



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.

Metadata

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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).

Victoria's Public Interest Disclosures Act 2012 (the PID Act) provides protections for people who make disclosures about improper conduct in the public sector.

Disclosures can be made to nominated agencies and public bodies authorised to receive disclosures. A list of entities that can receive public interest disclosures is listed on the Independent Broad-based Anti-corruption Commission (IBAC) website.

Important: 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 malleecma.com.au > **About Us** > **Corporate Governance** or by inspection during normal office hours at the Agriculture Victoria Complex, Corner of Eleventh St and Koorlong Ave, Irymple, VIC, 3498.

2. Roles and Responsibilities

Role	Responsibility
IBAC	Upon notification, IBAC is required to assess the complaint for public interest disclosure status. IBAC may decide to: <ul style="list-style-type: none">• dismiss the matter• refer the matter to another investigating entity• investigate the matter.
Mallee CMA Board and Principal Officer (CEO)	<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• Ensure 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.

<p>Chief Finance Officer (CFO) Public Interest Disclosure Coordinator</p>	<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 • Ensuring statistics required to be reported by Mallee CMA in its annual reports under the Act are recorded.
<p>Welfare Manager (Human Resources/EAP)</p>	<p>The IBAC 'Guidelines for public interest 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 cover managing the welfare of a person who:</p> <ul style="list-style-type: none"> • makes a public interest disclosure; • is a witness in an investigation of a public interest complaint; • is the subject of such an investigation. <p>These guidelines should be read in conjunction with IBAC's Guidelines for handling public interest disclosures.</p> <p>For internal disclosers, public bodies may also wish to make use of the Employee Assistance Program (EAP) to provide welfare support.</p>
<p>Employees, contractors, volunteers</p>	<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 you report to IBAC?	<ul style="list-style-type: none"> • Corruption by a public sector body or employee • Misconduct in a public office • Misconduct by Victoria Police personnel Refer IBAC Factsheets (visit https://www.ibac.vic.gov.au/) <ul style="list-style-type: none"> • <i>'Reporting corruption and misconduct'</i> • <i>'What is a public interest disclosure?'</i>
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
Reporting corruption and misconduct	<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. • Refer IBAC Factsheet 'Reporting corruption and misconduct' https://www.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
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)	A disclosure by a natural person of information that shows or tends to show, or information that the person reasonably believes shows or tends to show, improper conduct or detrimental action (where the particular disclosure relates to an earlier PID). PIDs were previously known as protected disclosures.
Public Interest Complaint (PIC)	A PID that has been determined by IBAC, the Victorian Inspectorate, or the Integrity and Oversight Committee to be a PIC. PICs were previously known as protected disclosure complaints.
Natural person	A human being, not a legal entity like a corporate body
Serious professional misconduct	Conduct that constitutes a serious breach of an established professional code of conduct and/or other serious departures from the person's professional responsibilities.
Detrimental action	As defined in s3 of the <i>Public Interest Disclosures Act 2012</i> , detrimental action includes: <ul style="list-style-type: none"> (a) action causing injury, loss or damage (b) intimidation or harassment (c) discrimination, disadvantage or adverse treatment in relation to a person's employment, career, profession, trade or business, including the taking of disciplinary action.
Confidentiality obligations	The obligations on those receiving information relating to a public interest disclosure to not disclose that information, unless authorised by law. The primary obligations in relation to PIDs and PICs are contained in section 52, 53 and 54 of the <i>Public Interest Disclosures Act 2012</i> , and section 184 of the <i>IBAC Act</i> . Note also that confidentiality notices may also be issued in an investigation of a PIC. Breaches of these confidentiality obligation include criminal sanctions.

6. Related Documents

External

Public Interest Disclosures Act 2012, effective 01 January 2020

Independent Broad-based Anti-corruption Commission Act 2011

IBAC's Guidelines for handling public interest disclosures – January 2020

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