

# Public Interest Disclosure Policy

## 1. Introduction

The *Public Interest Disclosure Act 2012 (PID Act)*, enables people to make disclosures without fear of reprisal. The purpose of the PID Act is to foster openness and accountability by facilitating the making of public interest disclosures and protecting those who do. The North Central CMA is committed to the aims and objectives of the PID Act. It recognises the value of transparency and accountability in its administrative and management practices and supports the making of public interest complaints that reveal corrupt and improper conduct. It does not tolerate corrupt or improper conduct by the organisation, its employees, officers or members, nor the taking of detrimental action in reprisal against those who come forward to disclose such conduct.

## 2. What can disclosures be made about?

Public interest complaints may be made about corruption or improper conduct on the part of a public body or its staff, employees and members.

Improper conduct includes;

- criminal offence
- serious professional misconduct
- dishonest performance of public functions
- intentional or reckless breach of public trust
- intentional or reckless misuse of information
- substantial mismanagement of public resources
- substantial risk to health or safety of a person
- substantial risk to the environment
- conduct of any person that adversely affects the honest performance by a public officer of their functions
- conduct of any person that is intended to adversely affect the effective performance by a public officer of their functions for the benefit of the other person.

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.

The conduct or action may have taken place, still be occurring, or is believed will occur or be engaged in. Disclosures may also be made about detrimental action taken (or suspected may be taken) in reprisal or in connection with a disclosure made about improper conduct.

### 3. Who can make a disclosure?

Any individual natural person (e.g., not organisation or company) may make a disclosure under the PID Act. The individual could be a person within the organisation, or any member of the public externally.

Public interest complaints may be made in a number of ways set out in the PID Act, including anonymously, in writing or orally. A discloser need not identify the person or body about whom the disclosure is made.

### 4. How to make a disclosure

According to the Independent Broad-based Anti-Corruption Commission (IBAC), the North Central CMA is not permitted to receive disclosures made under the PID Act. Therefore, if you wish to make a disclosure about the North Central CMA, its officers, members or employees, you should make that disclosure directly to IBAC. For information on how to make a complaint visit [www.ibac.vic.gov.au/reporting-corruption/how-to-make-a-complaint](http://www.ibac.vic.gov.au/reporting-corruption/how-to-make-a-complaint)

If the North Central CMA believes a complaint may be a public interest complaint made in accordance with the PID Act, it will ask you to make that disclosure to IBAC. IBAC will determine if the complaint is a protected disclosure and the appropriate body to deal with the complaint. IBAC may manage the complaint themselves or refer the complaint to another appropriate body.

### 5. Role of the North Central CMA

It is important to note that the IBAC is not required to contact the North Central CMA about any disclosure you make so you should not discuss with the North Central CMA any disclosure you make to the IBAC unless you have first obtained the permission of the IBAC to do so, or unless the IBAC has directed you to do so, or IBAC has contacted the North Central CMA to provide information in order to allow us to provide you with any necessary welfare and support.

As required under the PID Act, the North Central CMA has established procedures to facilitate and encourage the making of public interest complaints under the PID Act and how we will manage the welfare of persons connected with protected disclosures. If you are not able to access an online copy or would like a copy sent to you, please contact the North Central CMA's Public Interest Disclosure Coordinator on 03 5448 7124 or by email [HRManager@nccma.vic.gov.au](mailto:HRManager@nccma.vic.gov.au).

### 6. Confidentiality

A person who makes a disclosure that becomes a Public Interest Complaint is assured confidentiality and protection from reprisal or detrimental action.

The PID Act requires the North Central CMA keep confidential information about the identity of a discloser and the content of a public interest disclosure. IBAC may also issue confidentiality notices in relation to a public interest disclosure.

It may be in an individual's best interests to keep a disclosure confidential to minimise the risk of detrimental action and only discuss it with authorised persons such as IBAC. Individuals making a public interest complaint may be able to discuss the matter with other support persons such as a spouse or partner, counsellor or health professional, but are strongly advised to seek advice from IBAC before doing so and to confirm a confidentiality notice has been provided.

## 7. Protections

### *Legal protections*

If IBAC assess a complaint as a public interest disclosure:

- IBAC will not publicise your name
- you 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.

### *Welfare*

The North Central CMA understands the importance of support the welfare of those cooperating with a public interest disclosure. Welfare support will be provided on an ongoing basis in line with the IBAC guidelines for public interest disclosure management. Support will be provided with consideration to the information the North Central CMA has been provided by IBAC and the person's particular circumstances. It may include such things as allocating a welfare officer, access to the Employee Assistance Program (EAP), proactively assessing the risk of detrimental action occurring, and providing advice and support.

## 8. For more information

For more information about protected disclosures or the Victorian integrity system generally, also see <http://www.ibac.vic.gov.au/report-corruption-or-misconduct/protected-disclosure>.