

# Public Interest Disclosure Procedures

## What is a Public Interest Disclosure?

A public interest disclosure is a complaint or allegation made about corrupt conduct, improper conduct or detrimental action.

The *Public Interest Disclosure Act 2012* (PID Act) enables people to make disclosures without fear of reprisal. The PID Act aims to ensure openness and accountability by encouraging people to make disclosures and protecting them when they do.

The PID Act supports GVWRRG's commitment to the principles of open, honest and accountable governance. The PID Act:

- encourages and assists individuals in making disclosures of improper conduct by public officers and public bodies
- establishes a system for such matters to be confidentially disclosed and impartially investigated
- provides the discloser with protection from detrimental action as a result of making the disclosure.

Corrupt or improper conduct is described within the PID Act as:

- corrupt conduct and/or
- any of the following conduct by a public officer or public body in their capacity as a public officer or public body:
  - criminal offence
  - serious professional misconduct
  - dishonest performance of public functions
  - intentional or reckless breach of public trust
  - an intentional or reckless misuse of information
  - an intentional or reckless misuse of information or material acquired in the course of the performance of public functions
  - a substantial mismanagement of public resources
  - a substantial risk to health or safety of a person
  - a substantial risk to the environment
  - conduct by a third party that adversely affects the honest performance of a public officer or public body or is intended to adversely affect effective performance of a public officer or public body while obtaining an advantage for the third party, and/or
  - conduct by a third party that could constitute a conspiracy or attempt to engage in any of the above.

Corrupt conduct includes:

- taking or offering bribes
- dishonestly using influence
- committing fraud, theft or embezzlement
- misusing information or material acquired at work
- conspiring or attempting to engage in the above corrupt activity.

Corruption can occur through:

- improper or unlawful actions by public sector staff or agencies
- failure of public sector staff or agencies to act
- actions of private individuals who try to improperly influence public sector functions or decisions.

## **How is a Public Interest Disclosure handled?**

GVWRRG is not able to receive public interest disclosures.

You can make a public interest disclosure about GVWRRG or its board members, officers or employees by contacting IBAC (details below).

## **What protections do I have if I make a Public Interest Disclosure?**

A person who makes a disclosure that has been assessed by IBAC as a Public Interest Complaint (PIC), is assured confidentiality and protection from reprisal or detrimental action.

### **Legal protections**

If your complaint is assessed as a PIC, IBAC offer the following legal protections:

- IBAC will never publicise your name
- you and your family, friends and colleagues will be protected from being fired or bullied for making a complaint
- you will receive protection from defamation and detrimental action in reprisal for making a public interest disclosure
- you will receive immunity from:
  - civil or criminal liability as well as administrative action (including disciplinary action) for making the disclosure
  - committing an offence under the Constitution Act 1975 (Vic) or any other Act that imposes obligations of confidentiality or otherwise restricts the disclosure of information
  - breaching any other obligation (made by oath or rule of law or practice) requiring the maintenance of confidentiality or otherwise restricting the disclosure of information.

## **How do I make a Public Interest Disclosure?**

Any person can make a disclosure of suspected improper conduct about GVWRRG or its employees or the improper conduct of a member of the public in relation to GVWRRG's operation. You may remain anonymous if you wish.

### **Directly to IBAC:**

Level 1, North Tower  
459 Collins Street  
Melbourne Vic 3000  
GPO Box 24234, Melbourne, VIC 3001  
IBAC Telephone: 1300 735 135  
IBAC Website: [www.ibac.vic.gov.au](http://www.ibac.vic.gov.au)