

<b>Policy Adopted by YPRL Board</b>	
Policy Name	<b>Public Interest Disclosures Policy</b>
Version number	1.1
Policy date	February 2020
Date to be reviewed	February 2022 or upon significant change to the Act, the Regulations or the IBAC Guidelines
Responsibility	Executive Manager Corporate Services
Related Policies and Procedures	Public Interest Disclosures Procedure Conflict of Interest Procedure Fraud and Corruption Prevention Policy Fraud and Corruption Prevention Procedure Child Safe Policy

## **Purpose**

To provide people with clear guidance about making disclosures about improper conduct within Yarra Plenty Regional Library (YPRL) without fear of reprisal, in compliance with section 58 of the Public Interest Disclosures Act 2012 (the Act).

To ensure openness and accountability by encouraging people to make disclosures and protecting them when they do.

## **Scope**

This policy applies to all YPRL Board members, employees and the public.

## **Related Legislation**

Public Interest Disclosures Act 2012;  
Integrity and Accountability Legislation Amendment (Public Interest Disclosures, Oversight and Independence) Act 2019;

## Definitions

<b>Act</b>	Public Interest Disclosures Act 2012
<b>Detrimental Action</b>	<ul style="list-style-type: none"> <li>• The Act makes it a criminal offence for a person to take or threaten to take detrimental action against a person in reprisal for making or being connected with a public interest disclosure. Detrimental action includes:           <ul style="list-style-type: none"> <li>• Action causing injury, loss or damage;</li> <li>• Intimidation or harassment;</li> </ul> </li> <li>• Discrimination, disadvantage or adverse treatment in relation to a person’s employment, career, profession, trade or business, including the taking of disciplinary action (unless the substantive basis can be demonstrated as not in reprisal, and there are good and sufficient grounds that would fully justify action against any other person in the same circumstances).</li> </ul>
<b>IBAC</b>	Independent Broad-based Anti-Corruption Commission
<b>Improper Conduct</b>	<p>Improper conduct means any one of the following:</p> <ul style="list-style-type: none"> <li>• Corrupt conduct;</li> <li>• Any of the following conduct by a public officer or public body in their capacity as a public officer or public body:           <ul style="list-style-type: none"> <li>○ Criminal offence;</li> <li>○ Serious professional misconduct (conduct that constitutes a serious breach of an established professional code of conduct and/or other serious departures from the person’s professional responsibilities);</li> <li>○ Dishonest performance of public functions;</li> <li>○ Intentional or reckless breach of public trust;</li> <li>○ Intentional or reckless misuse of information;</li> <li>○ Substantial mismanagement of public resources;</li> <li>○ Substantial risk to health or safety of one or more people;</li> <li>○ Substantial risk to the environment;</li> </ul> </li> <li>• Conduct of any person:           <ul style="list-style-type: none"> <li>○ that adversely affects the honest performance by a public officer of their functions;</li> <li>○ that is intended to adversely affect the effective performance by a public officer of their functions for the benefit of the other person.</li> </ul> </li> <li>• Conduct that could constitute a conspiracy or attempted conspiracy.</li> </ul>
<b>Principal Officer</b>	YPRL CEO
<b>Public Interest Disclosure</b>	<p>A public interest disclosure is a disclosure by a natural person of information that shows or tends to show, or information that the person reasonably believes shows or tends to show improper conduct or detrimental action (previously known as a protected disclosure). YPRL is a public body for the purposes of the Act and a public officer can be a YPRL employee (including temporary/contract employees) or Board member.</p>

<b>Public Interest disclosure Complaint</b>	A public interest disclosure that has been determined by IBAC to be a public interest complaint (previously known as a protected disclosure complaint)
<b>Public Interest Disclosure Coordinator</b>	Coordinates the receipt and recording of disclosures and IBAC responses, as well as considering discloser welfare management. At YPRL the Public Interest Disclosure Coordinator is:  Kate Karrasch Executive Manager Corporate Services Phone: 9088 3422 Email: <a href="mailto:kkarrasch@ypri.vic.gov.au">kkarrasch@ypri.vic.gov.au</a>
<b>Specified Conduct</b>	Is any of the above types of Improper Conduct, or conduct that involves substantial: <ul style="list-style-type: none"> <li>• Mismanagement of public resources; or</li> <li>• Risk to public health or safety or the environment; or</li> <li>• Corruption.</li> </ul> The specified conduct must be criminal in nature or a matter, on reasonable grounds, for which an Officer could be dismissed.

## Policy

Yarra Plenty Regional Library (YPRL) is committed to the aims and objectives of the Act. YPRL does not tolerate improper conduct, corrupt conduct, or misconduct by employees, officers, contractors, or Board members, nor the taking of reprisals against those who come forward to disclose such conduct.

YPRL recognises the value of transparency and accountability in administrative and management practices and supports the making of disclosures that reveal corrupt conduct, misconduct in public office involving a substantial mismanagement of public resources, misusing information or conduct involving a substantial risk to public health and safety, or the environment.

In accordance with the Act, the CEO will notify IBAC, as soon as practicable, if there is reasonable suspicion that corrupt conduct may have occurred or may be occurring.

If the reasonable suspicion relates to the CEO, the Chair of the YPRL Board will notify IBAC.

Disclosure may also be made directly to IBAC online at [www.ibac.vic.gov.au/reporting-corruption/how-to-make-a-complaint](http://www.ibac.vic.gov.au/reporting-corruption/how-to-make-a-complaint) under any circumstances.

**YPRL will:**

- Assign, to a suitable senior and trusted position, the function of Public Interest Disclosure Coordinator;
- Take all reasonable steps to protect people who make such disclosures from any detrimental action in reprisal for making the disclosure;
- Afford natural justice to the person who is the subject of the disclosure;
- Provide procedures that support this policy.

## **Responsibilities**

The **CEO** is responsible for:

Notifying IBAC, as soon as practicable, if there is a reasonable suspicion that corrupt conduct may have occurred or be occurring.

The **Chair of the YPRL Board** is responsible for:

Notifying IBAC, as soon as practicable, if there is reasonable suspicion that corrupt conduct may have occurred or may be occurring which involves the CEO.

The **Public Interest Disclosure Coordinator** is responsible for:

- responding to public interest disclosure enquiries;
- ensuring the welfare of any internally employed discloser; and
- ensuring highly secure and confidential recording and storage of any related information.

**All employees** are responsible for:

- reporting known or suspected incidences of improper conduct;
- supporting those who have made a legitimate disclosure;
- refraining from any activity that is, or could be perceived to be, victimisation or harassment of a person who makes a disclosure;
- protecting and maintaining the confidentiality of a person they know or suspect to have made a disclosure.

## **Breach of Policy**

All employees are required to comply with this policy. If an employee breaches this policy they may be subject to disciplinary action. In serious cases this may include termination of employment.