



# 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 also 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.

The conduct must be serious enough that if proven would constitute a criminal offence or reasonable grounds for dismissal.

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

Disclosures can also be made directly to Council's Protected Disclosure Coordinator who is the Manager Corporate Administration.

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

## 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.

## 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.

## **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 Coordinator**

The Manager Corporate Administration is the Protected Disclosure Coordinator at Mildura Rural City Council.

The Protected Disclosure Coordinator can be contacted by:

Phone: 5018 8100

Email: [richard.sexton@mildura.vic.gov.au](mailto:richard.sexton@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](http://www.ibac.vic.gov.au)

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