

Public Interest Disclosure Policy

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Authorised Officer:	GOTAFE Board	Due for review:	Annual 27/11/2024

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PURPOSE

The Public Interest Disclosure Policy ('the Policy') has been developed in accordance with the provisions of the *Public Interest Disclosures Act 2012* ("the Act") and provides a framework for the making, assessing and handling of public interest disclosures where they may occur.

This Policy provides clear guidance and instruction for the making of disclosures of improper conduct by GOTAFE representatives (be that board directors, employees, contractors, consultants, volunteers and or visitors), to ensure that any disclosures are handled in accordance with the Act.

The Act provides a number of protections from detrimental action to a person/s who may be affected by a public interest disclosure; whether it is the person making a disclosure, the subject of a disclosure, or a witness to any related investigation.

This Policy confirms the requirement for appropriate standards of behaviours as set out in the Victorian Public Sector (VPS) Codes of Conduct, alongside GOTAFE's Director Code of Conduct and Employee Code of Conduct.

POLICY STATEMENT

Public interest disclosures about GOTAFE, or its employees or other public officers, can be made to any of the following appropriate bodies under section 13(2) of the Act:

- *Independent Broad-based Anti-Corruption Commission (IBAC)* contactable via www.ibac.vic.gov.au;
- the *Victorian Ombudsman* contactable via www.ombudsman.vic.gov.au; or
- the *Victorian Inspectorate* contactable via www.vicinspectorate.vic.gov.au.

PRINCIPLES

GOTAFE is committed to the aims and objectives of the Act through the following principles:

- GOTAFE will not tolerate improper conduct by its public officers, nor the taking of detrimental action against persons because of disclosures of such conduct. This expectation is consistent with the Code of Conduct for Victorian Public Sector Employees, which provides guidance on general standards of ethical conduct expected of employees in the Victorian Public Sector.
- GOTAFE values and prioritises transparency and accountability in its administrative and management practices.
- GOTAFE encourages the making of public interest disclosures regarding possible improper conduct of GOTAFE or its public officers.
- GOTAFE will take all reasonable steps to support and protect people who make a public interest disclosure that is notified to GOTAFE, from any detrimental action taken against them in reprisal for the making of a disclosure. Furthermore, in recognising the

external reporting avenues, GOTAFE remains committed to applying these protection and support measures when and where advised by the lead agency handling the case.

- GOTAFE will provide adequate resources to implement this Policy and the Public Interest Disclosure Procedure, including training for all personnel involved in protecting persons from detrimental action.
- GOTAFE will manage the welfare of persons who make a public interest disclosure, and others who are connected with or are the subject of a public interest disclosure in accordance with the requirements of the Act and the Public Interest Disclosure Procedure.

Please refer to the *GOTAFE Public Interest Disclosure Procedure (PRHR-172)* for further information as to how GOTAFE implements this Policy.

DEFINITIONS

Term	Definition
Corrupt Conduct	<p>Conduct:</p> <ul style="list-style-type: none"> a) of any person that adversely affects the honest performance by a public officer or public body of his or her, or its, functions; b) of a public officer or a public body that constitutes or involves the dishonest performance of their functions as a public officer or public body; c) of a public officer or a public body that constitutes or involves knowingly or recklessly breaching public trust; d) of a public officer or a public body that 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 public officer, or for any other purpose; or e) that could constitute a conspiracy or an attempt to engage in any of the above conduct; <p>being conduct which, if proven, would constitute an indictable offence or a common law offence of perverting, or attempting to pervert, the course of justice, bribery of a public official, or misconduct in public office.</p>
Detrimental Action	<p>Action taken, or threatened, against any person because a public interest disclosure has been made or investigated (or is believed to have been made or investigated), in reprisal for making the 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.
IBAC	<p>The Independent Broad-based Anti-corruption Commission</p> <p>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>
Improper Conduct	<p>Conduct, other than trivial conduct:</p> <ul style="list-style-type: none"> a) that is corrupt conduct;

	<p>b) of a public officer or public body engaged in in their capacity as a public officer or public body that constitutes:</p> <ul style="list-style-type: none"> i) a criminal offence; ii) serious professional misconduct; iii) dishonest performance of public functions; iv) an intentional or reckless breach of public trust; v) an intentional or reckless misuse of information or material acquired in the course of performance of the functions of the public officer; vi) a substantial mismanagement of public resources; vii) a substantial risk to the health or safety of one or more person; or viii) a substantial risk to the environment; <p>c) of any person that:</p> <ul style="list-style-type: none"> i) adversely affects the honest performance by a public officer or public body of his or her, or its, functions; ii) is intended to adversely affect the effective performance or exercise by a public officer or public body of the functions or powers of the public officer or public body and result in the person, or an associate of the person, obtaining – <ul style="list-style-type: none"> • A licence, permit, approval, authority or other entitlement under any act or subordinate instrument; • An appointment to a statutory office or as a member of the board of any public body under any act or subordinate instrument; • A financial benefit or real or personal property; or • Any other direct or indirect monetary or proprietary gain – that the person or associate would not have otherwise obtained; and <p>d) could constitute a conspiracy or an attempt to engage in any of the above conduct.</p>
Public Interest Disclosure	<p>A disclosure by a person of:</p> <p>a) Information that shows or tends to show –</p> <ul style="list-style-type: none"> i) a person, public officer or public body has engaged, is engaging or proposes to engage in improper conduct; or ii) a public officer, or public body has taken, is taking or proposes to take detrimental action against a person because a public interest disclosure has been made or investigated, or is believed to have been made or investigated; <p>b) Information that the person reasonably believes shows or tends to show –</p> <ul style="list-style-type: none"> i) a person, public officer or public body has engaged, is engaging or proposes to engage in improper conduct; or ii) a public officer, or public body has taken, is taking or proposes to take detrimental action against a person because a public interest

	disclosure has been made or investigated, or is believed to have been made or investigated.
Public Interest Disclosure Coordinator	<p>A designated member of GOTAFE whose role is to provide advice and support to persons who wish to make a public interest disclosure in relation to conduct of GOTAFE or its public officers.</p> <p>The Public Interest Disclosure Coordinator cannot receive or accept disclosures made under the Act.</p> <p>The Public Interest Disclosure Coordinators at GOTAFE will be appropriately appointed by the CEO; but generally will be:</p> <ul style="list-style-type: none"> -Executive Director, Finance; and, -Executive Director, Operations.
Public Officer	A member of GOTAFE staff or Board, or any person performing a public function on behalf of GOTAFE, or otherwise engaged by, or acting on behalf of, or acting as a deputy or delegate of, GOTAFE, or any member of staff or the Board.
Welfare Manager	A GOTAFE employee appointed to provide support to a person who has made a public interest disclosure, and to ensure that person, or any other person, is not subject to detrimental action as a result. The Welfare Manager may also assist in arranging counselling or other relevant support as required. The appointment of a Welfare Manager will be at the discretion of GOTAFE.

ROLES AND RESPONSIBILITIES

This Policy applies to all GOTAFE's existing, new and prospective board directors, employees, contractors, consultants and volunteers in all areas of GOTAFE's operations (including fixed-term, and casual staff). It will also have application by those who have interaction with GOTAFE, including members of the community who visit GOTAFE campuses or sites.

REGULATION AND SUPPORTING DOCUMENTATION

Other material related to this Policy include, but are not limited to:

Public Administration Act 2004 (Vic)

Public Interest Disclosure Act 2012 (Vic)

Privacy and Data Protection Act 2014 (Vic)

Health Records Act 2001 (Vic)

Independent Broad-based Anti-corruption Commission Act 2011 (Vic)

Code of Conduct for Victorian Public Sector (VPS) Employees

GOTAFE Director and Employee - Codes of Conduct

GOTAFE Privacy and Freedom of Information Policy (OD7)