonable steps to thoroughly document our decision-making process, including recording the reasons why the disciplinary or other action is being taken, and the reasons why the action is not being taken in retribution against the discloser for making the disclosure.

The discloser will be clearly informed of any action proposed to be taken, be afforded natural justice, be informed of any mitigating factors that have been considered. We will use plain English in our communications and provide reasonable steps to offer support where appropriate.

Confidentiality

Maintaining confidentiality in relation to public interest disclosures is crucial, among other things, in ensuring detrimental actions are not taken in reprisal against a disclosure. We will take all reasonable steps to protect the identity of the discloser and the matters disclosed by a discloser. Where the disclosure is dismissed or investigations do not substantiate the allegations made against the person, the fact that the investigation was undertaken, its results, and the identity of the person subject of the disclosure (to the extent that we have been provided that information by an investigative entity) will still remain confidential.

We will ensure all paper or electronic files are kept securely. All files will be marked: “*Public Interest Disclosure matter – CONFIDENTIAL*”. Those files will be accessible only by the Public Interest Disclosure Coordinator.

The welfare manager will not divulge any details relating to the disclosed matter to any person other than the Public Interest Disclosure Coordinator or an investigator appropriately authorised under the Act or the IBAC Act. All meetings between any relevant persons will be conducted discreetly to protect the confidentiality of the person making a public interest disclosure.

Freedom of Information Act 1982 exemptions

The *Freedom of Information Act 1982* (Vic) (FOI Act) provides a general right of access for any person to seek documents in VCET’s possession. However, this general right under the FOI Act excludes:

- any information relating to a disclosure made in accordance with the Act; and
- any information that is likely to lead to the identification of a discloser.

Training

We will:

- ensure that all staff and Trust members have access to a copy of these procedures in hard or soft copy.
- incorporate into our induction procedures training about our general obligations under the Act and the rights and obligations of all staff and Trust members.
- introduce periodic refresher courses for existing staff and Trust members about their rights and obligations under the Act.
- provide additional training and assistance to:
 - any of our staff with specific responsibilities and functions to handle and manage public interest disclosures under the Act, including the Public Interest Disclosure Coordinator and people involved in welfare management; and
 - any staff with functions and duties under the FOI Act or with responsibilities for information management, to ensure that no prohibited information is disclosed under the Act and to ensure there is appropriate liaising with the staff of the IBAC or other investigative agencies where required in response to a request for access under the FOI Act.

Exceptions to maintaining confidentiality

Whilst it is a crime to disclose information connected with a disclosure made in accordance with the Act, there are limited exceptions specified under the Act, such as:

- where disclosure is required by VCET (or one of its officers) in the exercise of its functions under the Act.
- where necessary for the purpose of the exercise of functions under the Act.
- by an investigative entity for the purpose of exercising that entity's functions under the IBAC Act.
- in accordance with a direction or authorisation given by the investigative entity that is investigating the disclosure.
- to the police where the information is relevant to an existing investigation relating to actual or potential criminal conduct.
- to the extent necessary for the purpose of taking lawful action in relation to the conduct that is the subject of an assessable disclosure including a disciplinary process or action.
- where the IBAC has determined that the assessable disclosure is not a public interest disclosure and the discloser or MCET subsequently discloses the information.
- when an investigative entity has published a report to Parliament, in accordance with its confidentiality obligations.
- for the purpose of obtaining legal advice in relation to matters specified in the Act.

- in order to enable compliance with the Act:
 - where a person does not have a sufficient knowledge of the English language, to obtain a translation from an interpreter.
 - where a person is under 18 years of age, to a parent or guardian.
 - where a person is suffering a disability and is not able to understand, to an independent person.
- in disciplinary actions or legal proceedings for certain offences in the Act or other specified acts.
- for the purpose of, or in the course of, a restorative engagement process, with the written consent of the person participating in the process who alleges that they are the victim of sex discrimination or sexual harassment.
- to assist the discloser to seek appropriate advice from health practitioner, trade union or from an employee assistance program.
- to the Victorian WorkCover Authority for the purposes of a compensation claim; and
- to the Fair Work Commission for the purpose of an application or related proceeding.

The Act prohibits the inclusion of any details, in any report or recommendation, that is likely to lead to the identification of a discloser. The Act also prohibits the identification of the person who is the subject of the disclosure in any particulars included in an annual report or any reports to Parliament.

Permitted external disclosure for those who disclose

A person who has made a public interest disclosure may make further disclosure of that matter to external parties such as the media and politicians if:

- the original disclosure was not made anonymously.
- the original disclosure was determined to be a public interest complaint and the discloser was notified of that determination; and
- one of the following applies:
 - the discloser has not been notified of any action in relation to the disclosure within 6 months of the determination and has not received a response 30 days after requesting an update on progress.
 - an investigation has not been completed 12 months after the determination and the discloser has not received a response 30 days after requesting an update on progress.
 - an investigation has not been completed 12 months after determination and although the discloser has received a response within 30 days of a request for an update, the discloser has received no further update advising the investigation has been completed six months after that response.

Any external disclosure in accordance with the above must not contain information that might prejudice a criminal investigation or legal proceeding of which the discloser is

aware and must not contain information about the investigative methods of the IBAC or the police.

The protections afforded under Part 6 of the Act will apply to this type of external disclosure.

Penalties

It is an offence:

- to divulge information obtained in connection with or because of the handling or investigation of a public interest disclosure without legislative authority.
- To disclose that a disclosure has been notified to the IBAC for assessment under the Act.
- To disclose that a disclosure has been assessed by the IBAC to be a public interest complaint under the Act.

All of these offences carry a maximum fine of 60 penalty units, a maximum of six months' imprisonment, or both.

Review

This document will be reviewed upon significant change to the Act or the Regulations to ensure they comply with their requirements.

Public Interest Disclosure Coordinator

Our Public Interest Disclosure Coordinator is:

Chief Governance and Strategy Officer
Melbourne Convention and Exhibition Centre
1 Convention Centre Place
SOUTH WHARF. VIC 3006
Telephone: 61 + (03) 9235 8216
Mobile: 0434 838 197
Email: rastley@vcet.com.au

References

External

- Public Interest Disclosures Act 2012 (Vic)
- IBAC Act 2011 (Vic)
- IBAC's Guidelines for Protected Disclosure Welfare Management, October 2016.
- Freedom of Information Act 1982 (Vic)
- Charter of Human Rights and Responsibilities Act 2006 (Vic)
- Public Administration Act 2004 (Vic)
- Victorian Public Sector Codes of Conduct (as relevant)

Internal

- Fraud and Corruption Control Framework
- Fraud and Corruption Policy
- Grievance Procedure

Appendix 1

TYPE OF DISCLOSURES

"Improper Conduct" means "Corrupt Conduct" or other conduct

Corrupt Conduct

(under s.4(1)(a) of the Act)

Conduct:

- of any person that adversely affects the honest performance by a public officer or public body of their functions.
- of a public officer or public body constituting or involving the dishonest performance of their functions.
- of a public officer or public body constituting or involving knowing or reckless breach of public trust.

Other Conduct

(under s.4(1)(b), (c), and (d) of the Act)

Conduct:

- of a public officer or public body engaged in by the public officer or public body in their capacity as a public officer or a public body that constitutes:
 - (a) a criminal offence; or
 - (b) serious professional misconduct;
 - (c) dishonest performance of public functions; or
 - (d) an intentional or reckless breach of public trust; or

• of a public officer or public body involving the misuse of information or material acquired in the course of the performance of their functions, whether or not for the benefit of the public officer or public body or any other person. • of a person intended to adversely affect the effective performance or exercise by a public officer or public body of their functions or powers, and resulting in the first mentioned person or his or her associate obtaining- (i) a licence, permit, approval, authority, or other entitlement under any act or subordinate instrument; or (ii) an appointment to a statutory office or as a member of the board of any public body under any act or subordinate instrument; or (iii) a financial benefit or real or personal property; or (iv) any other direct or indirect monetary or proprietary gain - that they would not have otherwise obtained. • that would constitute A conspiracy or an attempt to engage in any of the above corrupt conduct being conduct that would constitute a relevant offence.	(e) an intentional or reckless misuse of information or material acquired in the course of the performance of the functions of the public officer or public body; (f) a substantial mismanagement of public resources; or (g) a substantial risk to the health or safety of one or more persons; or (h) a substantial risk to the environment. • of any person that adversely affects the honest performance of the functions by a public officer or public body. • of any person that is intended to adversely affect the effective performance or exercise by a public officer or public body of the functions or powers of the public officer or public body and results in the person, or an associate of the person obtaining: (a) a licence, permit, approval, authority, or other entitlement under any act or subordinate instrument; or (b) an appointment to a statutory office or as a member of the board of any public body under any act or subordinate instrument; or (c) a financial benefit or real or personal property; or (d) any other direct or indirect monetary or proprietary gain - that they would not have otherwise obtained. of any person that could constitute a conspiracy or an attempt to engage in any of the above conduct.
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Detrimental action includes;

- Action causing injury, loss, or damage.
- Intimidation or harassment.
- Discrimination, disadvantage or adverse treatment in relation to a person's employment, career, profession, trade or business, including the taking of disciplinary action.

Examples of detrimental action prohibited by the Act include:

- threats to a person's personal safety or property, including intimidating or harassing a discloser or the discloser's family or friends or otherwise causing personal injury or prejudice to the safety or damaging property of a discloser or the discloser's family or friends;
 - the demotion, transfer, isolation or change in duties of a discloser due to his or her having made a disclosure;
 - discriminating or disadvantaging a person in their career, profession, employment, trade or business; or
 - discriminating against the discloser or the discloser's family and associates in subsequent applications for promotions, jobs, permits or tenders resulting in financial loss or reputational damage.
-