

Public Interest Disclosures Procedure

Section 1 - Summary

- (1) Victoria University (VU) is required to establish and publish procedures under section 58 of the [Public Interest Disclosures Act 2012 \(Vic\)](#) (the PID Act), the Public Interest Disclosures 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 [Public Interest Disclosures Policy](#), which state the University's commitment to meeting its obligations under the PID Act. This Procedure sets out the mechanisms it has in place to do so.
- (3) This Procedures is 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, this Procedures covers how VU will protect other people connected to a public interest complaint from detrimental action being taken against them in reprisal for making a public interest disclosure.
- (5) Such persons can include individuals who are the subject of public interest disclosures and public interest complaints; and others who are connected to public interest disclosures, such as witnesses or persons cooperating with an investigation into a public interest complaint.
- (6) The full Procedure is available at [Public Interest Disclosures Procedure](#).

Section 2 - HESF/ASQA/ESOS Alignment

- (7) Nil

Section 3 - Scope / Application

- (8) The [Public Interest Disclosures Procedure](#) applies across the University.

Section 4 - Definitions

- (9) 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;
 - 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.

(10) 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; 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;

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, perverting the course of justice or misconduct in public office.

Section 5 - Policy Statement

(11) See [Public Interest Disclosures Policy](#).

Section 6 - Procedures

(12) See [Public Interest Disclosures Procedure](#).

Section 7 - Guidelines

(13) Nil

Status and Details

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Effective Date	27th March 2020
Review Date	27th March 2026
Approval Authority	Vice-President, Planning and Registrar
Approval Date	24th February 2020
Expiry Date	Not Applicable
Accountable Officer	Diana Ortisi Chief Financial Officer +61 3 9919 5210
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