Public Interest Disclosures Policy

Section 1 - Summary

(1) This Policy states the University's commitment to meeting its obligations under the Public Interest Disclosures Act 2012 (Vic) (the PID Act).

(2) Staff and students should note that the processes and obligations established by the PID Act are significantly different from those created by its predecessor legislation, the Whistleblowers Protection Act 2001.

(3) Any member of the University community considering making a disclosure should carefully read both this Policy and the accompanying Fraud and Corruption Control - Disclosure and Whistleblower Procedure.

Section 2 - HESF/ASQA/ESOS Alignment

(4) Nil

Section 3 - Scope

(5) This Policy applies across the University.

Section 4 - Definitions

(6) Improper Conduct is defined in the PID Act to mean either 'corrupt conduct' or

a. conduct of a public officer or public body (in their capacity as public officer or public body) that constitutes a criminal offence, serious professional misconduct, dishonest performance of public functions, an intentional or reckless breach of public trust, 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, a substantial mismanagement of public resources, or a substantial risk to the health and safety of one or more persons, a substantial risk to the environment; or
b. conduct of any person that adversely affects or is intended to adversely affect the honest performance by a public officer or public body of their functions or powers as a public officer or public body and results in the person, or an associate of the person, obtaining:
    i. a licence, permit, approval, authority or other entitlement under any Act or subordinate instrument; or
    ii. an appointment to a statutory office or as a member of the board of any public body under any Act or subordinate instrument; or
    iii. a financial benefit or real or personal property; or
    iv. any other direct or indirect monetary or proprietary gain.

    that the person or associate would not have otherwise obtained; or
c. conduct of any person that could constitute a conspiracy or attempt to engage in any of the above conduct.

d. conduct that is trivial does not constitute improper conduct.

(7) Corrupt conduct means one of the following:

a. conduct of any person that adversely affects the honest performance by a public officer or public body of his or her or its functions as a public officer or public body; or
b. conduct of a public officer or public body that constitutes or involves the dishonest performance of his or her or its functions as a public officer or public body; or
c. conduct of a public officer or public body that constitutes or involves knowingly or recklessly breaching public trust; or
d. conduct of a public officer or a public body that involves the misuse of information or material acquired in the course of the performance of his or her or its functions as a public officer or public body, whether or not for the benefit of the public officer or public body or any other person; or
e. conduct of a person (the first person) 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 first person or an associate of the first person obtaining:
    i. a licence, permit, approval, authority or other entitlement under any Act or subordinate instrument; or
    ii. an appointment to a statutory office or as a member of the board of any public body under any Act or subordinate instrument; or
    iii. a financial benefit or real or personal property; or
    iv. any other direct or indirect monetary or proprietary gain;

    that they would not have otherwise obtained; or
f. conduct that could constitute a conspiracy or an attempt to engage in any of the conduct referred to above;
g. being conduct that is either an indictable offence against an Act, or which is a common law offence being an attempt to pervert the course of justice, bribery of a public official;
h. perverting the course of justice or misconduct in public office.

Section 5 - Policy Statement

(8) Victoria University (the University) is a public body subject to the PID Act. The purpose of the PID Act is to encourage and facilitate the making of disclosures of improper conduct by public officers and public bodies, including the University and its employees.

(9) The University is committed to the aims and objectives of the PID Act. It recognises the value of transparency and accountability in its administrative and management practices, and supports the making of disclosures that reveal improper conduct.

(10) The University does not tolerate improper conduct by the organisation, its employees, officers or members, nor the taking of detrimental action in reprisal against those who come forward to disclose such conduct.

(11) VU will take all reasonable steps to protect people who make such disclosures from any detrimental action in reprisal for making the disclosures. It will also afford natural justice to the person or body who is the subject of the disclosures.

(12) Disclosures may be made about:

a. "improper conduct" on the part of a public body or its staff, employees and members.
b. "detrimental action" taken (or suspected may be taken) in reprisal or in connection with a disclosure made

about improper conduct.

(13) The conduct or action being disclosed may have taken place, still be occurring, or is believed will occur or be engaged in.

Part A - Who can make a disclosure?

(14) Any individual natural person (e.g., not organisation or company) may make a disclosure under the PID Act. The individual could be a person within the organisation, or any member of the public externally.

(15) Disclosures may be made in a number of ways set out in the PID Act, including anonymously, in writing or orally. A discloser need not identify the person or body about whom the disclosure is made.

Part B - How to make a disclosure

(16) According to the Independent Broad-based Anti-corruption Commission (IBAC), Victoria University is not permitted to receive disclosures made under the PID Act. Therefore, if you wish to make a disclosure about the University, its officers, members or employees, you will need to make that disclosure directly to the IBAC.

(17) If the University believes a disclosure may be a public interest disclosure made in accordance with the PID Act, it will ask you to make that disclosure to the IBAC. The IBAC will deal with the disclosure.

(18) It is important to note that the IBAC is not required to contact the University about any disclosure you make, so you should not discuss any disclosure you make to the IBAC with the University or any person in the University unless:

a. you have first obtained the permission of the IBAC to do so, or
b. the IBAC has directed you to do so, or
c. the IBAC has contacted the University to provide it with information in order to allow the University to provide you with any necessary welfare and support.

(19) As required under the PID Act, the University has established a Fraud and Corruption Control - Disclosure and Whistleblower Procedure to facilitate and encourage the making of disclosures under the PID Act, and how the University will manage the welfare of persons connected with public interest disclosures.

Part C - Confidential Conversations

(20) While the University is not able to receive public interest disclosures, the University wants all staff to be free to engage the University's internal processes in the first instance when issues of concern arise. Some concerns may not involve matters that would give rise to public interest disclosures, and may be able to be resolved constructively and transparently within the University's own structure.

(21) The Public Interest Disclosure Coordinator (Lisa Filippin, General Counsel, 9919 5280), will remain available for individuals to make reports or raise concerns with the assurance of confidentiality.

(22) If these conversations raise matters that could form the subject of a public interest disclosure, the Public Interest Disclosure Coordinator will advise the staff member that they should make the disclosure to the IBAC following the process detailed in the Procedures.

Part D - Confidentiality

(23) Victoria University takes its obligations under the PID Act seriously. This includes the requirement to protect the identity of the discloser and the matters disclosed by a discloser.

(24) Maintaining confidentiality in relation to public interest disclosure matters is crucial, among other things, in ensuring reprisals are not made against a discloser.

(25) It is a criminal offence under the PID Act to disclose information connected with a disclosure made in accordance with the PID Act, including the identity of the discloser. The penalties for breaching confidentiality obligations include financial penalties and imprisonment.

Section 6 - Procedures

(26) Public Interest Disclosures Procedure

Status and Details

Status	Historic
Effective Date	27th March 2020
Review Date	27th March 2026
Approval Authority	Vice-President, Planning and Registrar
Approval Date	24th February 2020
Expiry Date	4th November 2026
Accountable Officer	Trish Roberts Chief Financial Officer trish.roberts@vu.edu.au
Responsible Officer	Anne Siegers Chief Risk Officer anne.siegers@vu.edu.au
Enquiries Contact	Lisa Filippin General Counsel lisa.filippin@vu.edu.au

This policy document may be varied, withdrawn or replaced at any time. Printed copies, or part thereof, are regarded as uncontrolled and should not be relied upon as the current version. It is the responsibility of the individual reading this document to always refer to Victoria University's Policy Library for the latest version.