



## Public Interest Disclosure Policy and Procedure

### 1. PURPOSE

1.1. The purpose of this policy is to:

- (a) Outline how an individual may make disclosures of Detrimental Action or Improper Conduct about the Great Ocean Road Coast and Parks Authority (the Authority) and its employees or Board members; and
- (b) Protect individuals against reprisal by any person, internal or external to the Authority who make disclosures of Detrimental Action or Improper Conduct.

### 2. SCOPE

2.1. The policy applies to all Board members, employees, contractors, consultants and members of the public. The policy is in line with the *Public Administration Act 2004* and the *Public Interest Disclosures Act 2012*.

### 3. POLICY STATEMENT

- 3.1. The Authority is committed to a culture of compliance and ethical behaviour.
- 3.2. The Authority has implemented this policy and corresponding Public Interest Disclosure Procedure, as contained in the Annexure, to provide protection to individuals against Detrimental Action, whether threatened or otherwise, that may be taken in reprisal for disclosing Improper Conduct.

#### **Making a Public Interest Disclosure**

- 3.3. The Authority is not permitted to receive Public Interest Disclosures.
- 3.4. Where an individual makes, or wishes to make, a Public Interest Disclosure complaint or allegation to an employee or Board member of the Authority, the individual must be:
  - (a) Advised that they will not be protected under the Act if the Public Interest Disclosure complaint or allegation is made to the Authority;
  - (b) Advised that Public Interest Disclosures complaints or allegations must be made to IBAC for assessment in order to be protected under the Act; and
  - (c) Referred to the Authority's Public Interest Disclosure Procedure and IBAC's website for further information regarding Public Interest Disclosures.

## **Welfare Management**

- 3.5. The Authority has developed its Public Interest Disclosure Procedure, as contained in the Annexure, to ensure that individuals are protected from any negative impact associated with the Public Interest Disclosure complaint or allegation, in accordance with the Act.

## **4. ROLES AND RESPONSIBILITIES**

### **All individuals**

- 4.1. All Authority employees, Board members, contractors, consultants and members of the public are encouraged to report Improper Conduct or Detrimental Action to IBAC in accordance with this policy, the Authority's Public Interest Disclosure Procedure and the Act.

### **All Board members and employees**

- 4.2. All Authority employees and Board members have an important role to play in supporting those who have made a legitimate disclosure in accordance with the Act. No one may engage in any activity that is, or could be perceived to be, Detrimental Action in reprisal of a person who makes a disclosure.
- 4.3. All Authority employees and Board members must protect the confidentiality of a person they know or suspect has made a disclosure.

### **People and Culture Manager**

- 4.4. The People and Culture Manager is responsible for adopting the role of Welfare Manager, when appointed by the Authority in accordance with the Procedure.
- 4.5. In the People and Culture Manager's absence, another People and Culture representative will adopt the role of Welfare Manager.

### **Compliance, monitoring and review**

- 4.6. The CEO is responsible for monitoring the implementation of, and compliance with, this policy.
- 4.7. This policy must be reviewed every two years, or otherwise upon significant change to the Act.

## **5. DEFINITIONS**

- 5.1. For the purpose of this policy, the definitions contained in the Authority's Public Interest Disclosure Procedure have the same meaning.

## **6. RELATED LEGISLATION AND DOCUMENTS**

- *Public Administration Act 2004*
- *Protected Disclosure Act 2012*
- Public Interest Disclosure Procedure

- [Report public sector corruption or police misconduct | IBAC](#)

## 7. APPROVAL AND REVIEW DETAILS

Approval and Review	Details
<b>Approval</b>	CEO (or their delegate)
<b>Administrator</b>	CEO (or their delegate)
<b>Next Review Date</b>	19.05.25

Approval and Amendment History	Details
<b>Original Approval Date</b>	19.05.23
<b>Amendment Date</b>	
<b>Version</b>	1
<b>Notes</b>	

## ANNEXURE: PUBLIC INTEREST DISCLOSURE PROCEDURE

### PURPOSE

This procedure has been prepared by the Authority to ensure compliance with section 58(5) of the *Public Interest Disclosures Act 2012* (Vic) (the Act) and explains how to make a Public Interest Disclosure about the Authority, and how the Authority protects people who make Public Interest Disclosures.

### DEFINITIONS

<b>Act</b>	<i>Public Interest Disclosures Act 2012</i> (Vic)
<b>Detrimental Action</b>	Detrimental action includes: <ul style="list-style-type: none"><li>(a) Action causing injury, loss or damage;</li><li>(b) Intimidation or harassment;</li><li>(c) Discrimination, disadvantage or adverse treatment in relation to a person's employment, career, profession, trade or business, including the taking of disciplinary action.</li></ul>
<b>IBAC</b>	Independent Broad-based Anti-corruption Commission
<b>Improper Conduct</b>	Improper Conduct includes: Corrupt Conduct, being conduct of a person or persons connected with the Authority that constitutes: <ul style="list-style-type: none"><li>(a) a criminal offence;</li><li>(b) serious professional misconduct;</li><li>(c) dishonest performance of public functions;</li><li>(d) an intentional or reckless breach of public trust;</li><li>(e) an intentional or reckless misuse of information or material acquired in the course of the performance of the functions of the person or persons connected with the Authority or the Authority;</li><li>(f) a substantial mismanagement of public resources;</li><li>(g) a substantial risk to health or safety of one or more persons;</li><li>(h) a substantial risk to the environment.</li></ul> Conduct of any person that: <ul style="list-style-type: none"><li>(i) adversely affects the honest performance by a public officer of the Authority of their public functions;</li><li>(j) is intended to adversely affect the effective performance or exercise by a public officer or Authority of the functions or powers of the public officer or public body and results in the person, or an associate of the person, obtaining:<ul style="list-style-type: none"><li>i. a licence, permit, approval, authority or other entitlement under any Act or subordinate instrument;</li></ul></li></ul>

- ii. an appointment to a statutory office or as a member of the board of any public body under an Act or any subordinate instrument;
- iii. a financial benefit or real or personal property;
- iv. any other direct or indirect monetary or proprietary gain, that the person or associate would not have otherwise obtained.

Conduct of any person that could constitute a conspiracy or attempt to engage in any of the conduct referred to above.

**Public Interest Disclosure**

A public interest disclosure a complaint or allegation made by any person about corruption, improper conduct or detrimental action by a public officer or a public body, including the Authority and its employees and Board members. Public Interest Disclosures can be made about information that shows or tends to show, or that you believe on reasonable grounds shows or tends to show, that a person, public officer or public body that is engaging in or proposing to engage in improper contact or detrimental action.

**PROCEDURE**

Stages	Process
<p><b>Making a Public Interest Disclosure</b></p>	<p>A Public Interest Disclosure can be made about public bodies or public officers, including the Authority and its employees and Board members regarding information that shows or tends to show, or that you believe on reasonable grounds shows or tends to show:</p> <ul style="list-style-type: none"> <li>1. Improper Conduct; and/or</li> <li>2. Detrimental Action.</li> </ul> <p>The Authority is not authorised to receive Public Interest Disclosures.</p> <p>Public Interest Disclosure complaints or allegations can be made to IBAC:  <a href="#">Report public sector corruption or police misconduct   IBAC</a></p> <p>If the Authority receives a Public Interest Disclosure, the Authority must advise the individual to make their disclosure directly to IBAC in order to be protected under the Act.</p> <p>A Public Interest Disclosure complaint or allegation can be made to IBAC:</p> <ul style="list-style-type: none"> <li>1. By an individual or group of individuals;</li> <li>2. In person, in writing, by telephone or by email; and</li> <li>3. Anonymously.</li> </ul>
<p><b>Assessment</b></p>	<p>IBAC will assess whether or not the disclosure is a ‘public interest complaint’ for the purpose of the Act.</p> <p>You will be notified of IBAC’s assessment.</p> <p><b>Not a public interest complaint</b></p>

Stages	Process
	<p>If IBAC determine that the disclosure is not a public interest complaint, you will still be notified.</p> <p>IBAC may also advise the discloser of another entity that may deal with the disclosure, if applicable.</p> <p><b>It is a public interest complaint</b></p> <p>If IBAC determine that the disclosure is a public interest complaint, you will be notified.</p>
<p><b>Welfare Management</b></p>	<p>The Authority is committed to ensuring the welfare of those who make or cooperate with Public Interest Disclosures.</p> <p>The Authority may not be aware that an individual has made a public interest complaint to IBAC about the Authority or its employees, Board members or officers, and IBAC will only notify the Authority of a public interest complaint if it deems it necessary.</p> <p>If the Authority has been notified of the public interest complaint and the discloser or cooperator's identity, the Authority will manage the welfare of any relevant individuals in accordance with its obligations under the Act. In doing so, the Authority will:</p> <ol style="list-style-type: none"> <li>1. Ensure the Public Interest Disclosure Policy and this Procedure is accessible on its website and available internally to employees on the Staff Intranet.</li> <li>2. Where necessary, appoint a dedicated welfare manager to: <ol style="list-style-type: none"> <li>a. support the discloser or cooperator;</li> <li>b. advise the discloser, or cooperator, of legislative protections available to them;</li> <li>c. encourage the use of the Authority's employee assistance program, if required;</li> <li>d. ensure all meetings between the welfare manager and discloser or cooperator are conducted discreetly to protect the person(s) from being identified.</li> </ol> </li> <li>3. Acknowledge the discloser and cooperator for coming forward.</li> <li>4. Make a clear offer of support to the discloser and cooperator.</li> <li>5. Keep all information that it receives confidential.</li> <li>6. Ensure a supportive work environment and respond appropriately to any reports of intimidation or harassment against disclosers or cooperators.</li> </ol> <p>Any Authority employee who has made a Public Interest Disclosure and believes on reasonable grounds that Detrimental Action has or will be taken against them may request a transfer of employment. Subject to certain conditions, the Authority will endeavour to transfer that employee internally or, if possible, to other public bodies on similar terms of employment.</p>

Stages	Process
<b>Confidentiality</b>	<p>The Authority has an obligation under the Act to maintain the confidentiality of an individual who makes a disclosure that is assessable by IBAC. This is crucial in ensuring Detrimental Action is not taken in reprisal against a discloser or cooperator.</p> <p>In order to maintain confidentiality, the Authority will:</p> <ol style="list-style-type: none"> <li>1. Ensure all files relating to the disclosure is stored securely and in a way that protects the identity of the person who made the report.</li> <li>2. Ensure all meetings are conducted discreetly.</li> <li>3. Not divulge any details relating to the disclosed matter to any other person other than an investigator authorised under the Act or the IBAC Act.</li> </ol>
<b>Training</b>	<p>The Authority will:</p> <ol style="list-style-type: none"> <li>1. Ensure that the Public Interest Disclosure Policy and this Procedure is accessible on its website and available internally to employees on the Staff Intranet.</li> <li>2. Incorporate Public Interest Disclosure training into its induction practices.</li> <li>3. Conduct periodic refresher training for employees and Board members regarding their rights and obligations under the Act.</li> </ol>
<b>Review</b>	<p>This Procedure will be reviewed every 2 years, or otherwise upon significant change to the Act.</p>