

1. Purpose

This policy outlines the responsibilities of Sunraysia Institute of TAFE (“the Institute”) as defined under the Public Interest Disclosures Act 2012 (Vic) (the Act) or its successor Act(s).

2. Scope

This policy applies to all Institute employees and volunteers, members of the Institute’s Board of Directors, individuals co-opted to committees of the Board, contractors engaged by the Institute to act for or on behalf of the Institute, and students of the Institute.

3. Definitions

Acronym/Term	Definition
Conflict of Interest	A situation where there is an actual, potential or perceived divergence between the individual interests of a staff member and their professional and work-related obligations to the Institute, such that an independent observer might reasonably believe that the staff member’s code of conduct may have been influenced by his or her own private interests.
Detrimental action	The Act makes it an offence for a person to take detrimental action against a person in reprisal for a public interest disclosure. Detrimental action includes: <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.
Disclosure	A disclosure is the reporting or alleging of improper conduct, making new or previously unknown information and facts known to the relevant authorities.
IBAC	Independent Broad-Based Anti-Corruption Commission
Improper conduct	A disclosure may be made about improper conduct by a public body or public official. Improper conduct means conduct that is corrupt, a substantial mismanagement of public resources, or conduct involving substantial risk to public health or safety or to the environment. The conduct must be serious enough to constitute, if proved, a criminal offence or reasonable grounds for dismissal.
Public interest Disclosure	A disclosure made to the relevant statutory authority that provides legal protections from detrimental or reprisal action against the disclosing party, and provides legal protections around confidentiality of the disclosing party.

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4. Policy

- 4.1.** Sunraysia Institute of TAFE cannot receive Public Interest Disclosures in accordance with the Act. A disclosure must be made directly to IBAC where the legal protections afforded under the Act are sought.
- 4.2.** Where a disclosure is made to an employee of the Institute or an employee of the Institute becomes aware of improper conduct or detrimental action by the Institute or its employees:
- 4.2.1. This must be reported to the Head of Governance in the first instance.
 - 4.2.2. Where the Head of Governance is directly involved or where the Head of Governance has an actual or perceived conflict of interest, the disclosure should be made to the Chief Executive Officer (CEO), unless alternative reporting arrangements are in place e.g., Fraud and Corruption reporting.
 - 4.2.3. Where the CEO is directly involved or where there the CEO has an actual or perceived conflict of interest, the disclosure should be made to the Board Chair.
 - 4.2.4. All disclosures from internal or external sources, whether by correspondence, phone calls, emails and any other means of communication, will be referred on a confidential basis to the Head of Governance.
 - 4.2.5. Where a person is contemplating making a disclosure and is concerned about approaching the Head of Governance in the workplace, they can call the Head of Governance and request a meeting in a discrete location away from the workplace.
- 4.3.** The Head of Governance and/or the CEO as appropriate must report all internal disclosures to the Independent Broad-Based Anti-Corruption Commission (IBAC).
- 4.4.** The Head of Governance and/or CEO will notify the Board of any disclosures made under this Policy or the Act.
- 4.5. Employees**
- 4.5.1. Employees must report known or reasonably suspected incidences of improper conduct or detrimental action in accordance with this Policy and its designated procedures.
 - 4.5.2. Employees must refrain from any activity that could be perceived to be victimisation or harassment of a person who makes a disclosure.
 - 4.5.3. The Institute and its employees have an obligation to protect and maintain the confidentiality of a person known or believed to have made a disclosure.
- 4.6. Confidentiality**
- 4.6.1. The Institute must take all reasonable steps to maintain the confidentiality of any disclosure under the Act and to protect the identity of the person making a disclosure.
- 4.7. Natural justice**

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Authorised by: Board

Endorsed by: Governance Committee

Next review date: 3/10/2027

Maintained by: Head of Governance

Status: Current

Original issue: 5/12/2005

Last review date: 3/10/2024

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- 4.7.1. The principles of natural justice will be observed in undertaking any investigation of a disclosure under this Policy or the Act. The principles of natural justice concern procedural fairness and ensuring impartiality in adjudication and decision making.

5. Legislative Context

- Public Administration Act 2004
- Public Interest Disclosures Act (Vic) 2012

6. Associated documents

6.1. Associated Policies

- Appropriate Workplace Behaviour Policy
- Fraud and Corruption Policy

6.2. Associated Procedures

- Fraud and Corruption Investigation Procedure
- Fraud and Corruption Reporting Procedure

6.3. Associated Forms

- Nil

6.4. Other associated documents

- Code of Conduct for Public Sector Employees
- Fraud and Corruption Control Plan

7. Responsibility

The Head of Governance is responsible for ensuring compliance with this Policy, and its associated procedures and systems.

8. Review Frequency

This policy is to be reviewed every three (3) years, and remains in force as amended from time to time, until rescinded.

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