

Protected Disclosure Act 2012

Victorian Legislation Changes

The Protected Disclosure Act 2012 came into effect on 11 February 2013, replacing the Whistleblowers Protection Act 2001.

The new Act established the Independent Broad-based Anti-corruption Commission (IBAC) which has responsibility to promote integrity and accountability across the Victorian public sector, the Victorian Inspectorate, whose role is to oversee both the IBAC and the Ombudsman, and the new Accountability and Oversight Parliamentary Committee which has oversight over the Ombudsman.

What is a Protected Disclosure?

A Protected Disclosure is a complaint of corrupt or improper conduct by a public officer or body.

What is the Protected Disclosure Act?

The *Protected Disclosure Act 2012* enables people to make disclosures about improper conduct within the public sector without fear of reprisal. The Act aims to ensure openness and accountability by encouraging people to make disclosures and protecting them when they do.

How does the North Central Catchment Management Authority Treat Protected Disclosures?

The North Central Catchment Management Authority does not tolerate corrupt or improper conduct by its employees, officers or members, nor the taking of reprisals against those who come forward to disclose such conduct.

Employees and members of the public are encouraged to report known or suspected incidences of corrupt or improper conduct.

The North Central Catchment Management Authority will take all reasonable steps to protect people who make disclosures without the fear of reprisal.

The North Central Catchment Management Authority will also afford natural justice to the person who is the subject of the disclosure.

What If I Want to Make a ‘Protected Disclosure’?

The North Central Catchment Management Authority cannot receive disclosures under the Protected Disclosures Act 2012.

If a person contacts the North Central Catchment Management Authority and appears to be attempting to make a disclosure, then the North Central Catchment Management Authority will, under the Protected Disclosures Act 2012, advise the person to make the disclosure to IBAC. Protected Disclosures may be made by employees or by members of the public.

Part 2 of the Act provides that a person may make a disclosure:

- Verbally;
- In writing;
- Online;
- Anonymously;

Protected Disclosures may relate to corrupt or improper conduct by:

- The organisation
- Employees of the North Central Catchment Management Authority
- Board and NRM Committee members while acting in their official capacity.

How Does the North Central Catchment Management Authority Protect Persons Making a ‘Protected Disclosure’?

The North Central Catchment Management Authority may not know when a person has made a protected disclosure.

This information may be provided to the Executive by IBAC or the Victorian Inspectorate who are assessing whether a disclosure is a protected disclosure complaint, or by an investigating entity that is investigating a protected disclosure complaint. Having been made aware of the identity of a discloser, and/or the contents of their disclosure, the North Central Catchment Management Authority will take all measures to keep that information confidential. Where necessary, the Protected Disclosure Coordinator will arrange for appropriate welfare support for the person making a protected disclosure.

Who Do I Contact?

Disclosures are to be made directly to IBAC:

Independent Broad-Based Anti-Corruption Commission (IBAC)

Address: IBAC, GP Box 24234, Melbourne Victoria 3000

Internet: www.ibac.vic.gov.au

Phone: 1300 735 135

IBAC is committed to handling all complaints confidentially and protecting personal information from unauthorised use. Any information that you provide in your complaint is collected only for the purpose of assessing and responding to the matters raised in your complaint.

Only those who 'need to know' will have access to the information contained in your complaint.

Protected disclosures are subject to confidential treatment by IBAC and particular care is taken in relation to the non-disclosure of the identity of the person making the disclosure.

Alternatives to Making a 'Protected Disclosure'

These procedures are designed to complement the standard Complaints Procedure of the North Central Catchment Management Authority and existing communication channels between supervisors and employees.

Members of the public are encouraged to contact the North Central Catchment Management Authority with any complaints or concerns about the North Central Catchment Management Authority and/or employees.

Employees are encouraged to raise matters at any time with their supervisors.

Further Information

In accordance with Section 58 of the Act, the North Central Catchment Management Authority has a *Protected Disclosure Act 2012* Policy and Procedure. The policy and procedure explain how the North Central Catchment Management Authority will respond to 'Protected Disclosures'. It also provides definitions of what constitutes corrupt or improper conduct, and outlines the different roles of the various people involved in dealing with Protected Disclosures.

IBAC Guidelines

For further information and guidance on the new legislation or any other matters, please refer to the *Protected Disclosure Act 2012* [Independent Broad-Based Anti-Corruption Commission Guidelines](#).

Related Links

Protected Disclosure Act 2012

http://www.austlii.edu.au/au/legis/vic/num_act/pda201285o2012279/

Independent Broad-Based Anti-Corruption Commission (IBAC) Victoria

<http://www.ibac.vic.gov.au/>