

Public interest disclosure procedures: key issues to consider

This information sheet provides public sector organisations with information to help them with their workplace public interest disclosure policies, practices and procedures. The information is to be used as a reference to the key issues that organisations should consider in meeting their obligations under Victoria's system for receiving public interest disclosures.

About the *Public Interest Disclosures Act 2012*

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 bodies¹ authorised to receive disclosures. A list of entities that can receive public interest disclosures is listed on the [IBAC website](#). On receipt, those agencies and public bodies are required to notify potential public interest disclosures to IBAC for assessment.

Upon notification, IBAC is required to assess the complaint for public interest disclosure status. IBAC may decide to:

- dismiss the matter
- refer the matter to another investigating entity²
- investigate the matter.

The role of public bodies and agencies

Public bodies and agencies play a critical role in implementing the public interest disclosure regime.

Organisations that can receive public interest disclosures should have procedures for:

- receiving, handling and assessing disclosures
- notifying and liaising with IBAC or other investigating entities.

All public sector organisations should have procedures for:

- keeping a discloser's identity and the content of a disclosure confidential
- managing the welfare of disclosers including protecting them from detrimental action
- providing education and training to staff
- evaluation and review of the organisation's public interest disclosure framework.

This information sheet can be used to help your organisation to:

- encourage public officers and members of the public to report improper conduct
- ensure effective action is taken in response to reports of improper conduct.

¹ For more information on these agencies and public bodies go to [www.ibac.vic.gov.au/PID](#)

² Investigating entities include the Victorian Ombudsman, Victoria Police, the Victorian Inspectorate or the Chief Municipal Officer. In some circumstances, IBAC can also refer matters to the Office of the Racing Integrity Commissioner and the Office of the Information Commissioner.

Procedures – receiving, handling and assessing public interest disclosures

Organisations that can receive public interest disclosures should ensure they have clear procedures for people to make a public interest disclosure and that these procedures are well known to staff and available to the public.

The usual way to ensure that an organisation supports its responsibilities under the PID Act is to appoint a person or persons to a clearly identified role of Public Interest Disclosure Coordinator with appropriate resources.

Responsibilities of Public Interest Disclosure Coordinators include:

- receiving all disclosures, including phone calls, emails and letters from members of the public or staff
- assessing disclosures in accordance with the PID Act
- notifying all assessable disclosures to IBAC within 28 days
- establishing and managing a secure filing system and processes to ensure confidentiality
- managing the welfare of a discloser and advising them of protections available under the PID Act
- tracking the actions taken in relation to disclosures
- collating and reporting statistics on disclosures.

Maintaining confidentiality

The PID Act requires information about the identity of a discloser and the content of a public interest disclosure to be kept confidential.

Organisations may face some practical difficulties in ensuring confidentiality. The identity of a discloser may be revealed inadvertently or information about the contents of the disclosure may already be known by others in the organisation.

To minimise these risks organisations should:

- remind staff that if they make a disclosure they should keep it confidential
- limit the number of people who can be made aware of the discloser's identity, or information that could identify the discloser
- ensure they have a secure electronic or paper filing system for the receipt, storage, assessment and notification of public disclosures
- develop a risk management plan for every disclosure to manage the risk of confidentiality breaches.

Managing welfare

It takes courage to speak up and make a disclosure about improper conduct by a public official or public body.

For the PID Act to be effective, those who shine a spotlight on wrongdoing in public life need to be confident they will be protected from reprisals.

When someone discloses wrongdoing in the workplace or by a public officer or public body, organisations need to respond quickly and appropriately.

Organisations should consider:

- developing welfare strategies that consider the welfare of disclosers, witnesses/cooperators and people who are the subject of disclosures
- developing a risk management plan to manage the welfare of those involved in every public interest disclosure
- developing processes to protect disclosers from reprisal, including relocation if requested, or agreed to, by the discloser.

Education and training

All public bodies should create and support a workplace culture where the making of public interest disclosures is valued and taken seriously. Organisations should consider:

- regular training of staff on the reasons for having a public interest disclosure procedure and how to follow it
- reassuring staff that detrimental action will not be tolerated and they will be protected
- being visible, approachable, openly communicating and leading by example.

Evaluation

Organisations should also consider regularly reviewing the effectiveness of their public interest disclosure procedures and integrity frameworks as a part of a process of continuous improvement.

Getting ready for PID Act changes

The commencement of changes to the PID Act from 1 January 2020 will require all public bodies and local councils to consider how the changes will affect their operations, policies, procedures and systems. The following checklist may assist.

Has your organisation:

- clarified whether or not it can receive public interest disclosures?
- incorporated new definitions into its systems and procedures for 'improper conduct' and 'detrimental action'?
- ensured a procedure is in place to manage external disclosures?
- ensured a procedure is in place to manage misdirected disclosures?
- ensured that staff are adequately trained in the new confidentiality obligations?
- ensured that your public interest disclosures policy and complaints policy refer to each other?
- ensured that those who report or are witnesses to wrongdoing are supported and protected from reprisal?

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- 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, visit www.ibac.vic.gov.au or call **1300 735 135**.

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