Protected Disclosure Procedure

Section 1 - Purpose / Objectives

(1) VU is required to establish and publish procedures under section 58 of the Protected Disclosures Act 2012 (the PD Act), the Protected Disclosure Regulation 2013, and the Guidelines published by the Independent Broad-based Anti-corruption Commission (IBAC) as at October 2016, and to ensure the procedure is readily available to members of the public as well as internally to all employees, staff and members of VU.

(2) The Procedure supports the University's Protected Disclosure Policy , which state the University's commitment to meeting its obligations under the PD Act. These procedures set out the mechanisms it has in place to do so.

(3) These procedures are a resource for disclosers and potential disclosers, whether an internal member, employee or staff of VU or an external member of the public.

(4) In addition, these procedures cover how VU will protect other people connected to a protected disclosure complaint from detrimental action being taken against them in reprisal for making a protected disclosure.

(5) Such persons can include individuals who are the subject of protected disclosures and protected disclosure complaints; and others who are connected to protected disclosures, such as witnesses or persons cooperating with an investigation into a protected disclosure complaint.

Section 2 - Scope / Application

(6) This Procedure applies across the University.

Section 3 - Definitions

(7) Improper Conduct is defined in the Protected Disclosure Act 2012 (Vic) [the Act] to mean either ‘corrupt conduct’ or ‘specified conduct’ (both terms are also defined by the Act and the IBAC Act).

(8) Corrupt conduct means any 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;
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;
c. conduct of a public officer or public body that constitutes or involves knowingly or recklessly breaching public trust;
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 that could constitute a conspiracy or an attempt to engage in any of the conduct referred to above; and

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f. if that conduct could be proved beyond reasonable doubt at a trial, amounts to:
    i. an indictable offence; or
    ii. one of the following 3 types of common law offences committed in Victoria:
        - perverting the course of justice; or
        - attempting to pervert the course of justice; or
        - bribery of an official.

(9) Specified conduct is any one of the above types of conduct, or conduct that involves substantial mismanagement of public resources, risk to public health or safety, or risk to the environment, which would not constitute 'corrupt conduct' but would nevertheless, if proved, constitute either:

a. a criminal offence; or
b. reasonable grounds for dismissing or terminating the employment of the officer who engaged or is engaging in that conduct.

It should be noted the risk in relation to mismanagement or public health and safety or the environment must be "substantial", requiring significant or considerable mismanagement, or significant or considerable risks to public health, safety or the environment.

Section 4 - Policy Statement

(10) See Public Interest Disclosures Policy.

Section 5 - Procedures

(11) See Public Interest Disclosures Procedure.

Section 6 - Guidelines

(12) Nil

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Status and Details

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