

Goulburn Ovens Institute of TAFE	Title: Protected Disclosure (Whistleblower) Policy Executive approved: 21/10/2014 Reviewed: 16/02/2015, 5/07/2017, 14/07/2017, 27/07/2017, 24/08/2018 re CFO
Policy no. POHR11 <i>(Copy on public web site)</i>	Responsible Officer: Chief Financial Officer/Board Secretary Authorising Officer: CEO Review: Annual (10th April 2019)
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Protected Disclosure (Whistleblower) Policy

1. PURPOSE

In accordance with the *Protected Disclosure Act 2012* (the Act), GOTAFE is committed to encourage and facilitate the disclosure of improper conduct or corrupt behaviour by GOTAFE as an organisation or by its officers, including employees, and to the prevention of detrimental action in reprisal for a person making such a disclosure.

Protected disclosure is directed at the identification of corruption and dishonest activity on the part of a public body or its officers, staff or directors. The definitions of corrupt and improper conduct are specific, as outlined below.

In addition to this Policy, GOTAFE has developed a [Protected Disclosure \(Whistleblower\) Procedure \(PRHR-172\)](#) to assist stakeholders in managing such disclosures.

2. SCOPE

This Policy applies to all GOTAFE’s existing, new and prospective employees, labour hire employees, contractors and volunteers in all areas of GOTAFE’s operation, including fixed-term, and casual staff. It will also apply to those who have interaction with GOTAFE, including members of the community who visit GOTAFE campuses or sites.

3. DEFINITIONS

Term	Definition
Corrupt Conduct	Conduct that: <ol style="list-style-type: none"> a) adversely affects the honest performance by a public officer or public body of his or her, or its, functions; b) constitutes or involves the dishonest performance of a public body or public officer’s functions as a public officer or public body; c) constitutes, or involves knowingly or recklessly breaching public trust; d) involves the misuse of information or material acquired in the course of the performance of public duties, whether or not this is done for the benefit of the public body or officer, or for any other purpose; e) constitutes a conspiracy or an attempt to engage in any of the above conduct; f) if proven, would constitute an indictable offence or a common law offence (perverting, or attempting to pervert, the course of justice, bribery of a public official).

<p>Detrimental Action</p>	<p>Action taken against a discloser in reprisal for making a disclosure. Detrimental action can include:</p> <ul style="list-style-type: none"> • action causing injury, loss or damage • intimidation or harassment, and • discrimination, disadvantage or adverse treatment in relation to a person’s employment, career, profession, trade or business, including the taking of disciplinary action.
<p>IBAC</p>	<p><i>Independent Broad-based Anti-corruption Commission Act 2011 (Vic)</i></p> <p>The Independent Broad-based Anti-corruption Commission (IBAC) Level 1, North Tower 459 Collins Street Melbourne Vic 3000 GPO Box 24234, Melbourne, VIC 3001 Telephone: 1300 735 135 Website: www.ibac.vic.gov.au.</p>
<p>Improper Conduct</p>	<p>Conduct that:</p> <ol style="list-style-type: none"> a) adversely affects the honest performance by a public officer or public body of his or her, or its, functions; b) constitutes or involves the dishonest performance of a public body or public officer’s functions as a public officer or public body; c) constitutes, or involves knowingly or recklessly breaching public trust; d) involves the misuse of information or material acquired in the course of the performance of public duties, whether or not this is done for the benefit of the public body or officer, or for any other purpose; e) constitutes a conspiracy or an attempt to engage in any of the above conduct; or f) involves a public officer or public body in substantial- <ol style="list-style-type: none"> (i) mismanagement of public resources; (ii) risk to public health or safety; or (iii) risk to the environment. <p>Where such conduct, if proven, would be either-</p> <ul style="list-style-type: none"> • ‘corrupt conduct’ as defined under the Independent Broad-based Anti-corruption Commission Act 2011 (Vic), where such conduct would constitute an indictable offence or a common law offence (perverting, or attempting to pervert, the course of justice, bribery of a public official); • a criminal offence; or • reasonable grounds for dismissing or dispensing with, or otherwise terminating the services of the officer who was, or is, engaged in that conduct.
<p>Protected Disclosure</p>	<p>A disclosure about improper conduct or detrimental action made in accordance with <i>the Act</i> which affords the person making the disclosure protection from liability and from detrimental action in reprisal for making the disclosure.</p>
<p>Protected Disclosure Coordinator</p>	<p>A designated member of GOTAFE whose role is to advise on complaints or allegations of improper conduct, detrimental action, other corrupt conduct or misconduct.</p> <p>The Protected Disclosure Coordinator (PDC) cannot receive or accept disclosures made under <i>the Act</i>. ALL disclosures are to be reported to IBAC,</p>

	<p>however you may seek guidance from the PDC on whether or not, in their opinion, it may or may not be a protected disclosure for the purposes of the Act. The formal written disclosure is only to be lodged with IBAC, NOT GOTAFE.</p> <p>The Protected Disclosure Coordinators at GOTAFE are the Chief Operating Officer/Board Secretary and Financial Controller, or delegate.</p>
Public Officer	A member of GOTAFE staff or Board or any person otherwise engaged by, or acting on behalf of, or acting as a deputy or delegate of, GOTAFE, or any such member of member of staff or the Board.
Specified Conduct	Conduct that is dishonest, breaches public trust, involves the misuse of information, a substantial mismanagement of public resources, a substantial risk to public health or safety or a substantial risk to the environment.
Welfare Manager	In appropriate circumstances, GOTAFE will appoint a suitable welfare manager to protect a discloser or a co-operator dependant on certain risk factors as per below. The Welfare Manager may also assist in arranging counselling or other relevant support as required given the circumstances.

4. POLICY

Persons can choose to make a protected disclosure to a range of bodies and persons depending on who is the subject of the disclosure. However, disclosures about GOTAFE, its members, employees, officers, or members of the public, can **ONLY** be made to the Independent Broad-Based Anti-corruption Commission (IBAC), as per Section 13 (1) of the Act.

The aims and objectives of the *Protected Disclosures Act 2012 (the Act)* are supported, and persons making protected disclosures under the Act will be supported where GOTAFE is notified of this disclosure.

In accordance with this:

- neither improper conduct by employees, members, officers, contractors or labour hire staff, nor the taking of detrimental action against those who come forward to disclose such conduct will be tolerated.
- the value of transparency and accountability in its administrative and management practices is recognised.
- the making of disclosures to IBAC that reveal improper conduct, corrupt conduct, conduct involving a substantial mismanagement of public resources or conduct involving a substantial risk to public health and safety or the environment is encouraged and supported.
- all reasonable steps will be taken to support and protect people who make disclosures from any detrimental action taken against them in reprisal for the making of a disclosure, in contravention of section 45 of *the Act*, where we have notice of such disclosure.
- adequate resources will be provided to implement GOTAFE’s protected disclosure requirements, including adequate training for all personnel involved in protecting persons from detrimental action.
- The disclosure must be about behaviour that is corrupt or specified conduct that would, if proved, constitute a criminal offence or reasonable grounds for dismissal.

GOTAFE will manage the welfare of those persons and others connected with or the subject of a protected disclosure in accordance with the requirements of the *Act*.

This document complies with the requirements of the *Protected Disclosure Act 2012*, and the *Protected Disclosure Regulations 2013 (Vic)* ('the Regulations').

It further complies with the *Independent Broad-based Anti-corruption Commission Act 2011 (Vic)* ('the *Act*'), which sets out the powers of IBAC. This document also complies with guidelines issued by IBAC under the *Act* ('the IBAC guidelines').

This document is consistent with the *Code of Conduct for Victorian Public Sector Employees* ('the Code of Conduct'), which provides guidance on the general standards of ethical conduct expected of employees in the Victorian Public Service (VPS).

A copy of this Policy is available to the public, as required by section 59(4) of the *Protected Disclosure Act 2012*.

Please refer to the GOTAFE [Protected Disclosure \(Whistleblower\) Procedure \(PRHR-172\)](#) for more detail.

5. DOCUMENTS

[Protected Disclosure \(Whistleblower\) Procedure – PRHR-172](#)

[Discipline Procedure for Staff Other Than PAACT STAFF – CS11-P45](#)

[Discipline Procedure for PAACT Staff – CS34-P94](#)

[Employee Code of Conduct Policy – POHR14](#)

[Fraud and Corruption Management Procedure – B-P109](#)

[Privacy and Freedom of Information Policy – OD7](#)

[Code of Conduct for VPS Employees](#)

Public Administration Act 2011

Protected Disclosure Act 2012

Privacy and Data Protection Act 2014

Health Records Act 2001