

Public Interest Disclosures Overview

The *Protected Disclosure Act 2012* commenced operation on 10 February 2013. It was renamed on 1 January 2020 as the *Public Interest Disclosures Act 2012* (the Act).

The purpose of the Act is to facilitate disclosures of improper conduct or detrimental action and to provide the appropriate level of protection for people who make disclosures. Darebin City Council fully supports the Act, having a high regard for transparency and accountability.

What is a public interest disclosure?

A Public interest disclosure (PID) is a report about:

- improper conduct of a public body or public officer
- detrimental action that a public officer or public body has taken against a person in reprisal for them (or another person) having made a public interest disclosure or cooperated with the investigation of a public interest disclosure.

Improper conduct includes corrupt conduct, criminal offences, and other conduct specified in the Act. If the conduct is trivial, it will not meet the threshold of improper conduct.

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.

Anyone can make a PID about improper conduct or detrimental action –members of the public and Council employees. A PID must be made to an organisation that is authorised to receive disclosures.

Who can public interest disclosures be made to?

A PID about a Councillor must be made to the Independent Broad-based Anti-Corruption Commission (IBAC) or the Victorian Ombudsman.

A PID about a Council officer/employee may be reported to:

1. The Chief Executive Officer
2. The Public Interest Disclosure Coordinator (PIDC) or the Public Interest Disclosure Officer (PIDO)
3. A manager or supervisor of the discloser or the manager or supervisor of the person who is subject of the disclosure
4. IBAC or the Victorian Ombudsman.

What happens to your report?

1. Your report will be forwarded to the PIDC will assess whether it is a PID in accordance with the Act. The PIDC will also conduct a welfare risk assessment to ensure appropriate action can be taken to protect you.
2. The PIDC will notify you within **28 days** of their assessment and whether they have determined your report to be a PID or not.
3. If the PIDC determines your report a PID, they will notify IBAC. If your report is not assessed as a PID, the PIDC will explore next steps and options with you.
4. If the PID is notified to IBAC, they will also assess the disclosure to determine whether it is a public interest complaint (PIC) and what, if any, action will be taken. IBAC may seek additional information from the PIDC or you directly to assist with their assessment.
5. IBAC will advise you of their determination and any action proposed to be taken, unless they consider notifying you would have adverse consequences. IBAC may contact you directly or via the PIDC.
6. The PIDC will continue to liaise with you on any further action that may be taken and regarding your welfare needs.

Public Interest Disclosure Coordinator – (PIDC)

Public Interest Disclosure Officer – (PIDO)

The Darebin City Council's Public Interest Disclosure Coordinator/Officer is:

Angelo Luczek
Coordinator Corporate Information
PO Box 91,
Preston, VIC 3072.

Phone 0419 764 278

Reporting

The public body must include in its Annual Report information about how to access the Public Interest Disclosures Procedures as well as the number of disclosures notified to the IBAC.

Related Documents

- Public Interest Disclosures Procedures (April 2020)
- Public Interest Disclosure Form (April 2020)