

## 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.

## 2. Scope

This policy applies to all staff employed by the Institute including visiting staff and volunteers, members of the Board, individuals co-opted to 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"> <li>• action causing injury, loss or damage;</li> <li>• intimidation or harassment; and</li> <li>• discrimination, disadvantage or adverse treatment in relation to a person’s employment, career, profession, trade or business, including the taking of disciplinary action.</li> </ul> |
| 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  |

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|  | 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. All disclosures of improper conduct or detrimental action by the Institute, or any of its employees, contractors or Directors, will be managed in accordance with the intent of the Act.
- 4.2.** A disclosure about improper conduct or detrimental action by Sunraysia Institute of TAFE or its employees, where the legal protections afforded under a Public Interest Disclosure are sought, must be made directly to the Independent Broad-Based Anti-Corruption Commission (IBAC) – instructions for making a report can be found on the IBAC website.
- 4.3.** Where a report has not been made to IBAC, but there is an internal disclosure or the Institute becomes aware of improper conduct or detrimental action by Sunraysia Institute of TAFE or its employees:
- 4.3.1. In the first instance this must be reported to the Head of Governance;
  - 4.3.2. Where the Head of Governance is directly involved or where there is an actual or perceived conflict of interest, the disclosure should be made to the Chief Executive Officer, unless alternative reporting arrangements are in place e.g., Fraud and Corruption reporting;
  - 4.3.3. Where the Chief Executive Officer is directly involved or where there is an actual or perceived conflict of interest, the disclosure should be made to the Board Chair.
  - 4.3.4. All correspondence, phone calls and emails from internal or external whistle-blowers will be referred to the Head of Governance.
  - 4.3.5. Where a person is contemplating making a disclosure and is concerned about approaching the Head of Governance in the workplace, he or she can call the Head of Governance and request a meeting in a discreet location away from the workplace.
- 4.4.** All disclosures of improper conduct, as defined within this Policy, that the Institute becomes aware of will be reported directly to the Independent Broad-Based Anti-Corruption Commission (IBAC) and is the responsibility of the Head of Governance and / or the CEO as appropriate.
- 4.5.** The Board must be notified of all disclosures of improper conduct
- 4.6. Employees**
- 4.6.1. Employees shall report known or suspected incidences of improper conduct or detrimental action in accordance with this policy and its designated procedures.
  - 4.6.2. Employees must refrain from any activity that is, or could be perceived to be, victimisation or harassment of a person who makes a disclosure. Furthermore,

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they shall protect and maintain the confidentiality of a person they know or suspect to have made a disclosure.

#### **4.7. Confidentiality**

4.7.1. The Institute will take all reasonable steps to protect the identity of the person making the disclosure.

4.7.2. Maintaining confidentiality is crucial in ensuring reprisals are not made against a person making a disclosure.

#### **4.8. Natural justice**

4.8.1. The principles of natural justice will be followed in any investigation of a public interest disclosure. The principles of natural justice concern procedural fairness and ensure a fair decision is reached by an objective decision maker.

4.8.2. Maintaining procedural fairness protects the rights of individuals and enhances public confidence in the process.

### **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
- Appropriate Workplace Behaviour 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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**Authorised by:** Board

**Original issue:** 5/12/2005

**Endorsed by:** Governance Committee

**Maintained by:** General Manager, Corporate

**Last review date:** 13/10/2023

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**Status:** Current

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