

Public Interest Disclosure Policy | GOV-20

1.0 Purpose

The Public Interest Disclosures Act 2012 (the Act) encourages and assists people in making disclosures of improper conduct by public officers and public bodies. The Act provides protection to people who make disclosures in accordance with the Act and establishes a system for the matters disclosed to be investigated and rectifying action to be taken.

This policy outlines how AMES Australia manages its obligations under the Act.

2.0 Policy Statement

AMES Australia is committed to transparency and accountability. It does not tolerate improper conduct, misconduct or reprisals against persons who disclose such conduct.

In accordance with the Public Interest Disclosures Act 2012 and relevant guidelines provided by the Integrity and Oversight Committee and the Independent Broad-based Anti-corruption Commission (IBAC), AMES Australia will:

- encourage and assist people report improper conduct and detrimental action
- keep the discloser's identity and the content of a disclosure confidential
- manage the welfare of the discloser or person involved in the investigation
- cooperate with the investigating agency, entity or public bodies and ensure that effective action is taken in response to reports of improper conduct
- implement an appropriate internal process if IBAC decides that the report is not a disclosure about improper conduct or detrimental action and refers the matter to AMES Australia.

3.0 Implementation

Anyone can make a public interest disclosure. This includes individuals either internal or external to the organisation, independent contractors, students, recipients of services and the general public.

AMES Australia cannot receive and assess a Public Interest Disclosure (see Definition below) about AMES Australia, its personnel or other members of the public sector. AMES Australia will advise the discloser to directly contact the Department of Education and Training or the Independent Broad-based Anti-corruption Commission (IBAC). Online forms are available on IBAC website. Alternatively IBAC could be contacted by phone (1300 735 135).

The Board Secretary is responsible for:

- being the point of contact for general advice
- being the liaison (under the direction of the CEO) between AMES Australia and investigating government departments or bodies
- referring disclosures to the Department of Education and Training or IBAC
- taking necessary steps to ensure confidentiality is maintained
- facilitating welfare management for a discloser or someone who cooperates or intends to cooperate with an investigation.

The CEO (principal officer) must notify IBAC of all instances of suspected corrupt conduct occurring in the organisation. Refer to the Fraud, Corruption and Other Losses Procedure GOV-19 for further details.

4.0 Related Policies, procedures, forms, guidelines and other resources

[Independent Broad-based Anti-corruption Commission Act 2011 \(Vic\)](#)

[Public Interest Disclosures Act 2012](#)

[Ombudsman Act 1973 \(Vic\)](#)

[Fraud, Corruption and Other Losses Procedure GOV-19](#)

[IBAC Guidelines for public interest disclosure welfare management](#)

5.0 Evaluation / Reporting / Review

AMES Australia's Annual Report must include a statement about how to access the public interest disclosure policy.

This policy will be reviewed every two years and submitted to the Board via the Finance, Audit and Risk Management Committee for endorsement. Any revisions to the Policy are to be approved by the Board.

6.0 Definitions

Public Interest Disclosure (PID) – a disclosure by a natural person of information that shows / tends to show or information that the person reasonably believes shows / tends to show improper conduct or detrimental action in the public sector. PIDs were previously known as protected disclosures.

Public Interest Complaint (PIC) – a PID that has been determined by IBAC, the Victorian Inspectorate, or the Integrity and Oversight Committee to be a PIC. PICs were previously known as protected disclosure complaints.

Improper conduct includes:

- corrupt conduct and / or
- any of the following conduct by a public officer or public body in their capacity as a public officer or public body:
 - a criminal offence
 - serious professional misconduct
 - dishonest performance of public functions
 - an intentional breach or reckless breach of public trust
 - an intentional breach or reckless misuse of information or material acquired in the course of the performance of public functions
 - a substantial mismanagement of resources
 - a substantial risk to the health and safety of one or more persons
 - a substantial risk to the environment
 - conduct by a third party that adversely affects the honest performance of a public officer or body or is intended to adversely affect effective performance of a public officer or body while obtaining an advantage for the third party
 - conduct by a third party that could constitute a conspiracy or attempt to engage in any of the above.

Serious professional misconduct – may include conduct that constitutes a serious breach of an established professional code of conduct and/ or other serious departures from professional responsibilities, policies, procedures and laws that govern behaviour in the public sector and the workplace.

Detrimental action – any part of the reason for which management action is taken against the discloser for having reported the alleged improper conduct. This includes harassment or discrimination, or other adverse action taken against the discloser.

7.0 References

This policy was endorsed by the **FARM Committee on 17 February 2020** and approved by the **Board on 24 February 2020**.