



Protected Disclosure

Any person may under the *Protected Disclosure Act 2012* (the Act) make a disclosure about improper conduct by Council and its Councillors or Officers.

The main objective of the Act is to encourage and facilitate the making of disclosures of improper conduct by Council and its Councillors or Officers. The Act is also designed to establish a system for matters to be investigated independently to Council.

The Act provides protection from detrimental action to any person affected by a protected disclosure, whether this be the person who makes the disclosure, a witness or a person who is the subject of an investigation.

What is a protected disclosure?

A disclosure may be made about improper conduct by Council, its Councillors or Officers. Improper conduct is defined in section 4 of the Act to mean:

- Corrupt Conduct; or
- Specified Conduct including:
 - * a substantial mismanagement of public resources;
 - * a substantial risk to public health or safety; or
 - * a substantial risk to the environment.

A disclosure may also be made about the detrimental action taken by Council or its Officers in reprisal against a person for the making of a protected disclosure.

How can a protected disclosure be made?

The Act states that a person may make a disclosure:

- orally;
- in writing;
- electronically; or
- anonymously.

Who can a disclosure be made to?

Disclosures can be made directly to Council's Protected Disclosure Coordinator or a Protected Disclosure Officer—details on the back of this page.

Disclosures can be made to the Independent Broad-based Anti-corruption Commission (IBAC), the Chief Commissioner of Police, the Ombudsman and the Victorian Inspectorate.

Note - Disclosures regarding Councillors **must** be made to the IBAC.

Assessing a disclosure

Council is required to assess a disclosure made and reach a conclusion within 45 days of receiving it as to whether it is a protected disclosure under the Act or not. Council will then notify the person who made the disclosure of the outcome of the assessment.

This will include that the disclosure:

- is a protected disclosure and the IBAC has been notified and requested to investigate; or
- is not a protected disclosure and how the complaint will now be dealt with.

Council may in some instances refer the protected disclosure to the IBAC for assessment.

Offences

It is a criminal offence to reveal information about the content of a protected disclosure, including the identity of the person who made the disclosure.

Confidentiality

Council will take all reasonable steps to protect the identity of a discloser and the matters disclosed. Maintaining confidentiality in relation to protected disclosure matters is crucial, among other things, in ensuring reprisals are not made against a discloser.

The obligation of confidentiality extends to any person receiving a disclosure or making a disclosure. It is in the interest of the discloser to ensure he or she does not discuss any related matters other than with authorised persons within Mildura Rural City Council, officers of the IBAC, or other persons authorised by law.

Detrimental action

The Act specifies that it is an offence for a person to take detrimental action against a person who has made a protected disclosure.

This includes:

- 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.

Protected Disclosure Contacts

The following staff are able to receive Protected Disclosures from both staff and the community.

Protected Disclosure Coordinator

Richard Sexton
Manager Corporate Administration
5018 8189
richard.sexton@mildura.vic.gov.au

Protected Disclosure Officers

Charmaine Calis
Governance & Risk Coordinator
5018 8103
charmaine.calis@mildura.vic.gov.au

Chris Parham
General Manager Corporate
5018 8160
chris.parham@mildura.vic.gov.au

Further Information

Enquiries regarding Protected Disclosure can be made to the Independent Broad-based Anti-Corruption Commission on:

Phone: 1300 735 135
Website: www.ibac.vic.gov.au