

Procedure Name:	Public Interest Disclosures	NO. 2.3.9
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Related Policy:	2.3 Continuing Employment and Performance Development	

PURPOSE

QEC is committed to ensuring the highest integrity and professionalism in all activities, decisions and behaviours of our organisation. As a public sector organisation, we understand the importance of promoting and maintaining a culture where employees in all roles behave properly and appropriately and that public money and resources are used responsibly. As part of this commitment, QEC supports the public interest disclosure scheme and would encourage any concerns identified to be promptly raised.

This procedure details the public interest disclosure scheme and outlines the process for making a public interest disclosure (previously known as a protected disclosure or 'whistleblower' complaint), to report any concerns of corruption or improper conduct by QEC's people or QEC as an organisation.

PURPOSE IN CHILD'S VOICE

Workers at QEC need to be able to speak up if something is wrong or another worker is doing something bad.

SCOPE

This procedure applies to all QEC Board members and employees.

DEFINITIONS

Employee refers to a person employed by the Queen Elizabeth Centre (QEC) including students, volunteers, casuals and contractors.

Public Interest Disclosure ('PID') - a report about improper conduct or corruption by a public officer or body, or detrimental action that a public officer or body has taken against a person in reprisal for having made a public interest disclosure (or for having cooperated in an investigation)

IBAC (Independent Broad-based Anti-Corruption Commission) - Victoria's independent anti-corruption agency, dealing with serious corruption and misconduct in a range of sectors including the Victorian public sector, State Government, Victoria Police, Local Councils, Parliament and Judges and Magistrates.

Discloser - a person who makes a disclosure, must be a 'natural person,' not a business or legal entity such as a corporate body

Detrimental Action - action causing injury, loss or damage, intimidation or harassment, discrimination, disadvantage or adverse treatment in relation to a person's employment, career, profession, business.

The Act - Public Interest Disclosure Act 2012, formerly known as the Protected Disclosure Act 2012. Legislation aimed to detail how public interest disclosures be made and investigated.

PROCEDURE

As a public sector organisation, QEC expects all employees, individuals who represent our organisation, and those engaged to undertake duties on behalf of or in partnership with QEC to:

- Be honest and demonstrate ethical behaviours, actions and decisions
- Not be influenced by personal interests or greed
- Not engage in any corrupt or criminal behaviour.



All QEC's operations, processes, decisions and behaviour must be undertaken in accordance with relevant laws and regulations. They must be consistent with QEC's Values, Code of Conduct, policies and procedures, and the Victorian Public Sector Values and Code of Conduct, whilst upholding the highest level of integrity, and pose no perceived or actual risk of improper conduct or corruption.

Victoria has a public interest disclosure ('PID') scheme which is vitally important in providing an avenue for reporting improper conduct or corruption in the public sector. The scheme provides support for individual/s to make a disclosure, where they have information that shows (or tends to show) they believe improper conduct or corruption is occurring. The Public Disclosure Act 2012 protects individuals who have a genuine concern, and reasonable grounds to believe, that improper conduct or corruption is occurring in a public sector organisation.

1. Public Interest Disclosures

A public interest disclosure (previously referred to as a protected disclosure or 'whistleblower' complaint) is a report about:

- 'Improper conduct' by a public officer or body, or about a person trying to influence a public officer or body), and/or
- 'Detrimental action' taken or threatened to be taken, by a public officer or body against a person in reprisal for making a public interest disclosure.

At QEC, public officers include:

- Board Members
- QEC CEO and Executive, Managers, Supervisors and all employees
- A person performing a public function on behalf of QEC, whether under contract or otherwise (such as a volunteer, agency staff member, consultant, student)
- An employee of another party (or any person otherwise engaged by or acting on behalf of, or acting as a deputy or delegate of QEC or a QEC employee) such as a contractor or sub-contractor.

A PID may also relate to the conduct of a person who is not a public officer or employed by QEC, but where the person's conduct is adversely affecting (or intending to adversely affect) the honest performance of QEC or its officers.

2. Improper Conduct

Improper conduct and corruption in the public sector can take many forms and vary in degree and seriousness, such as:

- Corrupt conduct (such as taking bribes)
- Criminal offence (such as committing fraud or theft)
- Serious professional misconduct (such as nepotism in employment practices)
- Dishonest performance of public functions (such as assigning supplier contracts to friends or a family business)
- Intentional or reckless breach of public trust (such as using a position of influence dishonestly)
- Intentional or reckless misuse of information (such as misusing information obtained from the workplace or through the course of work, including but not limited to clinical and business information)
- Substantial mismanagement of public resources (such as misusing a corporate credit card, funds, resources or equipment)
- Substantial risk to health or safety of a person (such as permitting a clinician to work with lapsed professional registration)
- 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.



Less serious or 'trivial' conduct are excluded from the definition of improper conduct for the purposes of a PID.

A disclosure may relate to conduct or an action that may have already taken place, may be occurring now, or may happen in the future.

3. QEC's Commitment

QEC is committed to maintaining an honest, ethical, professional culture. We understand our responsibility and the position of trust that our organisation and employees hold in providing safe, quality care and services to the community.

QEC has a zero-tolerance approach to any form of improper conduct or corruption and takes this commitment seriously, regularly reviewing practices and systems to minimise risk of actual (or perceived) corruption or improper conduct. QEC will ensure that the organisation does not engage in conduct that results in a document or thing that is required by an investigative body to be concealed, mutilated or destroyed, rendered incapable of identification, or rendered illegible or indecipherable.

QEC supports the making of public interest disclosures and will take all reasonable steps to protect people who make such disclosures from any detrimental action in reprisal for making the disclosure.

QEC will:

- Ensure this procedure is accessible externally on its website and internally via its intranet, to ensure it is available to employees and the public
- Be approachable, visible and proactive in reinforcing QEC's expectations and promoting an honest and responsible organisational culture that supports the making of public interest disclosures
- Not tolerate the taking of any detrimental action in reprisal against any person for making a public interest disclosure
- Afford natural justice and procedural fairness for any individual subject of any allegation contained in a public interest disclosure
- Ensure that QEC provides support to any persons connected with a public disclosure
- Take appropriate action against individual employees (which may include disciplinary action) in the event that there is a finding of improper conduct, corruption and/or detrimental action
- Protect the identity of a discloser and the matters disclosed by a discloser (if known), understanding that 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.

QEC employees:

- Must undertake all duties honestly and in accordance with QEC policies and procedures and the QEC and VPSC Codes of Conduct
- Are encouraged to raise matters of concern in relation to QEC or its officers in accordance with this procedure, where they have reasonable grounds to believe that improper conduct, corruption and/or detrimental action is being undertaken
- Must refrain from any activity that is, or could be perceived to be, victimisation or harassment of a person who makes a disclosure and take care to maintain confidentiality of a person that they know or suspect may have made a disclosure.

4. Public Interest Disclosure Coordinator

The following roles at QEC are the nominated Public Interest Disclosure Coordinators:

- Director Corporate Services
- Manager Quality and Risk.

The Public Interest Disclosure Coordinators are the contact points for general advice about the operation of the Act and for integrity agencies such as IBAC (Independent Broad-Based Anti-Corruption Commission). The main focus of their role is to:

- Take all necessary steps to ensure any information received or obtained in relation to a PID, including identities of the discloser/s (and any person/s with whom the disclosure relates) are kept secure and confidential at all times
- Arrange any necessary welfare support for the discloser and make arrangements to protect the discloser from any reprisals
- Maintain any statistics required to be reported by QEC in its Annual Report under the Act.

Public Interest Disclosure Coordinators are encouraged to be familiar with the Guidelines for handling public interest disclosures.

5. Process for Making a Public Interest Disclosure

Anyone can make a public interest disclosure, including members of the public and QEC employees. A disclosure can be made by an individual or group of people. A company or business cannot make a disclosure, however its officers or employees can. (In context of QEC, this means that any member of the public or member of QEC may make a public interest disclosure).

It is not necessary for a person making a PID to identify:

- a) the person or Public Body to whom or to which the PID relates; or
- b) themselves, disclosures may be made anonymously.

An anonymous PID can be made by:

- a) using an unverifiable email address
- b) through an anonymous phone call; or
- c) having a face-to-face conversation or meeting where the discloser refuses to identify self (provided the meeting or conversation takes place in private).

All verbal disclosures must be made in private.

Under the Act, not all agencies can receive a PID. If a person has concerns of improper conduct or corruption against any QEC public officer, or against QEC as an organisation, they will be referred directly to IBAC to discuss their concerns and make a disclosure in writing. Please refer to section 4.6 below for a list of relevant bodies that can receive a PID.

When making a disclosure, it is helpful to provide:

- A description of the alleged improper conduct or detrimental action
- Who was involved, and where and when the conduct occurred, is occurring or may occur
- The grounds for believing the conduct occurred, is occurring or may occur
- Any supporting documentation.

6. Bodies that can receive Public Interest Disclosures

There are a number of bodies (such as those listed below) who may receive a public interest disclosure:

- IBAC (Independent Broad-Based Anti-Corruption Commission)
- Victorian Ombudsman
- Victorian Inspectorate (in relation to IBAC and the Public Interest Monitor)
- Victoria Police
- Public Service Bodies (within the meaning of the *Public Administration Act 2004* – such as the Department of Families, Fairness and Housing or Department of Health)
- Local Councils
- Judicial Commission of Victoria
- IOC (in relation to the Victorian Inspectorate)
- Commissioner or the IGIS under Part 5 of the National Anti-Corruption Commission Act 2022 (Cth)



The legislation provides a 'no wrong door' provision. This allows for a PID made to the wrong receiving entity to be redirected to another receiving entity, without the discloser losing the protections of the PID scheme, where:

- The receiving entity must be an entity to which a PID ordinarily may be made and
- The person making the disclosure must honestly believe that the receiving entity was the appropriate entity to receive the disclosure.

For example, if the Victorian Ombudsman receives a misdirected PID about Victoria Police it can redirect the PID to IBAC for assessment.

Any disclosure relating to QEC officers or organisation that relates to improper conduct, should be referred directly to IBAC.

Upon receiving a disclosure, IBAC (or the relevant public body) will:

- Assess the disclosure to determine whether the PID is a public interest complaint and
- If the PID is determined to be in the public interest, will provide the discloser protections where appropriate
- Determine if the complaint should be investigated and take further action as deemed appropriate.

7. Public Interest Disclosure Protections

Where a disclosure is received and assessed as a public interest complaint under the Act, the discloser will be afforded the following protections:

- Cannot be fired, disciplined, or bullied for making a disclosure
- Is not subject to any civil or criminal liability for making a disclosure
- Is not committing an offence against the Constitution Act 1975 or any other Act (or breaching any other obligation) that imposes obligations of confidentiality or any other restriction on the disclosure of information
- Cannot be held liable for defamation in relation to information in a public interest disclosure.

8. Reporting other concerns that do not meet PID requirements

Any serious issues that cause concern of employees, but do not meet the criteria of a public interest disclosure, may be directed to QEC and will be treated seriously and handled in accordance with QEC's Employee Complaints Procedure 2.2.9.

RELATED QEC DOCUMENTS

- 1.3 Family Rights and Responsibilities
- 1.4.2 Family Feedback
- 1.6 Privacy Policy
- 1.7 Child Safety
- 2.1 Recruitment and Selection
- 2.2 Employee Support and Workplace Relations
- 2.2.9 Employee Complaints
- 2.3 Continuing Employment and Performance Development
- 2.3.1 Code of Conduct
- 2.3.2 Mandatory Employment Requirements
- 2.3.3 Gifts, Benefits and Hospitality
- 4.2 Risk Management
- 4.3 Knowledge Management
- 4.4 Clinical Governance
- 4.6 Board Conflict of Interest
- 4.8 Governance
- 5.1 OHSES Policy
- 5.2 Infrastructure and Business Continuity
- 5.3 Financial Governance

- 5.3.4 Fraud, Corruption and Other Losses
- 5.3.9 Financial Risk Management
- 5.4 Procurement
- 5.7 Instrument of Delegation

RELATED LEGISLATION AND EXTERNAL DOCUMENTS

- Public Interest Disclosure Act 2012 (formerly known as the Protected Disclosure Act 2012)
- Charter of Human Rights and Responsibilities Act 2006
- Occupational Health and Safety Act 2004
- Public Administration Act 2004
- Independent Broad-based Anti-Corruption Commission Act 2011
- Victorian Public Sector Commission Codes of Conduct
- National Anti-Corruption Commission Act 2022 (Cth)
- [Guidelines for handling public interest disclosures | IBAC Jan 2020](#)

PERFORMANCE MEASURES

- See section 5 about annual reports

KEY WORDS

Public, Disclosure, Protected, Whistleblower, Corruption, Complaint, Report, IBAC

APPENDIX

None

DOCUMENT HISTORY

	Date	Summary of Purpose/Changes
Document Created:	19/05/2022	New procedure to reflect changes in legislation. Previous Protected Interest Legislation updated to be referred to as Public Interest Legislation.
Reviewed:	16/05/2024	Reference to National Anti-corruption added and the related Commissioner. In addition, the following statement was added 'QEC will ensure that the organisation does not engage in conduct that results in a document or thing that is required by an investigative body to be concealed, mutilated or destroyed, rendered incapable of identification, or rendered illegible or indecipherable' Purpose in child's voice added and link added under performance measures.