

Public Interest Disclosure Policy

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Responsible Officer:	Chief Executive Officer	Current Version:	23/08/2021
Authorised Officer:	GOTAFE Board	Due for review:	Annual - 22/03/2022

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Purpose

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

The Act commenced operation on 10 February 2013 with key changes to the Act commencing on 1 January 2020.

Public interest disclosures are directed at the identification of corruption and dishonest or improper activity on the part of a public body or its officers, staff, directors or any other person acting on its behalf. The definitions of corrupt and improper conduct in the Act are specific, as outlined below.

In addition to this Policy, GOTAFE has developed a “Public Interest Disclosure Procedure (PRHR-172)” to assist stakeholders in managing such disclosures.

Policy Statement

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

- Independent Broad-based Anti-corruption Commission (IBAC);
- the Victorian Ombudsman; or
- the Victorian Inspectorate.

The contact details for these bodies are set out in the *Public Interest Disclosure Procedure*.

GOTAFE is committed to the aims and objectives of the Act.

In accordance with this commitment:

- 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, including employees, volunteers, labour hire contractors and members of the public, 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.

- 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>
<p>Public interest disclosure</p>	<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

	<p>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>
<p>Public Interest Disclosure Coordinator</p>	<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 are the Executive Director Strategy & Governance and Executive Director Corporate Services.</p>
<p>Public officer</p>	<p>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.</p>
<p>Welfare Manager</p>	<p>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.</p>

Roles and Responsibilities

This Policy applies to all GOTAFE's existing, new and prospective employees, labour hire employees, contractors and volunteers in all areas of GOTAFE's operations, 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.

Documentation and regulation

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

Employee Code of Conduct Policy – POHR14

Privacy and Freedom of Information Policy – OD7

Code of Conduct for Victorian Public Sector (VPS) Employees

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)