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| Public interest disclosure procedures |
| Department of Health |
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# 1. Background and purpose

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| **The Department of Health is committed to a safe environment where staff can speak up about integrity concerns.** |

The Department of Health (the department) does not tolerate fraud or [corruption](#corruption).[[1]](#footnote-2) Most cases of fraud and [corruption](#corruption) are detected because someone says something.

Everyone plays a part—if you suspect someone is involved in wrongdoing, you must speak up and report it.

This procedure is part of the department’s [Integrity Framework](https://dhhsvicgovau.sharepoint.com/sites/health/SitePages/integrity-fraud.aspx) It provides specific guidance on the Public Interest Disclosure (PID) process in accordance with the *Public Interest Disclosures Act 2012* (PID Act) and guidance from the Independent Broad-based Anti-corruption Commission (IBAC).[[2]](#footnote-3)

# 2. Public interest disclosures

A PID is report of a wrongdoing that involves improper conduct or [detrimental action](#detrimental_action) by a[public body](#public_body)or a[public officer](#public_officer). It can relate to something that has already taken place, is occurring now, or may happen in the future.

A report about wrongdoing is a [disclosure](#disclosure). The person who makes itis a [discloser](#discloser).

This section contains information about who can make a PID, and who or what a PID can be about.

Refer to Section 4.1 for information about how to make a [disclosure](#disclosure).

One of the aims of the PID Act is to encourage and assist people to report wrongdoing. To do this, the PID Act includes certain protections for [discloser](#discloser)s, particularly around confidentiality. Refer to section 6 of this procedure for information about the protections and obligations.

## 2.1 Who can make a PID

Anyone can make a PID. This includes members of the public, employees, contractors, clients and users of the department's services.

You can make a [disclosure](#disclosure) as an individual or as a group. You can also ask someone else to make a [disclosure](#disclosure) on your behalf (refer to Section 3.3 and Section 6.)

## 2.2 Who a PID can be about

A PID can be about a [public body](#public_body)or a[public officer](#public_officer)**.**

A [public body](#public_body) includes organisations such as government departments and health services.

A [public officer](#public_officer) includes all public servants and executives.

A PID can also be about a person who is not a [public officer](#public_officer) or not employed by a [public body](#public_body). This applies when that person’s actions have an adverse effect on how a [public officer](#public_officer) or [public body](#public_body)does its job. For example, a private individual could deliberately provide false information to get a department grant for which they are not eligible. In that case, the private individual is adversely affecting the honest performance of the department’s grant program.

You can still make a [disclosure](#disclosure) even if you cannot identify the person or the organisation to which the [disclosure](#disclosure) relates.

## 2.3 What a PID can be about

A PID can be about[improper conduct](#improper_conduct) or [detrimental action](#detrimental_action)**.**

[Improper conduct](#improper_conduct) includes [corruption](#corruption) andserious professional misconduct.

[Improper conduct](#improper_conduct) includes (but is not limited to):

* fraud, theft and bribery
* taking kickbacks from suppliers
* giving jobs or contracts to family and friends without proper process
* using public money or confidential information for personal gain.

For the alleged improper conduct to be a PID, it must be serious in nature.

[Detrimental action](#detrimental_action)is sometimes referred to as reprisal, retaliation or backlash. It is any negative behaviour towards you that happens because you made a PID or are involved in a PID investigation.

## 2.4 Reasonable belief

When you make a [disclosure](#disclosure), you must have a reasonable belief that the conduct is [improper conduct](#improper_conduct) or [detrimental action](#detrimental_action). Reasonable belief requires more than a suspicion. Something that you overheard or a rumour is not enough for reasonable belief.

You also need to have some supporting facts and circumstances. This might include documentation or knowledge of a relationship between a staff member and a contractor, or invoices that show funds are being deposited into a personal bank account.

# 3. Roles and responsibilities

Everyone at the department has a responsibility to speak up if they think something is wrong. [PID Coordinators](#PID_coord), and managers and supervisors have additional responsibilities.

## 3.1 Employees

All department staff are governed by the *Code of Conduct for Victorian Public Sector Employees* (the Code of Conduct). The Code of Conduct requires all employees to report incidents of [improper conduct](#improper_conduct)or [detrimental action](#detrimental_action).[[3]](#footnote-4)

## 3.2 PID Coordinators

[PID Coordinators](#PID_coord)are staff members who:

* can receive and assess [disclosure](#disclosure)s
* securely collect information and evidence to inform the assessment of PIDs
* notify IBAC of a PID as required
* liaise between the [discloser](#discloser)**,** the department and IBAC (or external agencies) to perform the functions under the PID Act (for example, in situations where the alleged conduct may pose an immediate threat to the health and safety of individuals or preservation of property)
* support the welfare of the [discloser](#discloser) and refer them to welfare supports as necessary
* educate and raise awareness of the PID process.

You can contact a PID Coordinator for confidential advice on any aspect of the PID process via email on publicinterestdisclosure@health.vic.gov.au or phone 1300 024 324.

# 4. Making a PID

The PID Act sets out requirements for how to make a [disclosure](#disclosure). These requirements relate to:

* where to direct your [disclosure](#disclosure)
* how to make a [disclosure](#disclosure)
* how to make an anonymous [disclosure](#disclosure).

The PID Act protections (see Section 6) only apply when a [disclosure](#disclosure) meets these requirements.

## 4.1 Where to direct a disclosure

A [disclosure](#disclosure) can be made about a wide range of [public bodies](#public_body) and [public officers](#public_officer). Depending on who your [disclosure](#disclosure) is about, the PID Act is specific about where you should direct your [disclosure](#disclosure).

If your [disclosure](#disclosure) is about someone or something at our department, you can make a [disclosure](#disclosure) to a [PID Coordinator](#PID_coord) or any other [permitted person](#permitted_person). A [permitted person](#permitted_person) includes the Secretary, and any manager or supervisor.

Refer to Table 1 for [PID Coordinator](#PID_coord) contact details.

Table 1. Internal PID contacts

|  |  |
| --- | --- |
| Organisation  | Contact details |
| Department of Health | **Email**: [email](https://dhhsvicgovau.sharepoint.com/sites/LegalPrivacyandIntegrityBranch-CorporateIntegrity/Shared%20Documents/Integrity%20Unit/Integrity%20activities/sharepoint%20and%20intranet%20pages/PID%20files/email) a PID Coordinator <mailto:publicinterestdisclosure@health.vic.gov.au> **Phone:** Integrity Hotline 1300 024 324**Mailing address:** Public Interest Disclosure CoordinatorIntegrity Unit Department of Health50 Lonsdale StreetMelbourne VIC 3000 |

You can also make a [disclosure](#disclosure) directly to IBAC (see Table 2).

Table 2. External PID contacts

|  |  |
| --- | --- |
| Organisation  | Contact details |
| IBAC | **Online form:** [IBAC online complaint form](https://www.ibac.vic.gov.au/reporting-corruption) <https://www.ibac.vic.gov.au/reporting-corruption>**Email:** info@ibac.vic.gov.au <mailto:info@ibac.vic.gov.au>**Phone:** 1300 735 135**Mailing address:** Independent Broad-based Anti-corruption CommissionGPO Box 24234Melbourne VIC 3001 |

If your [disclosure](#disclosure) is about any other public officer, there may be specific reporting requirements.[[4]](#footnote-5) If your [disclosure](#disclosure) is about a health service or Ministerial officer, you must report it directly to IBAC.

Check with IBAC for other specific reporting requirements.

## 4.2 How to make a disclosure

You can make a [disclosure](#disclosure) verbally or in writing. You can also make an anonymous [disclosure](#disclosure) (see Section 4.3).

Table 3sets out how to make a [disclosure](#disclosure).

Table 3. How a make a disclosure

|  |  |
| --- | --- |
| Private verbal [disclosure](#disclosure) | Can be made in person, by phone or by leaving a voice mail message. You should make a verbal [disclosure](#disclosure) in private and you can have legal representation present, if you wish.  |
| Written [disclosure](#disclosure) | Can be provided to the relevant organisation by: * delivering it in person to the office of the organisation
* mailing it to the office of the organisation
* completing the online form
* emailing to the relevant email address or to a [PID Coordinator](#PID_coord).
 |

## 4.3 Making an anonymous disclosure

You can make an anonymous [disclosure](#disclosure). Options for doing this include:

* using a de-identified email address
* anonymously calling the Integrity Hotline 1300 024 324
* online meetings with an unverifiable email.[[5]](#footnote-6)

Using a de-identified email address is a way of making an anonymous [disclosure](#disclosure) and also providing contact details. When you provide contact details, the [PID Coordinator](#PID_coord) (or IBAC if you make your [disclosure](#disclosure) externally) can request more information, offer support and keep you updated. This helps the [PID Coordinator](#PID_coord) (or IBAC) to better manage your concern.

## 4.4 Misdirected disclosures

The PID Act has a ‘no wrong door’ provision. This means that if you make a [disclosure](#disclosure) to the wrong [receiving entity](#receiving_entity), your [disclosure](#disclosure) can be redirected and you will not lose the protections of the PID Act. This provision only applies when:

* the entity that receives the [disclosure](#disclosure) is authorised to receive PIDs
* the discloser honestly believed that the [receiving entity](#receiving_entity) was the appropriate entity to receive the disclosure.

Sometimes, the department will receive a [disclosure](#disclosure) about another entity—for example, a public health service. If this happens, the department will assess the [disclosure](#disclosure) and, where required, the department will notify IBAC of the [disclosure](#disclosure) within 28 days.

Apart from the notification to IBAC, the department will maintain confidentiality about the [disclosure](#disclosure).

# 5. Assessment and notification

After you have made a [disclosure](#disclosure), either to a [PID Coordinator](#PID_coord) (or other [permitted person](#permitted_person)) or to IBAC, an assessment will be conducted to determine whether the alleged conduct is a PID under the PID Act.

Figure 1 outlines the assessment process for [disclosure](#disclosure)s made to a department [PID Coordinator](#PID_coord) (or other [permitted person](#permitted_person)). It also outlines the protections available to the [discloser](#discloser). Protections and obligations under the PID Act are detailed in Section 6.

Figure 1. PID assessment process



## 5.1 PID assessment

If you make an [disclosure](#disclosure) to the department, the [PID Coordinator](#PID_coord) will:

* assess whether it may be a PID under the PID Act
* consider whether the alleged wrongdoing is [improper conduct](#improper_conduct) or [detrimental action](#detrimental_action)
* considerwhether the information provided shows or tends to show that the wrongdoing has occurred or is occurring.

The [PID Coordinator](#PID_coord) will provide you with information about the provisions of the PID Act. They may also ask for further information. This will be to confirm that your [disclosure](#disclosure) was intended as a PID and that you understand that the department may subsequently notify the disclosure to IBAC.

The [PID Coordinator](#PID_coord) will also discuss with you:

* welfare supports, such as the appointment of a welfare manager
* the action the department will take to prevent any [detrimental action](#detrimental_action), if relevant.

If it is not possible to contact the [discloser](#discloser), the [PID Coordinator](#PID_coord) will assess the [disclosure](#disclosure) as provided and notify IBAC where required.

## 5.2 Possible assessment outcomes

### 5.2.1 Disclosure is not a PID

If your disclosure does not meet the requirements for a PID (see Section 4), the [PID Coordinator](#PID_coord) will advise you of this within 28 days. If you disagree with this assessment, you can still make your [disclosure](#disclosure) directly to IBAC.

### 5.2.2 Disclosure may be a PID

If your [disclosure](#disclosure) meets the requirements for a PID (see Section 4), the [PID Coordinator](#PID_coord) will advise you of this within 28 days and notify the disclosure to IBAC.

## 5.3 Opting out of the PID process

You can decide that you do not want your concerns to be assessed under the PID Act. You must notify the department of this decision in writing within 28 days of making the disclosure.

It is important to note that the department may still be obliged to act on the information you provided. This could include:

* making a mandatory notification to IBAC about the matter(s) you raised, if there are reasonable grounds for suspecting corrupt conduct
* reporting the matter to Victoria Police, if it may be criminal conduct
* taking action to prevent future wrongdoing or protect the health and safety of individuals.

## IBAC assessment

If you make a [disclosure](#disclosure) directly to IBAC, it will assess whether the matter is a PID and a [public interest complaint](#PIC).

For a PID to be a [public interest complaint](#PIC):

* it must be made in accordance with the PID Act (refer to requirements in Section 4)
* the information must show or tend to show that the [public officer](#public_officer) or [public body](#public_body) has engaged, is engaging, or proposes to engage, in [improper conduct](#improper_conduct) or [detrimental action](#detrimental_action); or
* the [discloser](#discloser) believes on reasonable grounds that the [disclosure](#disclosure) shows or tends to show that the [public officer](#public_officer) or [public body](#public_body) has engaged, is engaging, or proposes to engage, in [improper conduct](#improper_conduct) or [detrimental action](#detrimental_action).

Figure 1 above outlines the assessment process for a PID that the department notifies to IBAC.

### 5.4.1 Disclosure is not a public interest complaint

IBAC may decide that the matter does not meet the definition of [improper conduct](#improper_conduct)or[detrimental action](#detrimental_action). Or it may decide there is not enough information to show or tend to show that wrongdoing occurred.

In this case, IBAC may:

* refer the [disclosure](#disclosure) to another agency (for example, the Victorian Ombudsman) or the organisation named in the disclosure
* treat the [disclosure](#disclosure) as a complaint under the IBAC Act and refer the matter to a more appropriate agency to investigate (this can include the agency the disclosure is about)
* take no further action under the PID Act.

If IBAC refers the matter back to the agency that initially received the [disclosure](#disclosure), that agency may then deal with the disclosure under its own processes.

### 5.4.2 Disclosure is a public interest complaint

If IBAC assesses that the PID is a [public interest complaint](#PIC), IBAC may:

* investigate the complaint
* refer the complaint to another agency (for example, the Victorian Ombudsman or Victoria Police) for investigation
* with the [discloser](#discloser)’s consent, refer the complaint to another [public body](#public_body) to manage (this can include the agency the complaint is about or the agency that initially received the [disclosure](#disclosure))
* take no further action, if IBAC considers there are reasons to do so.

As above, if IBAC refers the matter back to the agency that initially received the [disclosure](#disclosure), that agency may then deal with the disclosure in accordance with its own processes.

## 5.5 Urgent action

In some circumstances, a [disclosure](#disclosure) may be about wrongdoing that:

* poses an immediate threat to the:
	+ health and safety of individuals
	+ preservation of property.
* may consist of serious criminal conduct (for example, falsifying patient records or stealing significant public funds).

In these cases, the department may take immediate action while the [disclosure](#disclosure) is being assessed. The department may also report criminal conduct to Victoria Police or take management action against an employee to prevent future conduct.

# 6. Protections and obligations

Certain protections are available for [discloser](#discloser)s whomake aPID.[[6]](#footnote-7) This includes protection from:

* being fired, disciplined, or bullied for making a [disclosure](#disclosure)
* any civil or criminal liability for making a [disclosure](#disclosure)
* committing an offence against the *Constitution Act 1975* or any other Act that imposes confidentiality obligations or restrictions on disclosure of information
* breaching any other obligation (made by oath, rule of law or practice) that requires them to maintain confidentiality or otherwise restrict confidentiality.
* being held liable for defamation in relation to information included in a PID.

Provisions in the PID Act also protect the confidentiality of [discloser](#discloser)s.

Some protections do not apply if a [discloser](#discloser):

* knowingly provides false or misleading information
* claims that a matter is the subject of a PID when they know that is false.

The PID Act states that if someone makes a [disclosure](#disclosure) about their own wrongdoing, they are still accountable for their own conduct.

If someone makes a [disclosure](#disclosure) on your behalf, only that person will receive the full protections under the PID Act in relation to the [disclosure](#disclosure). Your protection would be limited to protection against [detrimental action](#detrimental_action) and confidentiality. In this situation, consider making a joint [disclosure](#disclosure).

## 6.1 Protection from detrimental action

The department is responsible for protecting its employees and agents from [detrimental action](#detrimental_action)—that is, reprisal for making a [disclosure](#disclosure) or being involved in a PID investigation. The department’s responsibility includes identifying, assessing, controlling and monitoring risks of reprisal.

Employees must not engage in any activity that is, or could be perceived to be, victimisation or harassment of a person who makes a [disclosure](#disclosure). Taking [detrimental action](#detrimental_action) is an offence and may also be grounds for disciplinary action.

If a person reports harassment, discrimination or adverse treatment that may be [detrimental action](#detrimental_action), the person receiving the report must record details of the incident and advise on the protections under the PID Act. The requirement to do this applies to all employees, irrespective of their role.

A [disclosure](#disclosure) of [detrimental action](#detrimental_action) can itself be a PID and the department will assess it as a new [disclosure](#disclosure). Where the [detrimental action](#detrimental_action) is of a serious nature that is likely to amount to a criminal offence, the department may report the matter to Victoria Police or IBAC.

### 6.1.1 Actions to prevent detrimental action

The department will consider the risk of [detrimental action](#detrimental_action) and the individual circumstances of each matter before taking any action. The department will also consult with [discloser](#discloser)s and witnesses, where possible, to determine appropriate action.

If you are an employee who has made a [disclosure](#disclosure) and you believe on reasonable grounds that [detrimental action](#detrimental_action) has been, is being, or will be taken against you, you may request a transfer of employment to another government agency. Any transfer will be on terms and conditions that are overall no less favourable to you. The department will consider all requests of this nature, but the following conditions must be satisfied before a transfer is approved:

* the Secretary of the department is satisfied there are reasonable grounds to suspect [detrimental action](#detrimental_action)
* the Secretary considers that the transfer will avoid, reduce, or eliminate the risk of [detrimental action](#detrimental_action)
* the head of the ‘receiving’ government agency consents to the transfer.

If you have sustained injury, loss, or damage because of [detrimental action](#detrimental_action), the PID Act sets out remedies that are available to you. You may wish to obtain legal advice about this.

### 6.1.2 Responsibilities of disclosers—detrimental action

Alongside protections in the PID Act, [discloser](#discloser)s also have responsibilities.

* You must not take [detrimental action](#detrimental_action) against another person in reprisal for making a PID.
* If you make a [disclosure](#disclosure) about your own wrongdoing or [detrimental action](#detrimental_action)you have been involved in, you will still be held liable for your own involvement.

### 6.1.3 Legitimate management action

A person who makes a [disclosure](#disclosure) is also not protected against legitimate management action being taken in relation to their own conduct.

Before taking disciplinary or other action in accordance with relevant VPS or department policy or procedure, the manager/delegate must ensure that the action could not be considered [detrimental action](#detrimental_action) according to the PID Act.

The manager/delegate must ensure that:

* the proposed legitimate management action:
	+ - * does not relate in any way to the fact that a person made a [disclosure](#disclosure)
			* is supported by sufficient grounds that would fully justify the same action against any other person in the same circumstances
* there are sufficient grounds that justify any decisions such as disciplinary or other action.

The manager/delegate should thoroughly document the process. This must include all reasons why the action is being taken and the reasons why the action is not in retribution for making the [disclosure](#disclosure).

The manager/delegate must also clearly advise a [discloser](#discloser) of the proposed action and of any relevant considerations.

## 6.2 Confidentiality

The PID Act requires, in most circumstances, confidentiality for the identity of a [discloser](#discloser) and the content of a [disclosure](#disclosure).

### 6.2.1 Identity of a person making a disclosure

The PID Act prohibits the disclosure of information that would be likely to lead to the identification of a person who has made a [disclosure](#disclosure). This restriction applies to any person or body involved in the matter, other than the [discloser](#discloser).

Employees must protect and maintain the confidentiality of a person they know, or suspect, has made a [disclosure](#disclosure). Disclosing the identity of a [discloser](#discloser) is an offence and may also be grounds for disciplinary action.

### 6.2.2 Content of a disclosure

The PID Act prohibits the disclosure of the content, or information about the content, of any [disclosure](#disclosure) that has been assessed as a public interest disclosure. This restriction applies to a person or body that receives a [disclosure](#disclosure) or is provided information about the [disclosure](#disclosure) by an investigating entity assessing or investigating it.

Disclosing the content of a [disclosure](#disclosure) is also an offence and may also be grounds for disciplinary action.

The restriction does not apply to the [discloser](#discloser).

### 6.2.3 Exceptions to confidentiality requirements

There are certain circumstances where the confidentiality requirements do not apply. These include:

* when a body exercises its functions under the PID Act including for investigative purposes
* when IBAC, the Victorian Inspectorate or the Integrity and Oversight Committee determines the [disclosure](#disclosure) is not a [public interest complaint](#PIC)
* for the purpose of a proceeding or for a disciplinary process under a relevant Act
* when a [disclosure](#disclosure) is to Victoria Police relating to actual or potential criminal conduct and the information is relevant to an investigation by Victoria Police of the criminal conduct
* when it is necessary for the [discloser](#discloser) to obtain:
	+ legal advice or representation
	+ interpreter services
	+ the advice of a parent or guardian (for [discloser](#discloser)s under 18 years)
	+ the advice of an independent person (for [discloser](#discloser)s who are illiterate or have mental or physical impairments).\
* for the purpose of assisting the [discloser](#discloser) to seek advice or support from a registered health practitioner, trade union or employee assistance program
* for a workers compensation claim to WorkSafe or for an application to the Fair Work Commission.

### 6.2.4 Confidentiality of the content—additional exceptions

Confidentiality does not apply to the content of a PID if the disclosure of that information is:

* in accordance with a direction or authorisation from the investigating entity of a [disclosure](#disclosure)
* necessary for taking lawful action in relation to the conduct that is the subject of the [disclosure](#disclosure).

### 6.2.5 Confidentiality of the discloser’s identity—additional exceptions

The [discloser](#discloser) may provide written consent for their identity to be shared.

### 6.2.6 Protections, confidentiality and public interest complaints

If IBAC determines a PID to be a [public interest complaint](#PIC), the [discloser](#discloser)’s identity and the nature of the complaint will remain confidential (subject to the other exceptions).

If the [disclosure](#disclosure) is not a [public interest complaint](#PIC), there is no longer an obligation to keep the [discloser](#discloser)’s identity confidential under the PID Act. The [discloser](#discloser) still cannot be fired, disciplined or bullied for making the complaint, and they are protected from legal actions such as defamation and civil liability.

### 6.2.7 Discloser’s confidentiality obligations

A person who has made a [disclosure](#disclosure) is **not** required to keep the subject matter confidential. However, the protections under the PID Act will not apply if the [discloser](#discloser) shares information that they know is false or misleading.

IBAC and other investigating entities may issue a confidentiality notice in certain circumstances. This would include where disclosure of certain types of information is likely to prejudice an investigation, the safety or reputation of a person, or the fair trial of a person.

# 7. Offences and penalties

## 7.1 Offences

The PID Act provides for civil and criminal penalties, specifically in relation to:

* [detrimental action](#detrimental_action)
* disclosure of the content of a PID or police complaint disclosure
* disclosure of the identity of person making a PID or police complaint disclosure
* making a false [disclosure](#disclosure) or providing false further information
* falsely claiming a [disclosure](#disclosure) is a PID.

## 7.2 Penalties

There are significant penalties for breaching the PID Act, including imprisonment. Full details can be found on [IBAC’s website](https://www.ibac.vic.gov.au/).

# 8. Welfare management

The department recognises that it can be difficult to speak up. It is committed to providing a workplace that encourages and supports staff to report their concerns about wrongdoing.

Protecting the welfare of [discloser](#discloser)s is essential for the effective implementation of the PID Act. The department also has obligations to create a safe working environment under the:

* *Occupational Health and Safety Act 2004*
* *Charter of Human Rights and Responsibilities Act 2006*
* *Public Administration Act 2004.*

The department will provide welfare support to a [discloser](#discloser). This may include appointing a welfare manager to a [discloser](#discloser) or to someone who is cooperating, or intending to cooperate, with an investigation.

The department will also provide welfare support to those employees against whom [disclosure](#disclosure)s are made.

The department may appoint an internal person as the welfare manager or engage a contractor to provide welfare services. The department will also consider referring an employee to the Employee Wellbeing and Support Program.

For further guidance on welfare management, please refer to IBAC’s [Guidelines for public interest disclosure welfare management](https://www.ibac.vic.gov.au/publications-and-resources/article/guidelines-for-protected-disclosure-welfare-management) <https://www.ibac.vic.gov.au/publications-and-resources/article/guidelines-for-protected-disclosure-welfare-management>.

# 9. Review

The department will review these procedures every two years, or if there is a significant change in structure within the department. This is to make sure that the procedures meet the objectives of the PID Act and accord with IBAC's guidelines.

IBAC may also at any time review these procedures to make sure they are consistent with the PID Act and the IBAC guidelines.

# 10. Related documents

* *Public Interest Disclosures Act 2012*
* *Independent Broad-based Anti-corruption Commission Act 2011*
* *Constitution Act 1975*
* *Occupational Health & Safety Act 2004*
* *Charter of Human Rights and Responsibilities Act 2006.*
* *Victorian Public Service Enterprise Agreement 2024*
* *Code of Conduct for Victorian Public Sector Employees 2015*
* *Local Government Act 1989*
* Department of Health—VPS Managing Misconduct Procedure
* IBAC [Guidelines for handling public interest disclosures](https://www.ibac.vic.gov.au/publications-and-resources/article/guidelines-for-making-and-handling-protected-disclosures) <https://www.ibac.vic.gov.au/publications-and-resources/article/guidelines-for-making-and-handling-protected-disclosures>
* IBAC [Guidelines for public interest disclosure welfare management](https://www.ibac.vic.gov.au/publications-and-resources/article/guidelines-for-protected-disclosure-welfare-management) <https://www.ibac.vic.gov.au/publications-and-resources/article/guidelines-for-protected-disclosure-welfare-management>

# Glossary

|  |  |
| --- | --- |
| Term  | Definition  |
| corruption | Dishonest activity in which an employee acts against the interests of their employer and abuses their position to achieve personal gain or advantage for themself or for others. |
| detrimental action | Action taken by a [public officer](#public_officer) or [public body](#public_body)against a person in reprisal for them (or another person) making a PID or cooperating with the investigation of a PID. It includes:* action causing injury, loss or damage
* intimidation or harassment
* discrimination, disadvantage or adverse treatment in relation to a person’s employment, career, profession, trade or business, including the taking of disciplinary action.
 |
| discloser | Person who makes a [disclosure](#disclosure) about [corrupt conduct](#corruption)or [improper conduct](#improper_conduct)of a [public officer](#public_officer) or [public body](#public_body). |
| disclosure | A report made about [corrupt conduct](#corruption) or [improper conduct](#improper_conduct) of a [public officer](#public_officer) or [public body](#public_body). |
| improper conduct  | Of a [public officer](#public_officer) or [public body](#public_body)can include [corrupt conduct](#corruption), or conduct that constitutes:* a criminal offence
* serious professional misconduct
* dishonest performance of public functions
* an intentional or reckless breach of public trust
* an intentional or reckless misuse of information or material
* a substantial mismanagement of public resources
* a substantial risk to health or safety of one or more persons
* a substantial risk to the environment.[[7]](#footnote-8)

… of any person can also include conduct that:* adversely affects the honest performance by a [public officer](#public_officer) or [public body](#public_body)of their public functions, for example the granting of a license or permit to someone who would not otherwise qualify for it.
 |
| permitted person | Person who is permitted to receive a [disclosure](#disclosure) on behalf of the [receiving entity](#receiving_entity)[[8]](#footnote-9) (in this case the Department of Health).  |
| PID Coordinator | Integrity Unit staff member with specific responsibilities around the PID process.  |
| public body | * public sector bodies, such as the department and public health services
* a body performing a public function on behalf of the State
* incorporated or unincorporated bodies established under an Act for a public purpose, including universities
* the Electoral Boundaries Commission
* a council (established under the *Local Government Act 1989*)
 |
| public officer  | * public servants, including executives and IBAC officers
* local government Councillors and council employees
* university employees and teachers
* Victoria Police personnel
* members of Parliament, including Ministers
* ministerial officers, parliamentary advisers and officers, electorate officers
* judicial officers, including coroners, members of the Victorian Civil and Administrative Tribunal (VCAT), associate judges, judicial registrars
* statutory office holders, including the Auditor General and the Victorian Ombudsman, and the Director of Public Prosecutions
* the Governor, Lieutenant-Governor or Administrator of the State.
 |
| public interest complaint | IBAC will [further assess a PID under the PID Act](https://www.ibac.vic.gov.au/publications-and-resources/article/information-sheet-key-changes-in-relation-to-public-interest-disclosures) <https://www.ibac.vic.gov.au/publications-and-resources/article/information-sheet-key-changes-in-relation-to-public-interest-disclosures>. If IBAC determines that a PID is also a public interest complaint, additional restrictions and requirements apply. |
| receiving entity | an entity that can receive a [disclosure](#disclosure) under Division 2 of Part 2 of the PID Act |

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1. Terms in [blue](#_Glossary) are included in the ‘Glossary’ at the end of this document. [↑](#footnote-ref-2)
2. IBAC is Victoria’s anti-[corruption](#corruption) agency responsible for preventing and exposing public sector [corruption](#corruption) and police misconduct: [www.ibac.vic.gov.au](http://www.ibac.vic.gov.au). [↑](#footnote-ref-3)
3. Section 3.6 Reporting unethical behaviour. [↑](#footnote-ref-4)
4. Refer to section 14 of the PID Act for a complete list of persons or bodies to which certain PIDs must be made. [↑](#footnote-ref-5)
5. For example, by using an [end-to-end encrypted email service](https://proton.me/blog/how-to-send-an-anonymous-email). [↑](#footnote-ref-6)
6. These protections are listed in full under Part 6 of the PID Act. [↑](#footnote-ref-7)
7. Additional examples of what constitutes [improper conduct](#improper_conduct) are outlined in Section 4 of the PID Act. [↑](#footnote-ref-8)
8. Schedule 2—Persons permitted to receive public interest disclosure on behalf of entity of the PID Act. [↑](#footnote-ref-9)