



Information for Protected Disclosure Coordinators

www.ibac.vic.gov.au

Victoria's protected disclosure regime provides public sector workers and the community with the confidence to speak out and report corruption and misconduct, knowing they will be protected.

Public sector employees are often best placed to identify suspicious conduct by other public sector employees or external parties like contractors or suppliers.

What is a protected disclosure?

The *Protected Disclosure Act 2012* (the Act), enables anyone to make a disclosure about 'improper conduct' or 'detrimental action' by a public officer or public body.

Improper conduct must be either criminal conduct or conduct serious enough to result in a person's dismissal.

Detrimental action is an offence under the Act and includes harassment or discrimination, or other adverse action taken against the discloser in reprisal for reporting the alleged improper conduct.

If a person makes a disclosure about corruption or improper conduct to a Protected Disclosure Coordinator (PDC), the discloser's identity must be kept confidential. The discloser could also be entitled to other protections such as immunity from liability in legal proceedings, or protection from reprisals should their identity become known.

What is the role of a Protected Disclosure Coordinator?

All Victorian state government departments, administrative offices and local councils are required under the Act to appoint a PDC, whose role is to receive reports of improper conduct and determine whether they should be referred to IBAC as potential protected disclosure complaints.

PDCs play an important role in instilling confidence and providing guidance and support to those who may be considering reporting improper conduct.

IBAC has developed the following resources to help PDCs understand their responsibilities:

- *Guidelines for making and handling protected disclosures*
- *Guidelines for protected disclosure welfare management*

The guidelines are available on the IBAC website at www.ibac.vic.gov.au.

What to do if you receive a potential protected disclosure?

If the information provided by the discloser shows or suggests improper conduct or detrimental action (as defined above), you should treat this as a potential protected disclosure complaint and refer it to IBAC.

If the discloser holds a reasonable belief that improper conduct or detrimental action has occurred, you should treat this as a potential protected disclosure and refer it to IBAC.

If your agency cannot receive protected disclosures under the Act then you should refer the discloser directly to IBAC.

What is IBAC's role?

IBAC receives, assesses and investigates disclosures about improper conduct by a public officer or public body, and allegations of reprisal action taken against a discloser.

IBAC can receive potential protected disclosure complaints directly from disclosers or via PDCs. PDCs should not investigate the information, but can make discreet enquiries if necessary, to determine whether the disclosure should be referred to IBAC.

When PDCs refer a potential protected disclosure complaint to IBAC it is assessed on whether it meets the criteria for protected disclosure status. IBAC will notify the PDC and discloser of the outcome.

If IBAC gives a complaint protected disclosure status we may:

- a. investigate the complaint
- b. refer the complaint to another more appropriate agency such as the Victorian Ombudsman, Victoria Police or the Victorian Inspectorate
- c. dismiss the complaint.

If IBAC determines that a potential protected disclosure does not meet the criteria, IBAC will notify the PDC or their agency, and the discloser, that the protections under The Act do not apply and that the agency can handle the matter as it sees fit.

Further resources

Further resources available on the IBAC website include:

- an e-learning module *Managing Protected Disclosures in Victoria* (www.ibac.vic.gov.au/reporting-corruption/notifications/information-for-protected-disclosure-coordinators)
- a checklist for organisations handling potential protected disclosures (ibac.vic.gov.au/publications-and-resources/article/protected-disclosure-procedures-checklist)

Contact us

Throughout the process PDCs are welcome to contact IBAC for assistance and advice on how to manage a potential protected disclosure. Contact us on **1300 735 135**.

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IBAC is Victoria's anti-corruption agency responsible for preventing and exposing public sector corruption and police misconduct. We do this by:

- investigating serious corruption and police misconduct
- informing the public sector, police and the community about the risks and impacts of corruption and police misconduct, and ways in which it can be prevented.

To report corruption now, www.ibac.vic.gov.au or call **1300 735 135**.

If you need help with translation, call Translating and Interpreting Service on **13 14 50** or visit www.ibac.vic.gov.au/general/accessibility/tr

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