



PUBLIC INTEREST DISCLOSURES POLICY AND PROCEDURE

This policy and any subsequent amendments are issued pursuant to the Mallee Catchment Management Authority Board Charter of Corporate Governance.

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1. Purpose

The purpose of this policy and procedure is to describe the management of public interest disclosures by Mallee Catchment Management Authority (CMA).

The *Public Interest Disclosures Act 2012* (the Act)

- Establishes the Independent Broad-based Anti-corruption Commission (IBAC) and facilitates the making of public interest disclosures (PIDs) and public interest complaints (PICs) about improper conduct by public bodies, or public officers and individuals who may seek to influence public officers.
- Prescribes a system for such matters to be confidentially disclosed and impartially investigated.
- Provides the discloser and their family with protection from detrimental action.
- Establishes a parliamentary oversight committee, the Integrity and Oversight Committee (IOC), which oversees the IBAC and other Victorian integrity agencies.

This document has been prepared in accordance with the Act and the guidelines of the IBAC which are available on the IBAC website (www.ibac.vic.gov.au).

In accordance with the *Public Interest Disclosures Act 2012*, Mallee CMA is unable to receive public interest disclosures. Should someone wish to make a disclosure about Mallee CMA, or one of its employees, contractors or volunteers, that disclosure is to be made directly to IBAC. This policy and procedure details Mallee CMA's responsibility in relation to public interest disclosures and a copy is available on the Mallee CMA website at www.malleecma.com.au - [About us - Corporate governance](#) or by inspection during normal Mallee CMA office hours at the Agriculture Victoria Complex, Corner of Eleventh St and Koorlong Ave, Irymple, VIC, 3498.

2. Roles and Responsibilities

Role	Responsibility
Independent Broad-based Anti-Corruption Commission (IBAC)	<p>IBAC's purpose is to prevent and expose public sector corruption and misconduct by:</p> <ul style="list-style-type: none">• Receiving complaints and notifications of public sector corruption and misconduct;• Investigating and exposing corruption and misconduct;• Informing the public sector and community about the risks and impacts of corruption and misconduct, and ways it can be prevented.
Mallee CMA Board and Principal Officer	<ul style="list-style-type: none">• Notify IBAC when there are reasonable grounds to suspect corruption is occurring or has occurred in the Mallee CMA workplace;• Support workplace culture where the making of public interest disclosures is valued by the organisation and the right of any individual to make a public interest disclosure is taken seriously;• Ensure this policy and procedure is accessible on the Mallee CMA website and available to employees, contractors or volunteers and any individual in the broader community;• Not tolerate the taking of detrimental action in reprisal against any person for making a public interest disclosure, including to take any reasonable steps to protect such persons from such action being taken against them;• Afford natural justice and treat fairly those who are the subject of allegations contained in disclosures;• Take the appropriate disciplinary and other action against any staff, members or employees engaged in the taking of detrimental action; and

	<ul style="list-style-type: none"> • Ensure that Mallee CMA handles the welfare management of persons connected with public interest disclosures consistently and appropriately in accordance with its obligations under the Act and IBAC’s Guidelines and be visible, approachable, openly communicative and lead by example in establishing a workplace that supports the making of public interest disclosures.
Chief Finance Officer (CFO) Public Interest Disclosure Coordinator	<p>Although Mallee CMA cannot receive public interest disclosures the Public Interest Disclosure Coordinator is responsible for:</p> <ul style="list-style-type: none"> • Being the contact point for general advice about the operation of the Act and for integrity agencies such as IBAC; • Ensuring Mallee CMA carries out its responsibilities under the Act, any regulations made pursuant to the Act and any guidelines issued by IBAC; • Taking all necessary steps to ensure information received or obtained in connection with a disclosure, including the identities of the discloser and the person(s) to whom the disclosure relate, are kept secure, private and confidential at all times; • Ensuring risk management measures are put in place for public interest disclosures made about the organisation; • Arranging any necessary and appropriate welfare support for the discloser, including appointing a Welfare Manager to support a person entitled to be protected and to protect him or her from any reprisals; and • Ensuring statistics required to be reported by Mallee CMA in its annual reports under the Act are recorded.
Welfare Manager	<p>The IBAC Guidelines for protected disclosure welfare management provides detailed information regarding the appointment and responsibilities of a Welfare Manager and should be read in conjunction with this policy and procedure. If appointed he/she will manage the welfare of a person who:</p> <ul style="list-style-type: none"> • makes a protected disclosure; • is a witness in an investigation of a protected disclosure complaint; • is the subject of such an investigation. <p>Welfare management support includes:</p> <ul style="list-style-type: none"> • Informing; • Providing active support; • Managing expectations; • Maintaining confidentiality; • Assessing the risks of detrimental action being taken in reprisal; • Protecting the discloser; • Managing the impact of any investigation; • Keeping records. <p>For internal disclosers, public bodies may also wish to make use of the Employee Assistance Program to provide welfare support.</p>
Employees, contractors, volunteers	<ul style="list-style-type: none"> • Report disclosures as described in 4. Procedure – How to make a disclosure (below) and IBAC requirements • Support those who have made a legitimate disclosure in accordance with the Act • Refrain from any activity that is, or could be perceived to be victimisation or harassment of a person who makes a disclosure • Protect and maintain the confidentiality of a person they know or suspect to have made a disclosure.

3. Business Rules

Activity	Rules
What can disclosures be made about?	<ul style="list-style-type: none"> • Disclosures may be made about “improper conduct” on the part of a public body or its employees, contractors or volunteers. 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 • The conduct or action being disclosed may have taken place, still be occurring, or is believed will occur or be engaged in • The Act provides definitions about improper conduct and detrimental action.
Who can make a disclosure?	<ul style="list-style-type: none"> • Any individual natural person (e.g., not organisation or company) may make a disclosure under the Act. The individual could be a person within the organisation, or any member of the public externally • Disclosures may be made in a number of ways set out in the Act, including anonymously, in writing or orally. A discloser need not identify the person or body about whom the disclosure is made.
Receiving a disclosure	<ul style="list-style-type: none"> • Mallee CMA is not permitted to receive disclosures made under the Act. Therefore, disclosures about Mallee CMA, its employees, contractors or volunteers need to be made directly to IBAC. • IBAC contact details are: Phone: 1300 735 135 Email: info@ibac.vic.gov.au
Confidentiality	<ul style="list-style-type: none"> • Mallee CMA takes its obligations under the Act seriously. This includes the requirement to protect the identity of the discloser and the matters disclosed by a discloser. Maintaining confidentiality in relation to public interest disclosure matters is crucial, among other things, in ensuring reprisals are not made against a discloser. • It is important to note that IBAC is not required to contact Mallee CMA about any disclosure made, so you should not discuss the disclosure unless you have first obtained the permission of IBAC to do so, or IBAC has directed you to do so, or IBAC has contacted Mallee CMA to provide them with information to allow provision of any necessary welfare and support for you. • It is a criminal offence under the Act to disclose information connected with a disclosure made in accordance with the Act, including the identity of the discloser. The penalties for breaching confidentiality obligations include financial penalties and imprisonment.

4. Procedure

How to make a disclosure	<ul style="list-style-type: none"> • To make a disclosure about Mallee CMA, its members or employees, you will need to make that disclosure directly to the IBAC. https://www.ibac.vic.gov.au/reporting-corruption/how-to-make-a-complaint • IBAC is the decision body for public interest disclosures. • A disclosure must be made in accordance with Part 2 of the <i>Public Interest Disclosures Act 2012</i>.
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5. Definitions

Term	Meaning
Disclosure	Any complaint, concern, matter, allegation or disclosure (however described) purported to be made in accordance with Part 2 of the Act.
Public body or officer	State government employees, contractors, volunteers at: <ul style="list-style-type: none">• departments and agencies;• public hospitals and healthcare services;• state primary and secondary schools;• universities and TAFEs;• statutory authorities (Mallee CMA is a statutory authority);• water and land management agencies.
Public Interest disclosure (PID)	Disclosure by a natural person of information that shows/tends to show or information that the person reasonably believes shows/tends to show improper conduct or detrimental action.
Public Interest Complaint (PIC)	A public interest disclosure that has been determined by IBAC, the Victorian Inspectorate or IOC to be a Public Interest Complaint.
Discloser	A person who (purports to) make(s) a complaint, allegation or disclosure (however described) under the Act.
Public Interest discloser	A person who makes a disclosure of improper conduct or detrimental action in accordance with the requirements of Part 2 of the Act.
Individual	Any individual natural person (ie: not organisation or company) may make a disclosure under the Act. The individual could be a person within the organisation, or any member of the public externally.

6. Related Documents

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>

External

Public Interest Disclosures Act 2012

Independent Broad-based Anti-corruption Commission Act 2011

Protected Disclosure Regulations 2013

IBAC's Guidelines issued under s 57 of the *Protected Disclosure Act 2012*, October 2016

Freedom of Information Act 1982

Privacy and Data Protection Act 2014

Charter of Human Rights and Responsibilities Act 2006

Victorian Public Sector Code of Conduct