


<b>Title</b>	<b>Public Interest Disclosure</b>			
<b>Department</b>	<b>Corporate</b>	<b>Section</b>	<b>Organisation</b>	
<b>Approved by</b>	<b>CEO</b>	<b>Document Type</b>	<b>Policy</b>	

## Background

The *Public Interest Disclosures Act 2012* replaces the former *Protected Disclosure Act 2012* which in turn replaced the *Whistle-blowers Protection Act 2001*. It forms part of Victoria's anti-corruption laws. It enables individuals to make a disclosure about the improper conduct of and detrimental action taken by public bodies or public officers performing public functions, including health services.

## Purpose

The purpose of the **Public Interest Disclosures Act** is to:

- Encourage and facilitate disclosures of improper conduct and detrimental action made in reprisal by public officers and public bodies
- Provide protection for people who make disclosures or who may suffer detrimental action in reprisal for those disclosures
- Provide confidentiality of the content of disclosures and the identity of people who make them.

## Scope

All SGH board members, employees, volunteers and contractors. SGH staff are encouraged to identify and report, in accordance with this policy, any incidences of such conduct.

## Policy Statement

SGH is committed to the aims and objectives of the *Public Interest Disclosures Act 2012* and to complying with the requirements of the Act.

Improper conduct and detrimental action against another person in reprisal for a public interest disclosure are strictly prohibited. SGH will not tolerate its staff (public officers) engaging in such conduct. SGH supports the making of disclosures that reveal such conduct so that appropriate action can be taken to address the conduct.

## Related SGH Documents

[Code of Conduct](#)

[Code of Financial Practice](#)

[Complaints, Compliments and Suggestions](#)

[Conflict of Interest](#)

[Delegation of Authority](#)

[Disciplinary Policy and Procedure](#)

[Gifts, Benefits and Hospitality](#)


[Privacy, Security, Disclosure and Use of Personal and Health Information](#)

[Grievance](#)

## Definitions and Abbreviations

**Corrupt conduct** means the following types of conduct that would (if proved) be an indictable criminal offence or the offence of perverting the course of justice, attempting to pervert the course of justice or bribery of a public official:

Prompt Doc No: <b>SGH0122038</b>	Page 1 of 4	Last review: <b>06/02/2024</b>
Version No. <b>4.0</b>	UNCONTROLLED WHEN DOWNLOADED	Next review: <b>06/08/2026</b>
Version Changed: <b>06/02/2024</b>		

<b>Title</b>	<b>Public Interest Disclosure</b>			
<b>Department</b>	<b>Corporate</b>	<b>Section</b>	<b>Organisation</b>	
<b>Approved by</b>	<b>CEO</b>	<b>Document Type</b>	<b>Policy</b>	

- Conduct of any person that adversely affects the honest performance of the functions of a public body or a public officer; or
- Dishonest performance of the functions of the public body or public officer; or
- Conduct of a public body or public officer that involves knowingly or recklessly breaching public trust; or
- The misuse by a public body or a public officer of information or material acquired in the course of the performance of their official functions whether or not for the benefit of the entity or individual(s); or
- A conspiracy or attempt to engage in the above types of conduct.

**Detrimental action** includes:

- Action causing injury, loss or damage; or
- Intimidation or harassment; or
- Discrimination, disadvantage or adverse treatment (including disciplinary action) in relation to a person's employment, career, profession, trade or business.
- Personal injury, property damage or loss and demotion, transfer or isolation in the workplace.

**Detrimental action in reprisal for a public interest disclosure** occurs when a person or organisation:

- Takes or threatens to take detrimental action against another person because (or in the belief that) any person has made or intends to make the disclosure or has co-operated or intends to co-operate with an investigation of the disclosure; or
- Incites or permits someone else to take or threaten to take detrimental action against the other person because any person has made or intends to make the disclosure or has co-operated or intends to co-operate with an investigation of the disclosure.


**IBAC** means the Independent Broad-Based Anti-Corruption Commission, which is a public body set up under the *Independent Broad-Based Anti-Corruption Commissioner Act 2011*. IBAC has a range of functions including investigation, education and prevention functions.

**Improper Conduct** means:

- Corrupt conduct; or
- Any of the following types of conduct, which is not corrupt conduct but (if proved) would be a criminal offence or reasonable grounds for dismissal or termination of the public officer who engaged in that conduct:
  - Conduct of any person that adversely affects the honest performance of the functions of a public body or public officer; or
  - Dishonest performance of the functions of the public body or a public officer; or
  - Conduct of a public body or a public officer that involves knowingly or recklessly breaching public trust; or
  - The misuse by a public body or a public officer of information or material acquired in the performance of the public bodies or public officer's functions, whether or not for the benefit of any entity or individual(s); or
  - Conduct of a public body or a public officer in his or her official capacity that involves substantial mismanagement of public resources, or substantial risk to public health or public safety of the environment.

**Public body** includes IBAC, a public sector body, and includes a public health service such as SGH.

**Public officer** includes a person employed in any capacity or holding any office in the public sector which includes health services such as SGH.

<b>Title</b>	<b>Public Interest Disclosure</b>			
<b>Department</b>	<b>Corporate</b>	<b>Section</b>	<b>Organisation</b>	
<b>Approved by</b>	<b>CEO</b>	<b>Document Type</b>	<b>Policy</b>	

## Responsibility

<b>Board/CEO/ Executive</b>	<p>Have an obligation to ensure that appropriate and effective financial governance arrangements are in place.</p> <p>Have an obligation to report to IBAC any matters they suspect on reasonable grounds involves corrupt conduct</p>
<b>Managers</b>	<p>Have a responsibility to familiarise themselves and their staff with this policy and have an obligation to report to IBAC any matters they suspect on reasonable grounds involves corrupt conduct</p>
<b>Staff</b>	<p>Have a responsibility to comply with hospital policy and are expected to take reasonable steps to report any real, potential or perceived corrupt conduct</p>

## Procedure

### Relationship with other SGH complaint and communication processes

The procedures in this guideline apply to improper conduct, and detrimental action against another person in reprisal for a public interest disclosure. These procedures do not replace the normal complaint-handling processes or communication channels for other concerns. Complaints from patients or their relatives or carers about patient care, grievances regarding employment matters and privacy complaints should continue to be handled in accordance with the relevant policy.

### Public Interest disclosure about SGH

In order for a disclosure to be a public interest disclosure, it must be made to the appropriate body. A public interest disclosure about SGH, including its public officers, cannot be made directly to SGH. Any disclosures made directly to SGH (whether about SGH or another body) will not be a public interest disclosure.

A public interest disclosure about SGH should be made directly to the Independent Broad-Based Anti-Corruption Commission (IBAC). Public interest disclosures can be made directly to IBAC verbally or in writing and may be made anonymously. IBAC's website contains information about how to make a public interest disclosure. IBAC's details are:

Independent Broad-based Anti-Corruption Commission (IBAC)  
 Level 1, North Tower  
 459 Collins Street  
 Melbourne, Vic 3000  
 Phone: 1300 735 135  
 Post: IBAC, GPO Box 24234, Melbourne Vic 3001  
 Web: [www.ibac.vic.gov.au](http://www.ibac.vic.gov.au)

If IBAC receives a disclosure about SGH, it will assess whether it is a public interest disclosure. If it is a public interest disclosure, IBAC can investigate the matter under the *Independent Broad-based Anti-Corruption Commission Act 2011*. If it is not a public interest disclosure, IBAC may advise the discloser that they should make a complaint directly to SGH or other such as the Health Complaints Commissioner.


It is an offence for a person to provide information to IBAC intending it to be a public interest disclosure if he or she knows it is false or misleading in any way.

It is also possible to contact the:

### Department of Families, Fairness and Housing

- Email – [public.interest.disclosures@dffh.vic.gov.au](mailto:public.interest.disclosures@dffh.vic.gov.au)

Prompt Doc No: <b>SGH0122038</b>	Page 3 of 4	Last review: <b>06/02/2024</b>
Version No. <b>4.0</b>	UNCONTROLLED WHEN DOWNLOADED	Next review: <b>06/08/2026</b>
Version Changed: <b>06/02/2024</b>		

<b>Title</b>	<b>Public Interest Disclosure</b>			
<b>Department</b>	<b>Corporate</b>	<b>Section</b>	<b>Organisation</b>	
<b>Approved by</b>	<b>CEO</b>	<b>Document Type</b>	<b>Policy</b>	

- Phone – 1300 131 431
- Write to – Public Interest Disclosure Coordinator, Integrity Unit, Department of Families, Fairness and Housing, 50 Lonsdale Street, Melbourne VIC 3000 or

### Department of Health

- Email – publicinterestdisclosure@health.vic.gov.au
- Phone – 1300 024 324
- Write to – Public Interest Disclosures Coordinator, Integrity Prevention and Detection Unit, Department of Health, 50 Lonsdale Street, Melbourne VIC 3000

### Protections under the Act

Once an allegation has been formally assessed as a public interest disclosure, the discloser receives:

- Immunity from civil and criminal liability and disciplinary action for making the disclosure
- Immunity from liability for breaching confidentiality provisions
- Protection from actions in defamation for making the disclosure
- The right to sue for damages or to seek an injunction to stop actions in reprisal
- Protection of their identity and any information that would lead to their identification.

### Governance and Evaluation

This policy will be reviewed on a three yearly basis or more frequently if required.

### References

Victorian Department of Treasury and Finance, 2020. Making and Handling Public Interest Disclosure Procedures

Independent Broad-Based Anti-Corruption Commission (IBAC) website [Home | IBAC](#)

South West Healthcare Public Interest Disclosure 2022 (Prompt Doc No. SWH0003247)

### Contributors

	<b>Name/Position</b>	<b>Department/Committee</b>
<b>Owner</b>	Paul Greenhalgh, CEO	
<b>Lead Reviewer</b>	Paul Greenhalgh, CEO	
<b>Contributor/s</b>	Claire Kent, DON	
<b>Gender Impact Assessment Required</b>	NO	
<b>Previous Approvals</b>	Paul Greco, Quality Coordinator 2020	
<b>Approved Date</b>	August 2023 BOM Approval	