

Protected Disclosure Act 2012

The *Protected Disclosure Act 2012* (the Act) became operational on 10 February 2013. It replaces the *Whistleblowers Protection Act 2001* and amends the *Ombudsman Act 1973*.

The purpose of the Act is to facilitate disclosures of improper conduct or detrimental action by the Council or its employees 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.

Disclosures

A protected disclosure:

1. about a Councillor must be referred to the Independent Broad-based Anti-Corruption Commission (IBAC) or the Ombudsman.
2. about a Council officer/employee can be made either to the City of Darebin Protected Disclosure Coordinator (PDC) or directly to the IBAC.

On receipt of a disclosure (via a Protected Disclosure form), the PDC will assess the disclosure to determine if it is made in accordance with the Act, i.e. whether the disclosure shows or tends to show that a person, public officer or public body has:

1. engaged, is engaging or proposes to engage in improper conduct; or
2. has taken, is taking or proposes to take detrimental action against a person in contravention of the Act.

Detrimental action includes:

1. action causing injury, loss or damage; or
2. intimidation or harassment; or
3. discrimination, disadvantage or adverse treatment in relation to a person's employment, career, profession, trade or business, including the taking of disciplinary action.

If the disclosure falls within the meaning of the Act, the public body must within 28 days:

1. refer the disclosure to the IBAC for determination as to whether it is a protected disclosure; and
2. notify the person who made the disclosure that the IBAC will determine whether an investigation will occur and who will conduct the investigation.

If it is determined by the public body that the disclosure does not meet the requirements of the Act to be considered a protected disclosure, the complainant must be informed of the decision and of his/her entitlement to make the disclosure directly to the IBAC.

Protected Disclosure Coordinator

The Darebin City Council Protected Disclosure Coordinator is:

Melinda Viksne

PO Box 91, Preston, 3072

Phone: (03) 8470 8301 or 0403 448 674

Reporting

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

Related Documents

- Protected Disclosure Procedures (Revised August 2018)
- Protected Disclosure Form