

Protected Disclosures Procedure 2013

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| Records number: | | Endorsed by: | EMT |
| Date Endorsed: | 10 July 2013 | Procedure Author: | Manager Governance and Customer Service |
| Procedure Owner: | Manager Governance and Customer Service | Review date: | July 2017 |
| Procedure Status: | Final | Procedure type: | Internal (available publically) |

REVISION RECORD

| Date | Version | Revision Description |
|-------------|----------------|--|
| 3/7/2012 | 1 | New procedure superseding Fraud Corruption and Control and Whistleblower Policy and Procedure 2011 |
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Table of Contents

| | |
|--|----|
| Purpose | 1 |
| Supporting Legislation and Policy..... | 1 |
| Definitions..... | 2 |
| Responsibilities..... | 5 |
| Scope | 7 |
| Procedures | 8 |
| Review of Procedure | 15 |

Purpose

Maribyrnong City Council (MCC) encourages the reporting of any improper conduct – including the intention to engage in improper conduct – and will support any person who discloses such conduct by its Councillors, staff or contractors. Council will act to protect the identity of disclosers, and content of disclosures, and provide protection from reprisal for those who come forward to disclose such conduct.

These procedures operationalise the *Protected Disclosure Act 2012 (the Act)* requirements for Council, and should be read in conjunction with IBAC's Guidelines for Making and Handling Protected Disclosures, and Guidelines for Protected Disclosure Welfare Management. *The Act* commenced operation on 10 February 2013, and repealed the *Whistleblowers Protection Act 2001*.

The purpose of *the Act* is to:

Encourage and facilitate disclosures of:

- improper conduct by public officer, public bodies and other persons
- detrimental action taken in reprisal for a person making a disclosure under *the Act*

Provide protection for:

- persons who make disclosures
- person who may have suffered detrimental action in reprisal for a disclosure

Provide for the confidentiality of:

- the content of disclosures
- the identity of persons who make disclosures.

Supporting Legislation and Policy

Protected Disclosure Act 2012

Protected Disclosure Regulations 2013

Local Government Act 1989

Independent Broad-Based Anti-corruption Commission Act 2011

Independent Broad-Based Anti-corruption Commission Regulations 2013

Public Administration Act 2004 (for definitions)

Fraud and Corruption Control Policy 2013

Fraud and Corruption Control Procedures 2013

Councillor Code of Conduct 2013

Councillor Support and Expenses Policy 2013

Staff Code of Conduct

Relevant Council policies and procedures, including the Internal Grievance Procedure and Complaints Resolution Policy.

Definitions

Assessable disclosure

A disclosure that must be made directly, or notified, to IBAC, that the notifier considers may be a protected disclosure.

Belief

A disclosure has to be more than a suspicion – the belief must be based on reasonable grounds.

Corrupt conduct

Defined in section 4 of the *IBAC Act* and includes conduct

- Of any person that adversely affects the honest performance by a public officer of a public body of his/her/its functions
- Of a public officer or public body that constitutes or involves the dishonest performance of his/her/its functions
- Of a public officer or public body that constitutes or involves knowingly or recklessly breaching public trust
- Of a public officer or public body that involves the misuse of information or material acquired in the course of the performance of his/her functions,

That would, if the facts were found proved beyond a reasonable doubt, constitute a relevant offence).

Detrimental action

It is an offence for a person to take or threaten action in reprisal when:

- A protected disclosure has been made
- A person believes a protected disclosure has been made
- A person believes that another person intends to make a protected disclosure.

Detrimental action includes:

- Actions causing injury, loss or damage
- Intimidation or harassment
- Discrimination, disadvantage or adverse treatment in relation a person's employment, career, profession, trade or business, including the taking of disciplinary action (if the person can prove the substantial reason is because of the disclosure).

Discloser

A person who make a disclosure of improper conduct or detrimental action, in accordance with the requirements of Part 2 of the *Protected Disclosure Act 2012*

Entity that can receive a disclosure

A public service body within the meaning of section 4(1) of the *Public Administration Act 2004*, a Council (established under the *Local Government Act 1989*), a public body or public officer prescribed for the purposes of section 13 of the *Protected Disclosure Act 2012*.

Improper conduct

Improper conduct means a) corrupt conduct or b) conduct specified in section 4(2) of the *Protected Disclosure Act 2012* that would constitute a criminal offence, or reasonable grounds for dismissing, dispensing with, or otherwise terminating the services of the officer who was, or is, engaged in the conduct. Improper conduct can also refer to any person whose conduct adversely affects the honest performance of a public officer or public official.

Investigating entity

IBAC, the Ombudsman, the Chief Commissioner of Police and the Victorian Inspectorate. Only these entities can investigate a protected disclosure complain

Notifier

The officer responsible for notifying IBAC of an assessable disclosure.

Protected disclosure

A disclosure made in accordance with Part 2 of the *Protected Disclosure Act 2012*. A Protected Disclosure is one which is made by a natural person or group of people who has reasonable grounds for the belief that a public officer or public body has engaged in, or intends to engage in improper conduct in their official capacity, or detrimental action.

To be a protected disclosure, a disclosure must satisfy the following criteria:

- Is it made by an individual, or group of people (joint disclosure)?
- Has it been made verbally (in private) or in writing?
- Is it made to the right body?
- Is it about a public body or officer acting in their official capacity?
- Does the information show or tend to show there is improper conduct or detrimental action?
- Does the discloser believe on reasonable grounds that the information shows or tends to show there is improper conduct or detrimental action?

Protected disclosure complaint

A disclosure that has been determined by IBAC under section 26 of the *Protected Disclosure Act 2012* to be a protected disclosure complaint. A Protected Disclosure that has been determined warrants investigation.

Protected Disclosure Coordinator/Officer

The officer of the public body responsible for assessing if a disclosure is an assessable disclosure, and notifying IBAC, based on the information received by a discloser or specified officer.

Public body

A public body within the meaning of section 6 of the *Independent Broad-based Anti-corruption Act 2011*, IBAC or any other body or entity prescribed for the purposes of this definition.

Public officer

A public officer within the meaning of section 6 of the *Independent Broad-based Anti-corruption Act 2011*, an IBAC officer or any other person prescribed for the purposes of this definition

Reasonable grounds

Reasonable grounds for a state of mind required the existence of facts which are sufficient to induce that state of mind in a reasonable person.

Specified conduct

As defined in section 4(2) of the *Protected Disclosure Act 2012* and includes conduct of a public officer in his/her capacity as a public officer, or a public body in its capacity as a public body, that involves:

- substantial mismanagement of public resources
- substantial risk to public health or safety
- substantial risk to the environment,

Where such conduct would, if proved, give rise to a criminal offence or reasonable grounds for terminating the services of the officer engaging in the conduct.

Specified persons

Officers at the public body that have been nominated in this procedure, to accept a disclosure.

Welfare Manager

The officer of the public body responsible for managing the welfare of witnesses, either directly or through an EAP program.

Witnesses

A term that can refer to a discloser, the subject of a disclosure, or witnesses for an investigation relating to a Protected Disclosure Complaint.

Responsibilities

Role of Officers

Protected Disclosure Coordinator (PDC) – nominated in this Procedure. The PDC will:

- Receive and assess a disclosure, in accordance with this Procedure and the Act, to determine whether it is an assessable disclosure
- Notify all assessable disclosures to IBAC
- Notify a discloser
- Coordinate training for specified officers
- Be a contact point for general advice about this Procedure and *the Act*
- Contact the welfare manager to notify of a witness/es requiring welfare support
- Hear and take notes of any concerns about detrimental action by the witness/es, and notify the CEO
- Establish and maintain a confidential filing system
- Collate and publish statistics in the Annual Report
- Take all necessary steps to ensure the identity of the witness/es is kept confidential
- Liaise with the MCC CEO.

Protected Disclosure Officer (PDO) – nominated in this Procedure. The PDO will:

- Receive and assess a disclosure, in accordance with this Procedure and the Act, to determine whether it is an assessable disclosure
- Be a contact point for general advice about this Procedure and *the Act*
- Contact the welfare manager to notify of a witness/es requiring welfare support
- Establish and maintain a confidential filing system
- Take all necessary steps to ensure the identity of the witness/es is kept confidential

Welfare Manager – nominated in this Procedure. The Welfare Manager will:

- Make initial, and then regular confidential contact with the witness/es to provide support, and determine/organise professional counselling through EAP, if required
- Hear and take notes of any concerns about detrimental action by the witness/es, and notify the CEO
- Not discuss any aspects of the disclosure or investigation with the witness/es
- Establish and maintain a confidential filing system
- Take all necessary steps to ensure the identity of the witness/es is kept confidential

CEO – The CEO will:

- Be responsible for ensuring MCC carries out its responsibilities under *the Act* and guidelines
- Liaise with IBAC (or referred authority) in regard to cooperating with any investigations
- Be responsible for actioning any investigation outcomes, and providing relevant information to the PDC for reporting requirements

- Be responsible for instigating and overseeing any actions in response to concerns about detrimental actions or reprisals for a person making a disclosure
- Receive a disclosure in accordance with this Procedure and *the Act*, and refer to the PDO or PDC for assessment as soon as practicable
- Establish and maintain a confidential filing system
- Take all necessary steps to ensure the identity of the witness/es is kept confidential

Specified Officers - nominated in this Procedure. The specified officer will:

- Receive a disclosure in accordance with this Procedure and *the Act*, and refer to the PDO or PDC for assessment as soon as practicable
- Attend mandatory training on receiving a disclosure in line with this Procedure
- Establish and maintain a confidential filing system
- Take all necessary steps to ensure the identity of the witness/es is kept confidential

Nomination of Officers

MCC CEO

Chief Executive Officer
Maribyrnong City Council
Mail: PO Box 58, Footscray 3011
Phone: 9688 0212

MCC Protected Disclosure Coordinator (PDC)

Manager Governance and Customer Service
Maribyrnong City Council
Mail: PO Box 58, Footscray 3011
Phone: 9688 0353 or 0401 988 796
Email: celia.robinson@maribyrnong.vic.gov.au

MCC Protected Disclosure Officer (PDO)

Coordinator Governance and Legal Services
Maribyrnong City Council
Mail: PO Box 58, Footscray 3011
Phone: 9688 0354 or 0466 536 489
Email: evvie.lambrianidis@maribyrnong.vic.gov.au

Welfare Manager

Senior Coordinator Human Resource Management
Maribyrnong City Council
Mail: PO Box 58, Footscray 3011
Phone: 9688 0112
Email: paul.anstey@maribyrnong.vic.gov.au

Specified Officers

- Director or indirect (line) supervisor or manager of the discloser
- Director or indirect (line) supervisor or manager of the subject of the disclosure

IBAC

Phone: 1300 735 135

Mail: GPO Box 24234

Melbourne VIC 3000

Level 1, North Tower, 459 Collins Street, Melbourne

Web: www.ibac.vic.gov.au

Scope

These procedures establish a system for reporting disclosures of improper conduct or detrimental action by MCC employees or contractors. Disclosures can be made by MCC Councillors, employees or contractors and members of the public.

Disclosures relating to MCC Councillors must be made directly to IBAC or the Ombudsman Victoria.

These procedures also cover how MCC will look after the welfare of a discloser, witnesses and subjects of disclosures, including maintaining confidentiality and protection from reprisal.

MCC Councillors, employees or contractors and members of the public are encouraged to raise matters of improper conduct, including suspected fraud, corruption, substantial mismanagement of public resources, risk to public health and safety, risk to the environment, or detrimental action.

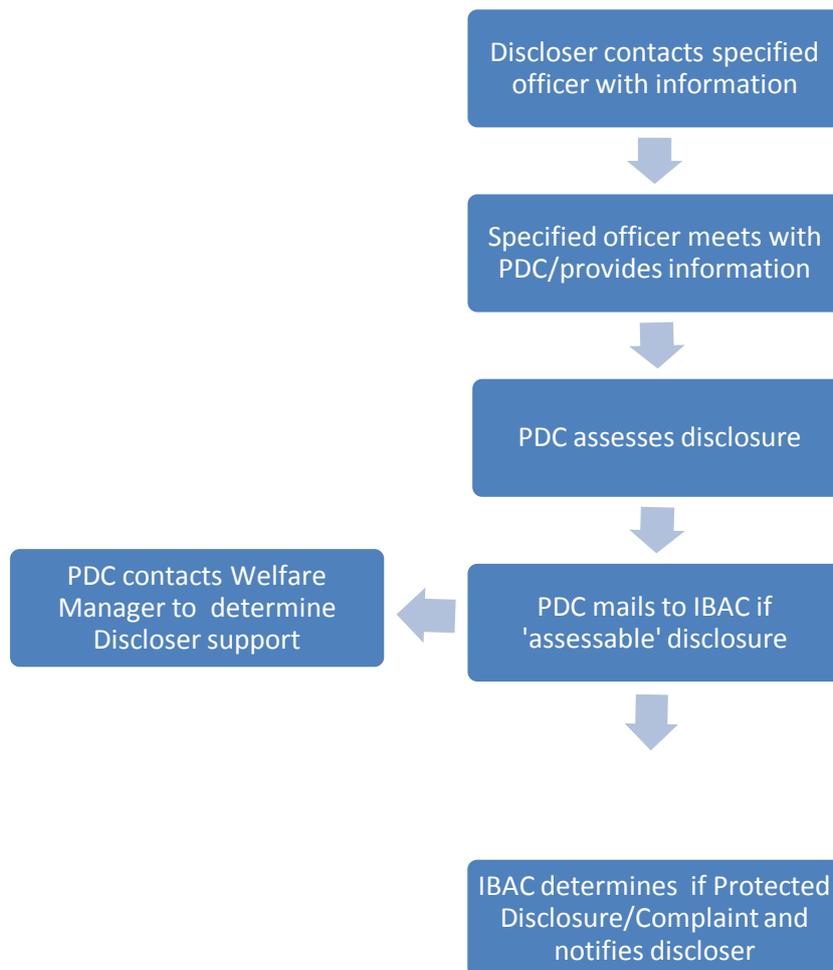
Reports of improper conduct can be made via Council's public complaints process, fraud and corruption control procedures and/or, if made in accordance with *the Act*, through this Procedure.

Procedures

1. Receiving and Assessing A Disclosure

| Disclosure relates to: | Disclosure can be made to: |
|--|--|
| MCC Employee/Contractor/ Organisation | <ul style="list-style-type: none"> • MCC Protected Disclosure Coordinator • MCC Protected Disclosure Officer • MCC CEO • IBAC • Specified Officers: <ul style="list-style-type: none"> - Direct or Indirect (Line) Supervisor or Manager of the discloser - Direct or Indirect (Line) Supervisor or Manager of the subject of the disclosure |
| MCC Councillor | <ul style="list-style-type: none"> • IBAC • Ombudsman Victoria |

Process for Making a Disclosure



Step 1 – Receiving a Disclosure

Disclosure is made by a person (not organisation) or group of people.

The disclosure must relate to MCC employees or contractors or organisation (public body), in relation to public duties or functions. If the disclosure does not relate to MCC, then the person taking the disclosure should refer the discloser to the appropriate public body or IBAC.

A person can make a verbal disclosure in person, by phone, by leaving a voicemail message, by any other form of electronic communication that does not require writing

The disclosure must be made in private. To maintain confidentiality, the disclosure can be made at a time and location of the discloser's choosing. The disclosure must be taken in a private environment, and organised in a way that protects the confidentiality of the meeting. For example, the name, purpose and attendees of a disclosure meeting should not be reflected in a diary invitation or meeting room booking.

If verbal, the person receiving the disclosure must make notes at the time. These notes, and/or any supporting evidence provided, must be kept secure (locked) and only provided to the Protected Disclosure Coordinator or IBAC.

A person can make a written disclosure via email or letter. A letter must be hand-delivered or mailed or emailed. Disclosures cannot be made by fax.

Anonymous disclosures will be accepted and assessed, however the protections of *the Act* will not apply.

At the time of the disclosure being made, the following will be discussed with the discloser:

- The intent of *the Act* and what constitutes a protected disclosure
- The role of MCC and IBAC
- Details and evidence of the allegation
- The expectations of the discloser
- The options available to the discloser. If the discloser does not want to make a protected disclosure at this time, this decision must be confirmed in writing (on form available)
- Available protections and support if it is assessed as a protected disclosure – including the protections from detrimental action or reprisal, the role of a welfare manager, advising the discloser to keep the matter confidential (to assist in protecting their identity and maximising the protections available), and that Council will protect the confidentiality of the matter and their identity, in accordance with *the Act*
- The assessment and notification process. This includes Council's (via Protected Disclosure Coordinator) requirement to assess and notify IBAC within 28 days if the matter is considered that it may be a Protected Disclosure. If the matter does not meet the requirements of a protected disclosure, then Council will notify the discloser of other options available. Either way, Council will notify the discloser in writing (if contact details are available).

Urgent Action

If the person taking the disclosure believes the disclosure details behaviour or a threat requiring urgent action, they should report the relevant details (not the discloser's identity) to their Director or the CEO. The Director, CEO or Protected Disclosure Coordinator must notify IBAC of any urgent action undertaken.

Step 2 - Assessment of Disclosure

The person taking a disclosure must, as soon as practicable, provide the details of the disclosure – including any notes or supporting evidence – to the Protected Disclosure Coordinator or Protected Disclosure Officer in person.

The Protected Disclosure Coordinator will assess the disclosure in accordance with the requirements of *the Act*. If the disclosure is considered to may be a protected disclosure, the Protected Disclosure Coordinator will notify IBAC of the assessable disclosure.

If the matter is considered not to be an assessable disclosure, then the Protected Disclosure Coordinator will notify the discloser and recommend the discloser follows up the issue under Council's complaints procedure, grievance procedure or other appropriate avenue.

Step 3 – Notification to IBAC and Discloser

Within 28 days of receipt of disclosure by a discloser or specified person at Council:

1. The Protected Disclosure Coordinator will notify IBAC in writing via registered mail of an assessable disclosure, including relevant details and supporting evidence.

The Protected Disclosure Coordinator will also notify the discloser (in writing if contact details are available and/or it is not an anonymous disclosure) that:

- The disclosure has been notified to IBAC for assessment and IBAC will be the body responsible for further assessing, and dismissing/investigating/referring the disclosure.
- It is an offence under section 74 of the *Protected Disclosure Act 2012* to disclose that the disclosure has been notified to IBAC for assessment under *the Act*

OR

2. If the Protected Disclosure Coordinator determines the disclosure is not an assessable disclosure, they will notify the discloser (in writing if contact details are available and/or it is not an anonymous disclosure) that:

- Council does not consider the disclosure to be a protected disclosure
- The disclosure has not been notified to IBAC for assessment
- The protections under Part 6 of the *Protected Disclosure Act 2012* apply, regardless of whether the disclosure is notified to IBAC for assessment,
- The options available to pursue the matter, including making the disclosure directly to IBAC, or making a complaint/report/allegation through Council's complaints policy, grievance procedure or other appropriate avenue.

Investigations

It is the responsibility of the CEO to cooperate with, and undertake any actions resulting from the findings and outcomes of a Protected Disclosure Complaint investigation by IBAC, or referred investigations by the Ombudsman Victoria or Victorian Inspectorate.

2. Welfare management

The welfare manager is responsible for looking after the general welfare of the witness/es – including the discloser/s, anyone participating in an investigation, and the person who is the subject of a disclosure. The welfare manager will:

- Examine the immediate welfare and protection needs of a witness, to foster a supportive work environment
- Advise the witness of the legislative and administrative protections available to him or her, especially in relation to confidentiality and detrimental action
- Listen and respond to any concerns of harassment, intimidation or victimisation in reprisal for making a disclosure, make notes and advise the CEO
- Organise professional counselling through Council's Employee Assist service provider, if identified as appropriate or requested by the witness (not disclosing the details of the matter to the service, beyond it for is a protected disclosure witness)
- Attempt to ensure the expectations of the witness are realistic, and that their efforts to maintain confidentiality around the matter will assist in ensuring them the protections of *the Act*.

The welfare manager must not divulge any details relating the disclosed matter to any person other than the Protected Disclosure Coordinator, or the CEO. All meetings between the welfare manager and the witness must be conducted discreetly to protect the person's identity.

Natural justice

All persons who are the subject of a disclosure are entitled to natural justice, at the appropriate time as determined by investigating body, but before a decision is made about their conduct). At this time, the person/s will be offered support through Council's Welfare Manager.

The person who is the subject of a Protected Disclosure Complaint will:

- Be informed about the substance of allegations against them
- Be given the opportunity to answer the allegation before a final decision is made
- Be informed about the substance of any adverse comments that may be included in any report arising from an investigation
- Have his/her defence set out fairly in any report.

3. Confidentiality and Protection from Detrimental Action

MCC will take all reasonable steps to protect the identity of witnesses and the content of disclosures. Maintaining confidentiality is crucial in ensuring reprisals are not made against a witness.

The Act requires any person who receives a disclosure, or participates in an investigation, not to disclose that information except in certain limited circumstances.

Disclosure of information in breach of *the Act* and constitutes a criminal offence that is punishable by a maximum fine of 120 penalty units or 12 months imprisonment or both.

The limited circumstances in which it is not an offence to disclose the content or identity of a discloser is:

- When the discloser has given his or her consent
- When IBAC or the Victorian Inspectorate has determined that the protected disclosure is not a protected disclosure complaint
- When it is necessary for the purpose of the exercise of functions under the Act
- It is necessary for the purpose of obtaining legal advice.

However, *the Act* prohibits the inclusion of particulars in any report or recommendation that is likely to lead to the identification of the discloser. *The Act* also prohibits the identification of the person who is the subject of the disclosure in any particulars included in an annual report.

MCC will ensure all files, whether paper or electronic, are kept in a secure location and can only be accessed by the Protected Disclosure Coordinator, Protected Disclosure Officer, the CEO, or Welfare Manager (in relation to welfare matters only).

All printed material will be kept in files that are clearly marked as a '*Confidential Protected Disclosure Act matter – Do not open*' – on the cover, and warn of the criminal penalties that apply to any unauthorised divulging information concerning a protected disclosure. Printed files must be kept in locked cabinets, and sealed in an envelope marked '*Confidential Protected Disclosure Act matter – Do not open*' when relocated to central filing for permanent storage. All electronic files must be produced and stored in c:/, in a folder with password protection. Backup files will be kept on encrypted USB.

MCC will not email documents relevant to a protected disclosure matter and will ensure all phone calls and meetings are conducted in private. All correspondence, phone calls and emails from internal or external disclosers will be directed to the Protected Disclosure Coordinator or Protected Disclosure Officer.

Where a person is contemplating making a disclosure and is concerned about approaching the Specified Officer, Protected Disclosure Officer, Protected Disclosure Coordinator, or CEO, in the workplace, he or she can contact the person who is to receive the disclosure, and request a meeting in a discreet location away from the workplace.

Investigations will be conducted by IBAC or referred authority. Witnesses interviewed as part of any investigation will be advised to maintain confidentiality.

Protections from detrimental actions and reprisal

MCC will not tolerate reprisal action against a person making a disclosure, or any witness.

To protect against reprisal:

- Confidentiality processes (as set in this Procedure) will be followed
- Any concerns by a witness about reprisal/detrimental action will be encouraged to be communicated immediately to the Welfare Manager or Protected Disclosure Coordinator. The Welfare Manager/PDC will make notes and will then confidentially raise the issue with CEO to determine action required.
- The welfare manager/PDC and CEO will meet with the witness in private to discuss the issue/determine action required.
- The CEO will conduct any action required - including the initiation of disciplinary action against staff involved in the taking of detrimental action.
- The staff Code of Conduct will reference protected disclosures and protection from reprisal, which will be used as the basis for staff education (along with this Procedure) and the management of any issues that may appear to be detrimental actions.

Disciplinary action against a witness

It should be noted that a witness is not protected from the reasonable consequences flowing from their involvement in any management disciplinary action relating to misconduct, under the Staff Code of Conduct. If disciplinary or other action is undertaken for a witness, the Chief Executive Officer or other responsible officer will document and demonstrate:

- The fact that a person has made a protected disclosure is not a substantial reason for their taking of the action against the employee
- There are good and sufficient grounds that would fully justify action against any other person in the same circumstances
- There are good and sufficient grounds that justify exercising any discretion to institute disciplinary or other action.

The document must include reasons why the disciplinary or other action is being taken, and the reason why the action is not in retribution for making the disclosure. The discloser will be clearly advised, in writing, of the proposed action to be taken and of any mitigating factors that have been taken into account.

Limitations for protections for a discloser

It should be noted that a protected disclosure determination will not relieve the discloser from:

- criminal liability for making false or misleading disclosures under *the Act*
- Liability for his or her own conduct that has been disclosed as part of the protected disclosure.

4. Reporting – Collection and publishing of statistics

The Protected Disclosure Coordinator will be responsible for collating and publishing statistics for the Annual Report relating to disclosures and investigations, as required under the *Protected Disclosure Act 2012*. Special care will be taken to ensure any information published does not inadvertently lead to the identification of the witness/es.

5. Education and Training

MCC will undertake education and communication activities for this Procedure and Codes of Conduct, including mandatory training for Specified Officers. This Procedure will be available on the intranet, MCC website, and silversync, and covered in Council's induction sessions. Basic information will also be provided through a brochure/poster series available to staff and members of the community at Council's community information points and staff sites.

The educative information will cover:

- Being clear about what conduct is acceptable – covering this Procedure, Fraud and Corruption Policy and Staff/Councillor Code of Conduct
- Raising awareness of responsibilities to disclose and how to do this
- Advising staff/community members of their right to disclose to MCC or IBAC, and that they can seek advice confidentially and anonymously from the MCC CEO, Protected Disclosure Coordinator or Protected Disclosure Officer
- Reassuring staff that detrimental action will not be tolerated and they will be protected, including that disciplinary action will be initiated against staff who are involved in the taking of detrimental action
- That all witnesses – including the subject of a disclosure – will be treated fairly.
- The offences and penalties under *the Act*.

Offences and Penalties

| Specific offences | Penalties | Limits on liability / defences |
|---|---|--|
| Criminal Offences | | |
| Detrimental action | | |
| <p><i>Liability of an individual</i></p> <p>It is an offence for a person to take or threaten action in reprisal when:</p> <ul style="list-style-type: none"> • a protected disclosure has been made • a person believes a protected disclosure has been made • a person believes that another person intends to make a protected disclosure | <p>Criminal penalty: 240 penalty units or 2 years imprisonment or both</p> <p>AND (if person is convicted or found guilty of an offence)</p> <p>Civil penalty: Order of court for offender to pay appropriate level of damages to compensate for injury, loss or damage</p> | <ul style="list-style-type: none"> • Reason for taking detrimental action is not a 'substantial' reason • Discloser has made false disclosure or provided false information • IBAC has determined the disclosure is not a protected disclosure complaint and the person taking detrimental action knew about that determination |

| | | |
|--|---|--|
| <p><i>Vicarious liability of their employer</i> Employer may also be held to be jointly and civilly liable for the detrimental action of their employee or agent</p> | <p>Criminal penalty: 240 penalty units or 2 years imprisonment or both</p> <p>AND (if person is convicted or found guilty of an offence)</p> <p>Civil penalty: Order of court for offender to pay appropriate level of damages to compensate for injury, loss or damage</p> | <ul style="list-style-type: none"> Public body proves on balance of probabilities that it took reasonable precautions to prevent the employee/agent from taking detrimental action Policies, procedures and systems will assist in establishing reasonable precautions have been taken |
| Disclosure of content of assessable disclosure | | |
| <p>A person/body must not disclose content of assessable disclosure or information about content</p> | <p>120 penalty units or 12 months imprisonment or both (person) 600 penalty units (body corporate)</p> | <p>Exceptions as set out in s52(3) and s54 PD Act</p> |
| Disclosure of identity of person making assessable disclosure | | |
| <p>A person/body must not disclose information likely to lead to the identification of a person who has made an assessable disclosure</p> | <p>120 penalty units or 12 months imprisonment or both (person) 600 penalty units (body corporate)</p> | <p>Exceptions as set out in s53(2) and s54 PD Act</p> |
| Civil Action | | |
| Detrimental action | | |
| <p>A person who takes detrimental action may be subject to proceedings in tort in any court of competent jurisdiction</p> | <p>Civil penalty: Court order for damages for any injury, loss or damage, including exemplary damages</p> | |
| <p>Injunction or interim injunction can be granted by the Supreme Court if the Court is satisfied that a person has taken or intends to take detrimental action against another person in reprisal for a protected disclosure</p> | | |

**Table information taken from the Guidelines for making and handing protected disclosures – IBAC, 2013*

Review of Procedure

This Procedure will be reviewed in July 2017, or as otherwise required by legislative amendments or the issuing of IBAC guidelines or advice.