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1. Quick reference guide to Public Interest Disclosures

What is a public interest disclosure?	A public interest disclosure is a complaint or allegation made about improper conduct or detrimental action involving a public officer or public body.
Who can make a public interest disclosure?	Any individual such as a member of the public, patrons, employees, public official (current or former), the Centre’s workplace participants or member/s of another department or public body. A business or company cannot make a public interest disclosure, however, its officers and employees can.
Who can I make a public interest disclosure to?	<p>To make a Public Interest Disclosure about the Geelong Arts Centre or any of its Workplace Participants may be made to the Independent Broad-Based Anti-Corruption Commission (IBAC), the Victorian Ombudsman (VO) or the Victorian Inspectorate (VI):</p> <p>IBAC</p> <p>Level 1, North Tower 459 Collins Street Melbourne VIC 3000 GPO Box 24234, Melbourne, VIC 3001 <u>Phone</u>: 1300 735 135 <u>Email</u>: info@ibac.vic.gov.au</p> <p>IBAC also offers an online form available at: https://www.ibac.vic.gov.au/reporting-corruption/report</p> <p>Victorian Ombudsman</p> <p>Level 2, 570 Bourke Street Melbourne VIC 3000</p>



The VO also offers an online form, available at:

<https://www.ombudsman.vic.gov.au/Complaints/Makea-Complaint#>

Victorian Inspectorate

PO Box 617

Collins Street West

Melbourne VIC 8007

The VI also offers an online form, available at:

<https://www.vicinspectorate.vic.gov.au/make-publicinterest-disclosure-victorian-inspectorate>

Verbal or written disclosures (excluding fax) are acceptable to the above authorities. The Act does **not** permit the Centre to receive PIDs.

What legal protections does a Public Interest Discloser receive?

If a complaint is assessed as a Public Interest disclosure:

- The discloser's name will never be publicised
- The discloser and the discloser's family, friends and colleagues will be protected from being fired or bullied for making the disclosure
- The discloser will receive protection from defamation and detrimental action in reprisal for making a public interest disclosure
- The discloser will receive immunity from:
 - Civil or criminal liability as well as administrative action (including disciplinary action) for making the disclosure
 - Committing an offence under the *Constitution Act 1975* (Vic) or any other Act that imposes obligations of confidentiality or otherwise restricts the disclosure of information
 - Breaching any other obligation (made by oath or rule of law or practice) requiring the maintenance of confidentiality or otherwise restricting the disclosure of information

2. Purpose

As a Victorian public sector organisation, the Geelong Arts Centre (the Centre) has an obligation to act in the best interests of the Victorian public. This document provides guidelines for those wanting to make a public interest disclosure. Many people know this as whistleblowing.

These Guidelines are a resource for any individual who wants to find out how the Centre will manage their welfare if they make a disclosure, whether that person is a Centre Workplace Participant or an external member of the public. In addition, these guidelines outlines the relevant protections that the Centre can enable.

These Guidelines are prepared in accordance with the *Public Interest Disclosures Act 2012* and the guidelines of the IBAC available at <https://www.ibac.vic.gov.au/>



3. Objectives

- The Centre recognises the value of transparency and accountability in its governance and management practices. It is committed to and does not tolerate improper conduct or reprisals against those who come forward to disclose such conduct.
- The Centre expressly encourages persons considering making a disclosure to come forward and is committed to taking all reasonable steps to protect people who make such disclosures from suffering detrimental action in reprisal for making the disclosure.
- The Centre will also afford natural justice to the person or body who is the subject of the disclosure and ensure as far as is possible that the confidentiality obligations protecting the identity and other information about disclosers and the subject of disclosures as set out in the Act are strictly complied with.

The Centre **cannot** receive public interest disclosures in relation to the improper conduct or detrimental action of public bodies or public officials, for example, public servants, or Geelong Arts Centre Employees. Any such public interest disclosures should be directed to the Independent Broad-based Anti-corruption Commission (IBAC), Victorian Ombudsman or Victorian Inspectorate (please refer to contact details in section 1).

4. Making a public interest disclosure

4.1 What is and who can make a public interest disclosure?

Any individual or a group of individuals are encouraged to make disclosures about information that shows, or tends to show one or more of the following:

- a) Improper conduct of public bodies (including the Centre) or public officers (including Centre Workplace Participants); and
- b) Detrimental action taken by public bodies (including the Centre) or public officers (including Centre Workplace Participants) in reprisal against a person for the making of a PID.

A disclosure may be made anonymously under the Act and you do not have to refer to the Act or the protections in it for your disclosure to be treated as a PID or public interest complaint (PIC).

To receive the protections under the Act, PIDs may **not** be made by a company or business.

4.2 How can a PID be made?

A public interest disclosure must be made in accordance with Part 2 of the Act, which permits disclosures to be made anonymously, orally or in writing, and need not necessarily identify the person or organisation complained about.

The Act does **not** permit the Centre to receive PIDs. If you wish to make a disclosure about the Centre or any of its Workplace Participants, please make that disclosure directly to the IBAC, the VO or the VI.

IBAC		
Level 1, North Tower 459 Collins Street Melbourne VIC 3000	Or	GPO Box 24234, Melbourne, VIC 3001
<u>Phone:</u> 1300 735 135		



<p>Email: info@ibac.vic.gov.au</p> <p>IBAC also offers an online form available at: https://www.ibac.vic.gov.au/reporting-corruption/report</p>
<p>Victorian Ombudsman</p> <p>Level 2, 570 Bourke Street Melbourne VIC 3000</p> <p>The VO also offers an online form, available at: https://www.ombudsman.vic.gov.au/Complaints/Makea-Complaint#</p>
<p>Victorian Inspectorate</p> <p>PO Box 617 Collins Street West Melbourne VIC 8007</p> <p>The VI also offers an online form, available at: https://www.vicinspectorate.vic.gov.au/make-publicinterest-disclosure-victorian-inspectorate</p>

4.3 What could a public interest disclosure be about?

A public interest disclosure could be about information that a person believes on reasonable grounds, demonstrates, or tends to demonstrate that a person, public officer or public body is engaging in, or proposing to engage in 'improper conduct' and/or 'detrimental action'. Please see definitions in Section 5 below.

4.4 How your disclosure will be handled

The Centre cannot receive PIDs under the Act. If the Centre receives a complaint, report, or allegation of improper conduct or detrimental action that it views to be a PID, it will advise the discloser to make their disclosure to the IBAC, the VO, or the VI.

- For more information about the IBAC and how it handles PIDs, see: <https://www.ibac.vic.gov.au/reporting-corruption/what-happens-to-your-complaint>.
- For information about the VO and how it handles PIDs, see: <https://www.ombudsman.vic.gov.au/reporting-improper-conduct/>

5. Offences under the PID Act

Under the PID Act, it is an offence:

- a) To take detrimental action against another person in reprisal for a protected disclosure. Penalties of up to 240 penalty units and/or 2 years imprisonment apply (s 45(1) PID Act);
- b) To disclose the content, or information about the content, of a disclosure that has been notified to IBAC or information which is likely to lead to the identification of the person who made that disclosure unless permitted to by the PID Act;
- c) For any person to:
 - Provide false or misleading information, or further information that relates to a public interest disclosure, that the person knows to be false or misleading in a material particular, intending that the information be acted on as a public interest disclosure;

- Claim that a matter is the subject of a public interest disclosure knowing the claim to be false; and
 - Falsely claim that a matter is the subject of a disclosure that IBAC has determined to be a public interest complaint; and
- d) For any person to:
- Disclose that a disclosure has been notified to IBAC for assessment unless permitted to do so by the PID Act; and
 - Disclose that a disclosure has been determined by a public interest disclosure complaint unless permitted to do so by the PID Act.

6. Internal arrangements for handling welfare management

The Centre supports a workplace culture where the right of any individual to make a PID is taken seriously. The Centre will:

- a) ensure these procedures are accessible on its website, in hard copies on request, and easily available to all staff and any individual in the broader community;
- b) not tolerate the taking of detrimental action in reprisal against any person for making a PID, and will protect such persons from such action being taken against them;
- c) afford natural justice and treat fairly those who are the subject of allegations contained in PIDs;
- d) take the appropriate disciplinary and other action against any workplace participants engaged in the taking of detrimental action;
- e) remind staff that they can seek advice about PID related matters confidentially and anonymously from the Public Interest Disclosure Coordinator and Officer;
- f) ensure that the Centre handles the welfare management of persons connected with PID matters consistently and in accordance with its obligations under the Act, the Regulations, the Guidelines, and these Procedures; and
- g) be visible, approachable, openly communicative and lead by example in establishing a workplace that supports the making of PIDs.

7. Welfare Management for disclosers and cooperators

The protection from detrimental action of persons who make genuine PIDs is essential for the effective implementation of the Act. The Act also extends the need for welfare management to people who have cooperated or intend to cooperate with an investigation of a PID. Persons who are the subject of allegations are also entitled to be looked after.

7.1 Confidentiality

As the Centre cannot itself receive PIDs, it may not know that a person has made a PID. Confidentiality obligations require that a person who has made a PID is not to discuss the matter with any other person except with an authorised investigating entity. Therefore, the Centre will only be made aware that a person requires protection under the Act if that information has been provided to the Centre by an investigating entity. To ensure that you receive the protections you are entitled to under the Act, the Centre recommends you do not discuss the contents of, or the fact of your PID, except with permission of the investigating entity or in order to seek support or assistance in one of the ways outlined in 7.3 below.

Once the Centre has been made aware of the identity of a discloser and any other relevant information about the PID, it will keep all information it receives confidential, and will manage the welfare of any relevant persons in accordance with its obligations under the Act.

7.2 Protection from detrimental action

The Centre must, where it is aware of the identities of disclosers and cooperators, ensure they are protected from direct and indirect detrimental action being taken against them in reprisal for the PID. The Centre will ensure its workplace culture supports disclosers and cooperators. Such support will extend to the relevant persons regardless of whether they are staff, or members of the public. However, different legislative responsibilities (including those external to the Act) apply to Centre staff, versus persons who may be suppliers to or users of Centre's services. These responsibilities derive from various legislative and administrative obligations to:

- a) ensure the health and wellbeing of employees of a public sector body under laws including those relating to Occupational Health and Safety, the *Charter of Human Rights and Responsibilities Act 2006*, the *Public Administration Act 2004*, and various Victorian Public Sector Codes of Conduct (as relevant); and
- b) comply with various relevant laws, policies and practices when making administrative and other decisions or taking particular actions affecting a customer, client or user of the public body's services.

Generally, for workplace participants, the Centre will ensure a supportive work environment and respond appropriately to any reports of intimidation or harassment against them. For external persons, the Centre will take reasonable steps to provide appropriate support. The Centre will discuss reasonable expectations with all persons receiving welfare management in connection with a public interest disclosure.

7.3 Support available to disclosers

The Centre will support disclosers and cooperators by:

- a) Keeping them informed, by providing:
 - Confirming that the disclosure has been received, if the relevant investigating entity has provided this information to the Centre;
 - The legislative or administrative protections available to the person;
 - A description of any action proposed to be taken;
 - If action has been taken by the Centre, details about the results of the action will be known to the Centre.
- b) Providing active support by:
 - Acknowledging the person for having come forward;
 - Assuring the discloser or cooperator that they have done the right thing, and that the Centre is appreciative;
 - Making a clear offer of support, including to appoint a support person, where possible, chosen by the discloser or cooperator;
 - assuring them that all reasonable steps will be taken to protect them;

- giving them an undertaking to keep them informed as far as the Centre is reasonably able to;
- c) Managing their expectations by undertaking an early discussion with them about:
 - What outcomes they seek;
 - Whether their expectations are realistic;
 - What the Centre will be able to deliver;
- d) Maintaining confidentiality by:
 - Ensuring as far as possible that other people cannot infer the identity of the discloser or cooperator;
 - Reminding the discloser or cooperator not to reveal themselves or to reveal any information that would enable others to identify them;
 - Ensuring the security of all hardcopy and electronic records relating to the PID (see further below at Section 12)
- e) proactively assessing the risk of detrimental action being taken in. That is, actively monitor the workplace, anticipating problems and dealing with them before they develop as far as is possible, including by preparing a risk management plan and ensuring that the discloser or co-operator is involved and kept informed of the plan;
- f) further protecting the discloser or co-operator by:
 - examining the immediate welfare and protection needs of the person and seeking to foster a supportive work environment;
 - listening and responding to any concerns the person may have about harassment, intimidation or victimisation in reprisal for their actions;
 - assessing whether the concerns the person may have about harassment, intimidation or victimisation might be due to other causes other than those related to the PID;
- g) preventing the spread of gossip and rumours about any investigation into the PID where the Centre is aware of any investigation being undertaken or about to be undertaken; and
- h) keeping contemporaneous records of all aspects of the case management of the person, including all contact and follow-up action, and ensuring the person is able to access such information as contained in the records as far as confidentiality obligations permit the Centre to provide such information to the person.

7.4 Appointment of a Welfare Manager

In appropriate circumstances, the Centre will appoint a suitable welfare manager to protect a discloser or a co-operator. In most circumstances, a welfare manager will be more likely to be appointed:

- a) where the Centre considers there to be a real risk of detrimental action being taken against the discloser or co-operator, taking into account their particular circumstances; or
- b) if the discloser or co-operator believes on reasonable grounds that there are risks the Centre cannot otherwise appropriately protect the person from, and that a welfare manager is required to ensure their wellbeing; or
- c) a PID proceeds to being investigated as a PIC.

Each instance of a PID known by the Centre will be assessed on its own merits. If appointed, the Welfare Manager will, in addition to providing the general support set out above under 'Support available to disclosers and cooperators':

- provide practical advice about the protections available to a discloser or a cooperator;
- respond quickly and appropriately to any concerns of harassment, intimidation or victimisation in reprisal for making a disclosure;
- not divulge any details relating to the PID to any person other than the PID Coordinator or the PID Officer as the case may be;
- ensure all meetings are conducted discreetly to protect the person from being identified as being involved in the PID; and
- refer or offer to refer internal disclosers and co-operators to the Centre's Employee Assistance Program (EAP) for further support and welfare assistance.

8. Welfare Management of persons who are the subjects of PIDs

The Centre will also meet the welfare needs of a person who is the subject of a PID. Until a PIC is resolved, the disclosure is only an allegation.

8.1 Informing the subject of a disclosure

The Centre will make a decision about whether or when the subject of a disclosure will be informed about a PID involving an allegation made against him or her. It is possible that the subject of the disclosure may never be told about the disclosure if it is not determined to be a PIC, or if a decision is made to dismiss the disclosure. This may also depend on the stage at which the relevant investigating entity actually informs the Centre of the identity of the subject of a disclosure. The Act limits the disclosure of information about the content of an PID and the identity of the discloser to certain specified circumstances set out in Part 7 of the Act. The Centre may give information about the PID to the subject of the PID if it is directed or authorised to do so by the authorised entity investigating the PIC, or for the purpose of taking action with respect to the conduct alleged, including disciplinary action.

Investigating entities may also inform the subject of a PIC in the course of their investigation for the purposes of conducting that investigation, or any actions that they propose to take as a result of the investigation.

8.2 Welfare services

A person the subject of a PID who is made aware of their status as such may have a welfare manager appointed by the Centre or be referred to the EAP for welfare assistance. Alternatively, the PID Coordinator will provide support and advice to a person the subject of a disclosure, particularly in relation to their rights and obligations under the Act, these procedures, and any other relevant law or code of conduct. The Centre will consider each matter on a case by case basis, taking into account the information it has been provided by the investigating entity and the person's particular circumstances.



8.3 Confidentiality

Consistently with the Centre's confidentiality obligations under the Act as outlined in these procedures, the fact that a disclosure has been made, any information received from the IBAC or another investigating entity and the identities of persons involved will not be divulged. The Centre will take all reasonable steps to ensure the confidentiality of the subject of a disclosure at all times. Where the disclosure is dismissed or investigations do not substantiate the allegations made against the person, the fact that the investigation was undertaken, its results, and the identity of the person who is the subject of the disclosure (to the extent that the Centre has been provided that information by an investigative entity) will still be kept confidential by the Centre.

For further information about the confidentiality obligations of the Centre and persons connected to a PID, also see section 12 'Confidentiality Obligations,' below.

8.4 Natural justice

The Centre will afford natural justice to the subject of a disclosure prior to any decision being made about the allegations. If the matter has been investigated by an investigating entity, then that entity will be responsible for ensuring consultations with the subject include the provision of natural justice to him or her. The IBAC has noted that affording a subject of a disclosure natural justice in this context means that if a decision is to be made about their conduct this person has the right to:

- a) be informed about the substance of the allegations against them;
- b) be given the opportunity to answer the allegations before a final decision is made;
- c) be informed about the substance of any adverse comment that may be included in any report arising from an investigation; and
- d) have their defence set out fairly in any report.

8.5 Invalid or unsubstantiated allegations

The Centre will give its full support to a person who is the subject of a disclosure where the allegations contained in a disclosure are wrong or unsubstantiated. In those circumstances, the Centre will ensure that there are no adverse consequences for this person arising out of the PID having been made. This is particularly crucial in a situation where there has been publicly disclosed information identifying the subject, but also where such information has become well-known across the Centre and the subject is a workplace participant of the Centre.

Further, if the matter has been publicly disclosed by the Centre, the Chief Executive Officer, with other relevant internal stakeholders, will consider any request by that person to issue a statement of support setting out that the allegations were clearly wrong or unsubstantiated.

9. If detrimental action is reported

If any person reports an incident that may amount to detrimental action apparently taken in reprisal for being the subject of a PID, the Welfare Manager, or PID Coordinator must record new details of the incident and advise the person of their rights under the Act to make a new PID about that detrimental action to the IBAC, the VO or the VI.



All persons are reminded that it is a **criminal offence to take detrimental action against another person in reprisal for a PID under the Act**. The penalty for committing such an offence in contravention of the Act is a maximum fine of 240 penalty units, two years imprisonment or both.

A discloser of a PID who suffers detrimental action as defined by the Act may also:

- a) Take civil action against the person who took detrimental action against them and seek damages;
- b) Take civil action against the Centre jointly and severally to seek damages if the person who took detrimental action against them took that action as a workplace participant of, or while acting as an agent of the Centre; and
- c) Apply for an order or an injunction from the Supreme Court.

Disclosers who launch legal proceedings to claim compensation for injury, loss or damage suffered in reprisal for having made a PID will **not** have costs awarded against them, unless their claim for compensation was vexatious, or the discloser did not conduct the litigation reasonably.

10. Protections for persons making a PID

The Act protects disclosers of a PID by stating that in making the PID, the discloser:

- a) is not subject to any civil or criminal liability;
- b) is not subject to any administrative action (including disciplinary action) for making the PID;
- c) is not committing an offence against the Constitution Act 1975 or any other law that imposes obligations of confidentiality or otherwise restricts the disclosure of information;
- d) is not breaching any other obligation (made by oath, rule of law or practice) requiring them to maintain confidentiality; and
- e) cannot be held liable for defamation in relation to information included in a PID made by them.

The protections in Part 6 apply from the time at which the disclosure is made by the discloser. They apply even if the authorised investigating entity has determined that the disclosure is not a PIC.

The protections also apply to further information relating to a PID made by the original discloser, if the further information has been provided, verbally or in writing, to any investigating entity investigating the PID.

Sections 52 and 53 of the Act prohibits persons, including bodies and persons receiving information connected with an assessable disclosure from disclosing information connected with, or leading to the identification of a discloser.

10.1 Transfer of Employees

An employee of the Centre who has made a public interest disclosure and believes on reasonable grounds that detrimental action will be, is being, or has been taken against them may request a transfer of employment.



After making a disclosure an employee can be transferred internally to another part of the Centre, or to another public service body or public entity on similar terms and conditions of employment. This can only happen if they request, or consent to, a transfer and the following other conditions apply:

- a) the head of the Centre has reasonable grounds to suspect detrimental action will be, is being, or has been taken against the employee;
- b) the head of the Centre considers that the transfer will avoid, reduce or eliminate the risk of detrimental action; and
- c) if transfer to another public body is proposed, the head of that other public body consents to the transfer.

The transfer can be temporary or permanent, and if the employee is moved to another public body, the employee's service in the new body is regarded as continuous with their pre-transfer service.

11. Offences, limits, and loss of protections

Offence	Maximum penalty applicable
Provide false or misleading information, or further information that relates to a PID that the person knows to be false or misleading, intending that the information be acted on as a PID.	A fine of 120 penalty units and/or 12 months' imprisonment.
Claim that a matter is the subject of a PID knowing the claim to be false.	A fine of 120 penalty units and/or 12 months' imprisonment.
Falsely claim that a matter is the subject of a disclosure that the IBAC has determined to be a PIC.	A fine of 120 penalty units and/or 12 months' imprisonment.
Disclosing information received from the IBAC such as set out in Section 184, IBAC Act.	A fine of 60 penalty units and/or 6 months' imprisonment.

11.1 Other limitations on protections afforded to disclosers

A discloser is not protected against legitimate management action being taken by the Centre in accordance with the Act. In addition, although the discloser of a PID is not subject to criminal or civil liability for making the disclosure, the Act specifically provides that a person remains liable for their own conduct even though the person has made a disclosure of that conduct under the Act.

Where a discloser is implicated in improper conduct, and an investigating entity has provided the necessary information to the Centre, the Centre will protect the discloser from reprisals in accordance with the Act, the Guidelines, and these procedures. The Centre acknowledges that the act of disclosing should not shield disclosers from the reasonable consequences flowing from any involvement in improper conduct. However, in some circumstances, an admission may be a mitigating factor when considering disciplinary or other action.

In the event that disciplinary action is being considered against the person who has made the PID, any such action will not be taken without the Centre ensuring that:

- The fact that a person has made a PID is not a reason for the Centre taking action against the employee;
- There are good and sufficient grounds that would fully justify action against any other person in the same circumstances;
- There are good and sufficient grounds that justify exercising any discretion to institute disciplinary or other action.

All reasonable steps to thoroughly document its decision-making process, including effective recordkeeping, will be taken to clearly demonstrate that the disciplinary or other action was taken for the appropriate and permitted reasons under the Act. The discloser will be clearly informed of any action proposed to be taken, be afforded natural justice, and be informed of any mitigating factors that have been taken into account. Such communications with the discloser will be made in plain English and reasonable steps to provide appropriate support will be offered where appropriate.

12. Confidentiality Obligations

The Centre will take all reasonable steps to protect the identity of the person making the disclosure and the matters they disclose. In order to maintain confidentiality, the Centre will ensure that:

- All files, whether paper or electronic, are kept securely in accordance with recordkeeping standards issued by the Public Records Office of Victoria and the Victorian Protective Data Security framework and incorporated Standards.
- All files, whether paper or electronic, will be stored securely and be accessible only to the PID Coordinator or PID Officer involved in the particular matter. In some circumstances, the Welfare Manager may also gain access to the files for welfare purposes.

12.1 Exemption from the Freedom of Information Act 1982 ('FOI Act')

The Act provides that certain information related to PID as contained in documents in the possession of the Centre will be exempt from the application of the FOI Act.

12.2 Limited exceptions to confidentiality obligations as permitted by the Act

The Act makes it a crime to disclose information connected with a PID. However, the Act provides limited exceptions to the general prohibition on disclosures, including in the following circumstances:

- where disclosure is required by the Centre (or one of its officers) in the exercise of functions of the Centre under the Act;
- where necessary for the purpose of the exercise of functions under the Act;
- by an investigating entity for the purpose of exercising that entity's functions under the IBAC Act;
- in accordance with a direction or authorisation given by the investigating entity that is investigating the disclosure;
- to the extent necessary for the purpose of taking lawful action in relation to the conduct that is the subject of an assessable disclosure including a disciplinary process or action;
- where the IBAC or the VI has determined that the assessable disclosure is not a PID and the discloser or the Centre subsequently discloses the information;



- when an investigating entity had published a report to Parliament, in accordance with its confidentiality obligations;
- for the purpose of obtaining legal advice in relation to matters specified in the Act;
- in order to enable compliance with the Act:
 - where a person does not have a sufficient knowledge of the English language, to obtain a translation from an interpreter;
 - where a person is under 18 years of age, to a parent or guardian;
 - where a person is suffering a disability and is not able to understand, to an independent person;
- to any of the following for the purpose of the discloser being able to seek advice or support in relation to his or her assessable disclosure:
 - a registered health practitioner;
 - a trade union of which the discloser is a member;
 - an EAP;
 - WorkCover for the purpose of making a workers' compensation claim;
 - applying to the Fair Work Commission.
- in disciplinary actions or legal proceedings for certain offences in the Act or other specified Acts.

12.3 Penalties applicable to the unauthorised disclosure of information

The criminal offences set out in the Act relating to confidentiality include:

Offence	Maximum Penalty Applicable
Divulging information obtained in connection or as a result of the handling or investigation of a PID without legislative authority.	A fine of 60 penalty units and/or 12 months' imprisonment.
Disclosing that a PID has been notified for assessment under the Act.	A fine of 60 penalty units and/or 12 months' imprisonment.
Disclosing that a PID has been assessed by the IBAC, VI or VO to be a PIC under the Act.	A fine of 60 penalty units and/or 12 months' imprisonment.

13. Key terms

Corrupt conduct	includes: <ul style="list-style-type: none"> • Taking or offering bribes • Dishonesty using influence • Committing fraud, theft, or embezzlement • Misusing information or material acquired at work • Conspiring or attempting to engage in the above corrupt activity Corruption can occur through: <ul style="list-style-type: none"> • Improper or unlawful actions by public sector staff or agencies • Failure of public sector staff or agencies to act
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	<ul style="list-style-type: none"> • Actions of private individuals who try to improperly influence public sector functions or decisions.
Detrimental action	<p>as defined in section 3 of the PID Act, includes:</p> <ul style="list-style-type: none"> • 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. • Please see examples in Section 13.
Employee	<p>means Employees of the Centre as defined in Clause 2.3 (b) of the Geelong Performing Arts Centre (GPAC) Enterprise Agreement 2021 – 2024.</p>
Improper conduct	<p>as defined in section 4 of the PID Act, means:</p> <p>a) corrupt conduct; or</p> <p>b) conduct of a public officer or public body engaged in by the public officer or public body in their capacity as a public officer or public body that constitutes:</p> <ul style="list-style-type: none"> • a criminal offence; or • serious professional misconduct; or • dishonest performance of public functions; or • an intentional or reckless breach of public trust; or • an intentional or reckless misuse of information or material acquired in the course of the performance of the functions of the public officer or public body; or • a substantial mismanagement of public resources; or • a substantial risk to the health or safety of one or more persons; or • a substantial risk to the environment; or <p>c) conduct of any person that –</p> <ul style="list-style-type: none"> • adversely affects the honest performance by a public officer or public body of their functions as a public officer or public body; or • is intended to adversely affect the effective performance or exercise by a public officer or public body of the functions or powers of the public officer or public body and results in the person, or an associate of the person, obtaining – <ul style="list-style-type: none"> ○ a licence, permit, approval, authority or other entitlement under any Act or subordinate instrument; or ○ an appointment to a statutory office or as a member of the board of any public body under any Act or subordinate instrument; or ○ a financial benefit or real or personal property; or



	<ul style="list-style-type: none"> o any other direct or indirect monetary or proprietary gain – that the person or associate would not have otherwise obtained; or <p>d) conduct of any person that could constitute a conspiracy or attempt to engage in any of the conduct referred to in paragraph (a), (b) or (c). Conduct that is trivial does not constitute improper conduct. Please see examples in Section 6.</p>
Public body	means a public body within the meaning of section 6 of the <i>Independent Broad-based Anti-corruption Commission Act 2011</i> (Vic).
Public officer	means a public officer within the meaning of section 6 of the <i>Independent Broad-based Anti-corruption Commission Act 2011</i> (Vic).
Public interest disclosure	is 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>Public Interest Disclosures 2012 Act</i> (Vic).
Reasonable Grounds	Means the belief that improper conduct or detrimental action has occurred, is occurring, or will occur. The belief does not have to be based on actual proof. It is enough if a person believes (as opposed to knows) that improper conduct or detrimental action has occurred, is occurring or will occur.
Taken in reprisal for a PID	<p>The person (or the person incited to take detrimental action) must take or threaten the detrimental action, because, or in the belief that the other person or anyone else has:</p> <ul style="list-style-type: none"> • made or intends to make the PID; or • cooperated, or intends to cooperate with an investigation of the PID.
Workplace participants	means any individual who performs work in any capacity for the Centre including Geelong Arts Centre employees, Trust and subcommittee members, contractors, subcontractors, apprentices, hirers (and any person any person granted access to the Centre at the request of the hirer), performers, trainees, work experience students, interns and volunteers and any other individual working in the organisation.

14. Examples of Disclosable Conduct (under the Act)

Improper Conduct	<ol style="list-style-type: none"> 1. The Centre or its staff take a bribe or receives a payment in exchange for the discharge of a public duty. 2. The Centre or its staff sell confidential information. 3. A Centre staff member favours unmeritorious applications for jobs or engagement for goods and services by friends and relatives.
Detrimental Action	<ol style="list-style-type: none"> 1. Threats to a person’s personal safety or property, such as an Centre staff member intimidating or harassing a discloser or the discloser’s family or friends or otherwise causing personal injury or prejudice to the safety of or damaging property of a discloser or the discloser’s family or friends. 2. The Centre demotes, transfers, isolates in the workplace or changes the duties of a person due to that person having made a PID. 3. The Centre discriminates or disadvantages a person in their career, profession, trade or business for having made a PID.



	4. The Centre discriminates against the person who makes a disclosure or his or her family and associates in subsequent applications for jobs, permits or tenders resulting in financial loss or reputational damage
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15. Roles and responsibilities

Centre Workplace Participants	<ul style="list-style-type: none"> Uphold the purpose and functions of the PID regime; Are encouraged to raise matters of concern internally in relation to the Centre, including about other workplace participants; Are encouraged to report known or suspected incidences of improper conduct or detrimental action in accordance with this procedure; Must refrain from any activity that is, or could be perceived to be, victimisation or harassment of a person who makes a disclosure; and Should protect and maintain the confidentiality of a person they know or suspect to have made a disclosure.
Public Interest Disclosure Coordinator (Manager Governance)	<ul style="list-style-type: none"> Has a central role in the way the Centre deals with all PID matters, and in particular for ensuring that the welfare of any persons connected with a PID is properly managed; Is the contact point for general advice about the operation of the Act and for integrity agencies such as the IBAC; Responsible for ensuring the Centre carries out its responsibilities under the Act, the regulations and guidelines issued by the IBAC; The Centre’s chief liaison with the IBAC and any other investigating entities in regard to the Act; to take all necessary steps to ensure information received or obtained in connection with a disclosure, including the identities of the discloser and the person(s) to whom the disclosure relate, are kept secured, private and confidential at all times; responsible for arranging any necessary and appropriate welfare support for the discloser, including appointing a Welfare Manager to support a person entitled to be protected and to protect that person from any reprisals; and to collate statistics required to be reported by the Centre in its annual reports under the Act.
Public Interest Disclosure Officer (People and Culture Coordinator Officer)	<ul style="list-style-type: none"> if there are any concerns about contacting the PID Coordinator of the Centre or wish to speak to an alternative contact at the Centre about PID matters, you can contact the PID Officer. is also available as an alternative contact to any individual who wishes to obtain more information about PIDs and how the Centre is committed to the aims and objects of the Act. can remain the chosen support person in managing the welfare of staff disclosers, staff who are the subject of a PID, or connected with the making or investigation of a PID.
Welfare Manager (Manager People and Culture)	<ul style="list-style-type: none"> provide practical advice about the protections available to a discloser or a cooperator; respond quickly and appropriately to any concerns of harassment, intimidation or victimisation in reprisal for making a disclosure; not divulge any details relating to the PID to any person other than the PID Coordinator or the PID Officer as the case may be;



	<ul style="list-style-type: none">• ensure all meetings are conducted discreetly to protect the person from being identified as being involved in the PID; and• refer or offer to refer internal disclosers and co-operators to the Centre's Employee Assistance Program (EAP) for further support and welfare assistance.
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16. Related policy, legislation and other documents

Geelong Arts Centre Policies:

- Customer Complaints Process
- Fraud, Corruption and Control Policy
- Fraud and Corruption Control Plan

External policy, legislation and other documents:

- IBAC, January 2020 Guidelines for handling public interest disclosures
- IBAC, January 2020 Guidelines for public interest disclosure welfare management
- Code of Conduct for Victorian Public Sector Employees
- Victorian Public Sector Commission Standards
- *Charter of Human Rights and Responsibilities Act 2006 (Vic)*
- *Independent Broad-based Anti-corruption Commission Act 2011 (Vic)*
- *Occupational Health and Safety Act 2004 (Vic)*
- *Occupational Health and Safety Regulations 2007 (Vic)*
- *Public Administration Act 2004 (Vic)*
- *Public Interest Disclosure Act 2012 (Vic)*
- *Public Interest Disclosure Regulations 2013 (Vic)*

17. Breaches

Disciplinary action consistent with the Geelong Performing Arts Centre Enterprise Agreement 2021-24 (and its successors) and relevant industrial legislation, including dismissal, may be taken where an individual fails to adhere to this policy.

18. Contacts for further information

To make a Public Interest Disclosure, you can directly contact the Independent Broad-Based Anti-Corruption Commission (IBAC) Victoria. For more information contact IBAC:

- Visit: <https://www.ibac.vic.gov.au/reporting-corruption/public-interest-disclosures>
- Phone: 1300 735 135
- Email: info@ibac.vic.gov.au