

Name of Policy	Protected Disclosure Policy
Description of policy	This policy is to articulate WRLC's protected disclosure obligations.
Policy applies to	<input checked="" type="checkbox"/> Corporation-wide <input type="checkbox"/> Specific (<i>outline</i>)
Policy status	<input checked="" type="checkbox"/> New policy <input type="checkbox"/> Revision of existing policy

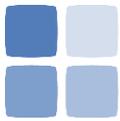
Approval Authority	<input checked="" type="checkbox"/> Wimmera Regional Library Board <input type="checkbox"/> Chief Executive Officer
Responsible Officer	Chief Executive Officer

Approval date	October 2018
Effective date	October 2018

Date of last revision	
Nature of revision* <i>* A brief description of changes including details of section/s</i>	
Date of policy review* <i>*Unless otherwise indicated, this policy will still apply beyond the review date.</i>	2022

Related Documents:	
- Policies	WRLC Board Code of Conduct WRLC Staff Code of Conduct Procurement Policy 2018 Gifts and Hospitality Policy (under construction) Fraud Prevention Policy (under construction)
- Procedures	
- Guidelines	
- Legislation	<i>Protected Disclosures Act 2012</i> <i>Protected Disclosure Regulations 2013</i> <i>Occupational Health and Safety Act 2004</i> <i>Victorian Charter of Human Rights and Responsibilities Act 2006</i>

Documents superseded by this policy	
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1. Policy Statement

Wimmera Regional Library Corporation (WRLC) recognises the value of transparency and accountability in its administrative and management practices, and supports the making of disclosures that reveal improper conduct. WRLC is committed to the aims and objectives of the *Protected Disclosures Act 2012 (Vic)* (the 'Act') and does not tolerate improper conduct by its Board Members or employees, nor victimisation or reprisals against those who come forward to disclose such conduct.

2. Purpose

The purpose of the Protected Disclosure Policy is:

- To encourage and facilitate the disclosure of improper conduct or detrimental action by WRLC Board Members or employees;
- To protect WRLC against improper conduct or detrimental action by WRLC Board Members or employees;
- To ensure proper protection of the person making the complaint from retribution for making the disclosure; and
- To provide for confidentiality for the content of the disclosure and the identity of the complainant.

3. Scope

This policy applies to all WRLC Board Members and employees and they are accountable for complying with all relevant legislative and policy requirements.

4. General Principles

The Protected Disclosure Act 2012 (the Act) which commenced operations on 10 February 2013, replaces the former Whistleblowers Protection Act 2001 and amends the Ombudsman Act 1973.

Under the Act, WRLC cannot receive disclosures that are deemed, or assessed to be, protected disclosures in relation to improper conduct or detrimental action. All such protected disclosures must be made directly to the Independent Broad-based Anti-Corruption Commission (IBAC) or the Victorian Ombudsman.

5. Definitions

Corrupt conduct	<p>Conduct of any person (whether or a not a public official) that adversely affects the honest performance of a public officer's or public body's functions</p> <p>The performance of a public officer functions dishonestly</p> <p>Conduct of a public officer, former public officer or a public officer that amounts to a breach of public trust</p> <p>Conduct by a public officer, former public officer or a public body that amounts to the misuse of information or material acquired in the course of their official functions</p> <p>A conspiracy or attempt to engage in the above conduct</p>
Detrimental action	Includes action causing injury, loss or damage; intimidation or harassment; discrimination, disadvantage or adverse treatment in relation to a person's employment, career, profession, trade or business, including the taking of disciplinary action
Improper conduct	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
Protected disclosure	A report made by a person about improper conduct of public bodies or public officers to any of the organisations specified in Part 2 of the <i>Protected Disclosures 2012 Act (Vic)</i>
Principal Officer (CEO)	Obligated to notify IBAC when there are reasonable grounds to suspect corruption is occurring or has occurred in agency

6. Who can make a Protected Disclosure?

Where a person believes there are reasonable grounds to support that a Board Member or WRLC employee is engaging in improper action or detrimental action, that person may report the conduct (protected disclosure) to the appropriate person or entity and be assured of confidentiality and protection from reprisal as a result of making the protected disclosure.

Protected disclosures can be made by Board Members, employees, volunteers, members of the public. A company or business is not authorised to make a protected disclosure.

7. Making a Protected Disclosure

If you want to make a disclosure about WRLC or its staff, and want that disclosure to be protected, you must make the disclosure directly to either IBAC or the Victorian Ombudsman.

IBAC's contact details are:

Level 1, North Tower
459 Collins Street
Melbourne VIC 3001
GPO Box 24234



Phone: 1300 735 135

www.ibac.vic.gov.au

You may make a complaint anonymously. If you choose this option, your personal information will not be available to anyone, including IBAC. However, if you choose to make a complaint anonymously, any investigation by IBAC or another agency may be limited. This is because IBAC cannot contact you to obtain more information, or discuss the matter with you.

Victorian Ombudsman contact details are:

Level 2

570 Bourke Street

Melbourne VIC 3000

DX210174 Melbourne

www.ombudsman.vic.gov.au

Phone: 1800 806 314 (Toll Free regional only)

8. Reasonable Grounds

Reasonable grounds requires the belief that improper conduct or detrimental action has occurred, is occurring, or will occur. You must have reasonable grounds for your belief.

A mere suspicion, allegation or conclusion that is unsupported by further information, facts or circumstances will not be protected under the Act. You must have information that would lead a reasonable person to believe that the information shows, or tends to show, improper conduct or detrimental action.

9. Dealing with Detrimental Action

WRLC, together with the Principal Officer will take precautions to prevent staff from taking detrimental action in reprisal for a protected disclosure by identifying, assessing, controlling and monitoring risks of reprisals faced by disclosers and witnesses.

A disclosure of detrimental action is itself a protected disclosure and should be made to IBAC. IBAC will assess it as a new disclosure according to its own guidelines and processes. Where the detrimental action is of a serious nature that is likely to amount to a criminal offence, WRLC may consider reporting the matter to the police.

If the Principal Officer receives a disclosure, the details of the incident should be recorded and the discloser must be advised of his/her rights under the Act to make a disclosure to IBAC.

10. Welfare Services

WRLC recognises that the welfare and protection from detrimental action of persons making genuine protected disclosures is essential for the effective implementation of the Act and is relevant to WRLC's obligation to create a safe working environment under legislation including the *Occupational Health and Safety Act 2004*, and the *Charter of Human Rights and Responsibilities Act 2006*.

WRLC will take reasonable steps to provide welfare support to a discloser or a witness in an investigation, or persons who are the subject of the protected disclosure, or those who have cooperated or intend to cooperate with an investigation of a protected disclosure complaint, as the circumstances require. WRLC provides an independent Employee Assistance Program (EAP) to staff.

11. Confidentiality

WRLC must keep certain information confidential, including the identity of the person making the disclosure. Ensuring that the person making the disclosure cannot be identified may help protect the discloser from detrimental action. WRLC cannot receive protected disclosures under the Act. Any protected disclosures made to it will be referred to IBAC.

12. Review

This policy will be reviewed to ensure that it meets the objectives of the Act and are in accordance with guidelines published by IBAC.