

# Heritage Council of Victoria

## PUBLIC INTEREST DISCLOSURES POLICY

ADOPTED by the Heritage Council, 20 August 2020

### PURPOSE

To describe how allegations of corrupt conduct, improper conduct or detrimental action involving the Heritage Council of Victoria or its officers will be managed, in accordance with the *Public Interest Disclosures Act 2012*.

This policy applies to members and alternate members of the Heritage Council of Victoria and its Secretariat staff.

### RULES & PRINCIPLES

01. The Heritage Council of Victoria ('the Heritage Council') is committed to the objectives of the *Public Interest Disclosures Act 2012* (PID Act). Under the PID Act, the Independent Board-based Anti-corruption Commission (IBAC) has a key role in receiving, assessing and investigating public interest disclosures. The PID Act:
  - encourages and assists individuals in making disclosures of improper conduct by public officers and public bodies
  - establishes a system for such matters to be confidentially disclosed and impartially investigated
  - provides the discloser with protection from detrimental action as a result of making the disclosure.
02. The Heritage Council supports a culture which encourages its members, officers and members of the public to report known or suspected incidences of improper conduct (including corrupt conduct) and / or detrimental action that involves the Heritage Council, its members/alternate members or officers. The Heritage Council expects its representatives to:
  - at all times act honestly and with integrity
  - adhere to the VPS Code of Conduct
  - report law violation, corrupt conduct or resource mismanagement to the appropriate authority.
03. Reports of corrupt conduct, improper conduct and detrimental action may attract certain protections (previously known as 'whistleblower' or protected disclosure protections) to a person who raises such concerns.
04. The Heritage Council is a public body subject to the PID Act, but it is not authorised to receive public interest disclosures under the PID Act.
05. Reports of corrupt conduct, improper conduct and detrimental action involving the Heritage Council or its officers must be reported directly to IBAC for assessment against the public interest disclosure assessment framework.
06. A public interest disclosure that is assessed by IBAC as a public interest complaint will attract protections from detrimental action or reprisals for the discloser.
07. The identity of the discloser and the subject of their disclosure will be treated confidentially regardless of whether allegations are ultimately substantiated or not.
08. The Heritage Council will provide appropriate welfare support to any Council member or Secretariat staff who make a disclosure or are the subject of a disclosure, and may appoint a welfare manager to that person.
09. The Heritage Council will undertake a risk assessment for each public interest disclosure it receives.
010. The Heritage Council will refer misdirected disclosures to IBAC.

## ROLE & RESPONSIBILITIES

### Heritage Council Chair

011. The Heritage Council Chair is required to notify IBAC of any matter that appears to involve corrupt or improper conduct.

### Heritage Council members and alternates

012. Heritage Council members and alternates are required to:

- report known or suspected incidences of improper conduct (including corrupt conduct) and/or detrimental action directly to IBAC
- refrain from any activity that is, or could be perceived to be, victimisation or harassment of a person who makes a disclosure
- protecting and maintaining the confidentiality of a person they know or suspect to have made a disclosure, including keeping the subject matter of the disclosure confidential.

### Heritage Council Executive Officer

013. The Executive Officer (EO) acts as the Heritage Council's Principle Officer and Public Interest Disclosure Coordinator. The EO therefore has a central role in public interest disclosure handling for the Heritage Council and for ensuring that the Heritage Council carries out its responsibilities under the PID Act, including

- facilitating training for Heritage Council members and alternates and Secretariat staff regarding their responsibilities in relation to public interest disclosures
- providing general advice about the operation of the PID Act and for making disclosures under the PID Act, including helping a discloser decide if a public interest disclosure is a referable disclosure according to the PID Act
- advising a discloser who reports a disclosure to the Heritage Council that their disclosure should be redirected to IBAC if they want it to be assessed or protected under the public interest disclosure regime
- acting as the Heritage Council's main contact with IBAC in relation to the PID Act and in relation to specific public interest disclosures
- notifying IBAC when there are reasonable grounds to suspect corruption is occurring or has occurred at the Heritage Council
- taking all the necessary steps to ensure that information that is received or obtained in relation to a disclosure, including the identities of the discloser and the person(s) to whom the disclosure relates, are kept secret and confidential at all times
- undertaking a risk assessment for each public interest disclosure that is received
- liaising with the discloser and providing a regular check-in regarding their welfare
- collating statistics required to be reported by the Heritage Council under the PID Act.

### Heritage Council Secretariat staff

014. Heritage Council Secretariat staff are employed by the Department of Environment, Land, Water and Planning (DELWP). As such they follow DELWP Policies and Procedures in relation to the making and handing of public interest disclosures. For more information, refer to the guide: [Public Interest Disclosure Management in DELWP](#).

## KEY DEFINITIONS

corrupt conduct	Dishonest activity in which a director, executive, manager, employee or other workplace participant of an entity acts contrary to the interest of the entity and abuses his/her position of trust in order to achieve some personal gain or advantage for themselves or for another person or entity.
detrimental action	Any action causing injury, loss or damage, such as intimidation, harassment or discrimination or other adverse action in relation to a person's employment, career, profession, trade or business, including the taking of disciplinary action, that is taken against a person <i>in reprisal</i> for having reported the alleged improper conduct.

improper conduct	A substantial mismanagement of public resources, including: <ul style="list-style-type: none"> <li>• corrupt conduct</li> <li>• activities that create substantial risk to public health or safety</li> <li>• activities that create a risk to the environment</li> <li>• actions that would constitute a criminal offence</li> <li>• actions that would be reasonable grounds for the termination of public employment.</li> </ul>
public interest complaint (PIC)	A public interest disclosure (PID) that has been determined by the Independent Broad-based Anti-corruption Commission (IBAC) to be a PIC.
public interest disclosure (PID)	A report made by an individual (or a group of individuals) about corrupt conduct or improper conduct of public bodies or public officers. A disclosure can also be made about detrimental action against a person by public bodies or public officers in reprisal for the making of a public interest disclosure by any person. The disclosure can relate to corrupt conduct, improper conduct or detrimental action against a person that may already have taken place, may be occurring now, or may be intending to be taken in the future.

## OVERVIEW – MAKING A DISCLOSURE

<b>Who can make a disclosure?</b>	Any individual or group of individuals. A disclosure cannot be made by a business or company.
<b>How do I make a disclosure?</b>	Verbally or in writing (but not by Fax) to the Independent Board-based Anti-corruption Commission (IBAC). The disclosure can be anonymous.
<b>What can I make a disclosure about?</b>	Corrupt or improper conduct and/or detrimental action taken by public bodies or public officers performing public functions and members of the public seeking to improperly influence public officers.  This includes the Heritage Council, its members/alternate members and Secretariat Staff, or members of the public in relation to the agency.
<b>Who can I make a disclosure to?</b>	If you wish to make a public interest disclosure about the Heritage Council or any of its members/alternates and/or Secretariat staff, or an individual who may be seeking to influence the Heritage Council, its members/alternates or its Secretariat staff, you may contact:  <b>Independent Board-based Anti-corruption Commission (IBAC)</b>  Level 1, North Tower 459 Collins Street Melbourne Vic 3000  GPO Box 24234 Melbourne, VIC 3001  <b>IBAC Telephone:</b> 1300 735 135  <b>IBAC website:</b> <a href="http://www.ibac.vic.gov.au">www.ibac.vic.gov.au</a>

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