

# Procedure GV 05-1: Public Interest Disclosures

## 1. Scope

These Procedures have been established and published by DFSV in compliance with s 58 of the Public Interest Disclosures Act 2012, the Public Interest Disclosures Regulations 2019 and the Guidelines published by the Independent Broad-based Anti-corruption Commission as at June 2025 .

This Procedure is published on DFSV’s website. However, electronic and hard copies are also available by contacting the DFSV’s Public Interest Disclosures Coordinator or Officer at PO Box 8221, Camberwell North, Victoria, 3124 or by request to 03 9810 5900 or by email to [info@dairysafe.vic.gov.au](mailto:info@dairysafe.vic.gov.au)

## 2. Contents

1. Scope.....	1
2. Contents .....	1
3. Abbreviations and key terms used in these Procedures .....	2
4. About these procedures.....	2
5. Making a disclosure .....	3
5.1. What is a disclosure and who can make one? .....	3
5.2. How can a disclosure be made?.....	3
5.3. What can a disclosure be made about? .....	4
6. DFSV’s internal arrangements for handling welfare management.....	6
6.1. Employees and board members .....	6
6.2. Public Interest Disclosures Coordinator.....	6
7. Welfare management .....	7
7.1. Support available to disclosers and cooperators .....	8
7.2. Welfare management of persons who are the subject of PIDs .....	9
7.3. If detrimental action is reported.....	10
7.4. Protections for persons making a public interest disclosure.....	11
8. Confidentiality .....	13
8.1. General obligation of confidentiality on DFSV and all individuals.....	13
8.2. Steps taken by DFSV to ensure confidentiality.....	13
8.3. Limited exceptions permitted by the Act .....	14
8.4. Penalties apply for breach of confidentiality .....	15
9. Collating and publishing statistics.....	15
10. Review .....	15
11. Responsible Officer .....	15
12. References .....	15

### 3. Abbreviations and key terms used in these Procedures

The following abbreviations and key terms are used in these procedures:

The Act:	<i>Public Interest Disclosures Act 2012 (Vic)</i>
DFSV	Dairy Food Safety Victoria
discloser	A person who makes any disclosure that may be a PID
disclosure	Any complaint, concern, matter, allegation or disclosure (however described) that may be a PID
Guidelines	The Guidelines published by the IBAC under s 57 of the Act as at January 2020, copies of which may be downloaded from <a href="#">Guidelines for handling public interest disclosures   IBAC</a> (last accessed on 20 June 2025); <a href="#">Guidelines for public interest disclosure welfare management   IBAC</a> (last accessed 20 June 2025)
IBAC	Independent Broad-based Anti-corruption Commission
IBAC Act	<i>Independent Broad-based Anti-corruption Commission Act 2011</i>
IOV	<i>Integrity Oversight Victoria (formerly Victorian Inspectorate)</i>
investigative entity	Any one of the 8 bodies authorised to investigate a PIC, being the IBAC, the VO, the Chief Commissioner of Police, the IOV, the Judicial Commission, the Chief Municipal Inspector, the Racing Integrity Commissioner and the Information Commissioner.
Procedures	This version of the Public Interest Disclosures Procedures of DFSV, as established under s 58 of the Act
Public Interest Disclosure (“PID”)	Any complaint, concern, matter, allegation or disclosure (however described) made in accordance with Part 2 of the Act
Public Interest Complaint (“PIC”)	A PID which has been determined and assessed by the IBAC to be a public interest complaint under ss 26, 31 or 31B of the Act
Regulations	Public Interest Disclosures Regulations 2019
VO	Victorian Ombudsman

### 4. About these procedures

DFSV is required to establish and publish procedures under s 58 of the Act and in accordance with the Guidelines of the IBAC published under s 57 of the Act.<sup>1</sup> DFSV is required to ensure these procedures are readily available to members of the public as well as internally to all employees and board members of DFSV.

These procedures are a resource for any individual who wants to find out how DFSV will manage their welfare if they make a disclosure, whether that person is a DFSV employee or board member, or an external member of the public. In addition, these procedures cover how DFSV will protect other people connected to a PID from detrimental action being taken against them in reprisal for a discloser making a PID. Such persons can include individuals who are the subject of PIDs and PICs; and others who are connected to disclosures, such as witnesses or persons cooperating with an investigation into a PIC.

These procedures form an essential part of DFSV’s commitment to the aims and objectives of the Act. DFSV does not tolerate improper conduct by the organisation, its employees, officers or board members nor the taking of reprisals against those who come forward to disclose such conduct.

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<sup>1</sup> As at June 2025, and published in January 2020 and June 2025, available at <http://www.ibac.vic.gov.au/publications-and-resources/article/guidelines-for-making-and-handling-protected-disclosures> (last accessed on 20 June 2025); <https://www.ibac.vic.gov.au/publications-and-resources/article/guidelines-for-protected-disclosure-welfare-management> (last accessed 20 June 2025).

DFSV recognises the value of transparency and accountability in its administrative and management practices. It is committed to leading from the top to demonstrate a workplace culture that proactively detects risks of corruption and supports individuals, including staff, making disclosures that reveal improper conduct.

DFSV expressly encourages persons considering making a disclosure to come forward and is committed to taking all reasonable steps to protect people who make such disclosures from suffering detrimental action in reprisal for making the disclosure. It will also afford natural justice to the person or body who is the subject of the disclosures and ensure, as far as is possible, that the confidentiality obligations protecting the identity and other information about disclosers and the subject of disclosures as set out in the Act are strictly complied with.

DFSV **may not** receive PIDs under the Act. Therefore, if you wish to make a disclosure about DFSV or any of our people,<sup>2</sup> please make that disclosure to the IBAC in accordance with its procedures and Guidelines, as outlined below. The Act also allows PIDs about DFSV and its staff to be made to the VO and the VI. Further information about how to make a disclosure about DFSV and its people is set out below in Part 5 below.

## 5. Making a disclosure

### 5.1. What is a disclosure and who can make one?

Any individual or a group of individuals<sup>3</sup> are encouraged to make disclosures about information that shows, or tends to show one or more of the following:

- (a) Improper conduct of public bodies (including DFSV) or public officers (including DFSV people); and
- (b) detrimental action taken by public bodies (including DFSV) or public officers (including DFSV people) in reprisal against a person for the making of, or cooperating with the investigation of, a PID.

A disclosure can relate to conduct or action that may have already taken place, may be occurring now or may happen in the future.

You can choose to make a disclosure anonymously under the Act and you do not have to refer to the Act or the protections in it for your disclosure to be treated as a PID or a PIC.

To receive the protections under the Act, PIDs may not be made by a company or business.

### 5.2. How can a disclosure be made?

A PID must be made in accordance with Part 2 of the Act.

Part 2 of the Act permits disclosures to be made anonymously, orally or in writing, and need not necessarily identify the person or organisation complained about.

The Act does not permit DFSV to receive PIDs. If you wish to make a disclosure about DFSV or any of its people, please make that disclosure directly to the IBAC, the VO or the VI.

The IBAC can be contacted in writing at:

**IBAC**  
GPO Box 24234 or  
Level 1, North Tower 459 Collins Street  
Melbourne Vic 3000

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<sup>2</sup> In these Procedures, references to “DFSV people” or “DFSV staff” includes our employees, officers, and board members.

<sup>3</sup> If a group of individuals are making a PID you should note that only the individual who makes the PID on behalf of all the others will receive the full protection of the Act in relation to that PID. The protection the others in the group will receive is limited to confidentiality about their identity and any role they play in providing information, as well as against detrimental action if any is taken against them in reprisal for the disclosure that has been made.

The IBAC also offers an online form available at:

[Complaint form | IBAC](#)

The VO can be contacted in writing at:

**Victorian Ombudsman**  
Level 2, 570 Bourke Street  
Melbourne VIC 3000

The VO also offers an online form, available at:  
[Reporting improper conduct | Victorian Ombudsman](#)

### 5.3. What can a disclosure be made about?

A PID can be made about:

- (a) the **improper conduct** of public bodies or public officers; and/or
- (b) **detrimental action** taken in reprisal against a discloser for having made a PID or having cooperated with the investigation of a PID.

#### Improper conduct

Improper conduct is defined in the Act to mean conduct:

- (a) of any person that:
  - (i) adversely affects the honest performance by a public officer or public body of his or her functions as a public officer or public body;
  - (ii) is intended to adversely affect the effective performance or exercise of functions or powers by a public officer or public body and results in that person (or their associate<sup>4</sup>) obtaining a gain, benefit or entitlement they would not have otherwise obtained, irrespective of whether the public officer or public body engages in any corrupt conduct or other misconduct; or
- (b) of a public officer or public body that:
  - (i) constitutes or involves the dishonest performance of his or her or its functions as a public officer or public body;
  - (ii) constitutes or involves knowingly or recklessly breaching public trust;
  - (iii) 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;
  - (iv) is engaged in by the public officer or public body in their capacity as a public officer or a public body that constitutes any of the following:
    - a criminal offence;
    - serious professional misconduct;<sup>5</sup>
    - 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;
    - a substantial risk to the health or safety of one or more persons;
    - a substantial risk to the environment; or
  - (v) could constitute a conspiracy or an attempt to engage in any of the conduct referred to above.

Conduct that is trivial **will not** constitute improper conduct for the purpose of the Act.

<sup>4</sup> Defined in s 4(2B) of the Act.

<sup>5</sup> This may be where there has been a serious failure to exhibit the skills and experience required to perform the responsibilities of the office, as well as a serious breach of professional conduct expected in the workplace. For further guidance see the Guidelines, p 11 available at <https://www.ibac.vic.gov.au/publications-and-resources/article/guidelines-for-making-and-handling-protected-disclosures> (last accessed 20 June 2025).

### Examples of improper conduct

1. DFSV or its staff take a bribe or receives a payment in exchange for the discharge of a public duty.
2. DFSV or its staff accesses information for non-work-related functions, either for themselves or for a friend or associate.
3. A DFSV staff member favours unmeritorious applications for jobs or engagement for goods and services by friends and relatives.

### Detrimental action

It is an offence under the Act for DFSV or any of its staff to take detrimental action against a discloser in reprisal for making a PID, or for cooperating in an investigation into a PID.

#### ***Detrimental action***

Detrimental action as defined by the Act includes:

- (a) action causing injury, loss or damage;
- (b) intimidation or harassment; and
- (c) discrimination, disadvantage or adverse treatment in relation to a person's employment, career, profession, trade or business, including the taking of disciplinary action.

A person can have taken detrimental action without having taken the action itself, just by threatening to take such action or inciting or permitting someone else to do so. Further, the detrimental action need not necessarily have been taken (or threatened to be taken) against a person making a PID, but against any person connected with a PID, such as a person who has cooperated or intends to cooperate with the investigation of the disclosure.

#### ***Taken in reprisal for a public interest disclosure***

The person (or the person incited to take detrimental action) must take or threaten the detrimental action, because, or in the belief that the other person or anyone else has:

- (a) made or intends to make the PID; or
- (b) cooperated, or intends to cooperate with an investigation of the PID.

### Examples of detrimental action

1. Threats to a person's personal safety or property, such as a DFSV staff intimidating or harassing a discloser or the discloser's family or friends.
2. DFSV demotes, transfers, isolates in the workplace or changes the duties of a person solely due to that person having made a PID.
3. DFSV discriminates or disadvantages a person in their career, profession, trade or business for having made a PID.
4. DFSV discriminates against the person who makes a disclosure or his or her family and associates in subsequent applications for jobs, permits or tenders resulting in financial loss or reputational damage.

### How your disclosure will be handled

As noted in sections 4 and 5 of these Procedures, DFSV **cannot** receive PIDs under the Act. If DFSV receives a complaint, report, or allegation of improper conduct or detrimental action that it views to be a potential PID, it will advise the discloser to make their disclosure to the IBAC, the VO or the IOV.

For more information about the IBAC and how it handles PIDs and PICs, see <https://www.ibac.vic.gov.au/reporting-corruption/what-happens-to-your-complaint>.<sup>6</sup>

For information about the VO and how it handles PIDs, see <https://www.ombudsman.vic.gov.au/reporting-improper-conduct/>.<sup>7</sup>

<sup>6</sup> Last accessed on 20 June 2025.

<sup>7</sup> Last accessed on 26 June 2025.

## 6. DFSV's internal arrangements for handling welfare management

DFSV supports a workplace culture where the right of any individual to make a PID is actively encouraged, valued and taken seriously.

DFSV will:

- ensure these procedures are accessible on its website and available internally and externally to board members, employees and any individual in the broader community;
- not tolerate the taking of detrimental action in reprisal against any person for making a PID, including to take any reasonable steps to protect such persons from such action being taken against them;
- afford natural justice and treat fairly those who are the subject of allegations contained in PIDs;
- take the appropriate disciplinary and other action against any DFSV people engaged in the taking of detrimental action;
- remind DFSV staff that they can seek advice about PID related matters confidentially and anonymously from the Public Interest Disclosure Coordinator and Officer;
- ensure that DFSV handles the welfare management of persons connected with PID matters consistently and in accordance with its obligations under the Act, the Regulations, the Guidelines and these Procedures; and
- be visible, approachable, openly communicative and lead by example in establishing a workplace that supports the making of PIDs.

### 6.1. Employees and board members

Everyone at DFSV has an important role to play in promoting the purpose and functions of the PID regime. DFSV staff are encouraged to raise matters of concern internally in relation to DFSV, including about any other employee or board members. In particular, employees and board members are encouraged to report known or suspected incidences of improper conduct or detrimental action in accordance with these Procedures, whether such conduct or action has taken place, is suspected will take place, or is still occurring.

All persons must refrain from any activity that is, or could be perceived to be, victimisation or harassment of a person who makes a disclosure. Furthermore, they should protect and maintain the confidentiality of a person they know or suspect to have made a disclosure.

### 6.2. Public Interest Disclosures Coordinator

DFSV's PID Coordinator has a central role in the way the organisation deals with all PID matters, and in particular for ensuring that the welfare of any persons connected with a PID is properly managed.

The Public Interest Disclosures Coordinator is:

- the contact point for general advice about the operation of the Act and for integrity agencies such as the IBAC;
- responsible for ensuring that DFSV carries out its responsibilities under the Act, any regulations made pursuant to the Act and any guidelines issued by the IBAC;
- DFSV's chief liaison with the IBAC in regard to the Act;
- to take all necessary steps to ensure information received or obtained in connection with a disclosure, including the identities of the discloser and the person(s) to whom the disclosure relate, are kept secured, private and confidential at all times;
- responsible for arranging any necessary and appropriate welfare support for the discloser, including appointing a Welfare Manager to support a person entitled to be protected and to protect him or her from any reprisals; and
- to collate statistics required to be reported by DFSV in its annual reports under the Act.

The Public Interest Disclosures Coordinator appointed by DFSV is:

**Board Secretary**

Dairy Food Safety Victoria  
PO Box 8221  
Camberwell North, Victoria, 3124  
Phone: (03) 9810 5900

Email: pidc@dairysafe.vic.gov.au

Whenever writing to the DFSV PID Coordinator, please ensure you label the communications (e.g. on the envelope, , or in the subject line of an email): “CONFIDENTIAL: re PID Act” or similar.

If you have any concerns about contacting the PID Coordinator of DFSV, or wish to speak to an alternative contact at DFSV about PID matters, you can contact the Public Interest Disclosures Officer appointed by DFSV:

**General Manager, Operations**

Dairy Food Safety Victoria  
PO Box 8221  
Camberwell North, Victoria, 3124  
Phone: (03) 9810 5900

The PID Officer is also available as an alternative contact to any individual who wishes to obtain more information about PIDs and how DFSV is committed to the aims and objects of the Act. The PID Officer can remain the chosen support person in managing the welfare of staff disclosers, staff who are the subject of a PID, or connected with the making or investigation of a PID.

## 7. Welfare management

The protection from detrimental action of persons who make genuine PIDs is essential for the effective implementation of the Act. The Act also extends the need for welfare management to people who have cooperated or intend to cooperate with an investigation of a PID (“cooperators”). Persons who are the subject of allegations are also entitled to be looked after.

**As DFSV cannot itself receive PIDs, it may not know that a person has made a PID.**

Confidentiality obligations require that a person who has made a PID is not to discuss the matter with any other person except with an authorised investigating entity. Therefore, DFSV will only be made aware that a person requires protection under the Act if that information has been provided to DFSV by an investigating entity. To ensure that you receive the protections you are entitled to under the Act, DFSV recommends you do not discuss the contents of, or the fact of your PID, except with permission of the investigating entity or in order to seek support or assistance in one of the ways outlined in 8.3 below.

Once DFSV has been made aware of the identity of a discloser, and any other relevant information about the PID, DFSV will keep all information it receives confidential, and will manage the welfare of any relevant persons in accordance with its obligations under the Act.

DFSV must, where it is aware of the identities of disclosers and cooperators, ensure they are protected from direct and indirect detrimental action being taken against them in reprisal for the PID.<sup>8</sup> DFSV will ensure its workplace culture supports disclosers and cooperators. Such support will extend to the relevant persons regardless of whether they are internal to the organisation (e.g. employees, board members, other officers) or external members of the public. However, different legislative responsibilities (including those external to the Act) apply to persons internal to the organisation, and to persons who may be clients or users of DFSV’s services.

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<sup>8</sup> The balance of this section of these procedures assume that DFSV has been provided with the relevant information from one of the investigative entities such that it is aware of the identity of the persons requiring protection and is therefore able to comply with its requirements to manage the welfare of those persons.

These responsibilities derive from various legislative and administrative obligations to:

- ensure the health and wellbeing of employees of a public sector body under laws including those relating to Occupational Health and Safety, the *Charter of Human Rights and Responsibilities Act 2006*, the *Public Administration Act 2004*, and various Victorian Public Sector Codes of Conduct (as relevant); and
- comply with various relevant laws, policies and practices when making administrative and other decisions or taking particular actions affecting a customer, client or user of the public body's services.<sup>9</sup>

Generally, for internal persons, DFSV will ensure a supportive work environment and respond appropriately to any reports of intimidation or harassment against these persons. For external persons, DFSV will take reasonable steps to provide appropriate support. DFSV will discuss reasonable expectations with all persons receiving welfare management in connection with a PID.

### 7.1. Support available to disclosers and cooperators<sup>10</sup>

DFSV will support disclosers and cooperators by:

- keeping them informed, by providing:
  - confirmation that the disclosure has been received, if the relevant investigative agency has provided this information to DFSV;
  - the legislative or administrative protections available to the person;
  - a description of any action proposed to be taken;
  - if action has been taken by DFSV, details about results of the action known to DFSV;
- providing active support by:
  - acknowledging the person for having come forward and that it took courage to do so;
  - assuring the discloser or cooperator that they have done the right thing, and DFSV appreciates it;
  - making a clear offer of support, including to appoint a support person, where possible, chosen by the discloser or co-operator;
  - assuring them that all reasonable steps will be taken to protect them;
  - giving them an undertaking to keep them informed as far as DFSV is reasonably able to;
- managing their expectations by undertaking an early discussion with them about:
  - what outcome they seek;
  - whether their expectations are realistic;
  - what DFSV will be able to deliver;
- maintaining confidentiality by:
  - ensuring as far as is possible that other people cannot infer the identity of the discloser or cooperator;
  - reminding the discloser or cooperator not to reveal themselves or to reveal any information that would enable others to identify them as a discloser or cooperator;
  - ensuring the security of all hardcopy and electronic files or records relating to the PID (see further below at 8.2);
- proactively assessing the risk of detrimental action being taken in reprisal (rather than reactively waiting for a problem to arise and a complaint to be made by the discloser or cooperator), that is, actively monitor the workplace, anticipating problems and dealing with them before they develop as far as is possible, including by preparing a risk management plan and ensuring that the discloser or cooperator is involved and kept informed of the plan;
- further protecting the discloser or cooperator by:
  - examining the immediate welfare and protection needs of the person and seeking to foster a supportive work environment;
  - listening and responding to any concerns the person may have about harassment, intimidation or victimisation in reprisal for their actions;
  - assessing whether the concerns the person may have about harassment, intimidation or victimisation might be due to other causes other than those related to the PID;

<sup>9</sup> Page 6, Guidelines for public interest disclosure welfare management, [https://www.ibac.vic.gov.au/docs/default-source/guidelines/guidelines-for-public-interest-disclosure-welfare-management.pdf?sfvrsn=288e6875\\_16](https://www.ibac.vic.gov.au/docs/default-source/guidelines/guidelines-for-public-interest-disclosure-welfare-management.pdf?sfvrsn=288e6875_16) (last accessed 20 June 2025).

<sup>10</sup> This section is adapted from resources of the Queensland Government as cited and drawn from p 7 of the IBAC's Guidelines for public interest disclosure welfare management, *ibid*.

- preventing the spread of gossip and rumours about any investigation into the PID where DFSV is aware of any investigation being undertaken or about to be undertaken; and
- keeping contemporaneous records of all aspects of the case management of the person, including all contact and follow-up action, and ensuring the person is able to access such information as contained in the records as far as confidentiality obligations permit DFSV to provide such information to the person.

### **Appointment of a Welfare Manager**

In appropriate circumstances, DFSV will appoint a suitable welfare manager to protect a discloser or a cooperator. In most circumstances, a welfare manager will be more likely to be appointed:

- where DFSV considers there to be a real risk of detrimental action being taken against the discloser or cooperator, taking into account their particular circumstances;
- if the discloser or cooperator believes on reasonable grounds that there are risks that DFSV cannot otherwise appropriately protect the person from, and that a welfare manager is required to ensure their wellbeing; or
- a PID proceeds to being investigated as a PIC.

Each instance of a PID known by DFSV will be assessed on its own merits and in accordance with these Procedures.

If appointed, the Welfare Manager will, in addition to providing the general support set out above at section 7.1:

- provide practical advice about the protections available to a discloser or a cooperator;
- respond quickly and appropriately to any concerns of harassment, intimidation or victimisation in reprisal for making a disclosure;
- not divulge any details relating to the PID to any person other than the Public Interest Disclosure Coordinator or the PID Officer as the case may be;
- ensure all meetings are conducted discreetly to protect the person from being identified as being involved in the PID; and
- refer or offer to refer internal disclosers and cooperators to DFSV's Employee Assistance Program ("EAP") for further support and welfare assistance – if one is available.

## **7.2. Welfare management of persons who are the subject of PIDs**

DFSV will also meet the welfare needs of a person who is the subject of a PID. It is important to remember that until a PIC is resolved, the disclosure about the person is only an allegation.

DFSV will make a decision about whether or when the subject of a disclosure will be informed about a PID involving an allegation made against him or her. It is possible that the subject of the disclosure may never be told about the disclosure if it is not determined to be a PIC, or if a decision is made to dismiss the disclosure. This may also depend on the stage at which the relevant investigative entity actually informs DFSV of the identity of the subject of a disclosure.

The Act limits the disclosure of information about the content of a PID and the identity of the discloser to certain specified circumstances set out in Part 7 of the Act. DFSV may give information about the PID to the subject of the disclosure if it is directed or authorised to do so by the authorised entity investigating the PID, or for the purpose of taking action with respect to the conduct alleged, including disciplinary action.

Investigative entities may also inform the subject of a PIC in the course of their investigation for the purposes of conducting that investigation, or any actions that they propose to take as a result of the investigation.

### **Welfare services**

A person the subject of a PID who is made aware of their status as such may have a welfare manager appointed by DFSV or be referred to DFSV's EAP for welfare assistance. Alternatively, the PID Coordinator will provide support and advice to a person the subject of a disclosure, particularly in relation to their rights and obligations under the Act, these Procedures, and any other relevant law or code of conduct. DFSV will consider each matter on a case by case basis, taking into account the information it has been provided by the investigative entity and the person's particular circumstances.

### Confidentiality

Consistently with DFSV's confidentiality obligations under the Act and as outlined in these Procedures, the fact that a disclosure has been made, any information received from the IBAC or another investigative entity and the identities of persons involved will not be divulged.

DFSV will take all reasonable steps to ensure the confidentiality of the subject of a disclosure at all times. Where the disclosure is dismissed or investigations do not substantiate the allegations made against the person, the fact that the investigation was undertaken, its results, and the identity of the person subject of the disclosure (to the extent that DFSV has been provided that information by an investigative entity) will still be kept confidential by DFSV.

For further information about the confidentiality obligations of DFSV and persons connected to a PID, also see section 8 re 'Confidentiality', below.

### Natural justice

DFSV will afford natural justice to the subject of a disclosure prior to any decision being made about the allegations. If the matter has been investigated by an investigative entity, then the investigative entity will be responsible for ensuring consultations with the subject include the provision of natural justice to him or her. The IBAC has noted that affording a subject of a disclosure natural justice in this context means that if a decision is to be made about their conduct this person has the right to:

- be informed about the substance of the allegations against them;
- be given the opportunity to answer the allegations before a final decision is made;
- be informed about the substance of any adverse comment that may be included in any report arising from an investigation; and
- have his or her defence set out fairly in any report.

### If the allegations are wrong or unsubstantiated

DFSV will give its full support to a person who is the subject of a disclosure where the allegations contained in a disclosure are wrong or unsubstantiated. In those circumstances, DFSV and any investigative entity involved will ensure that there are no adverse consequences for this person arising out of the PID having been made. This is particularly crucial in a situation where there has been publicly disclosed information identifying the subject, but also where such information has become well-known across DFSV and the subject is an employee or board member of DFSV.

Further, if the matter has been publicly disclosed by DFSV, the CEO will consider any request by that person to issue a statement of support setting out that the allegations were clearly wrong or unsubstantiated.

### 7.3. If detrimental action is reported

If any person reports an incident that may amount to detrimental action apparently taken in reprisal for being the subject or for making a PID, the Welfare Manager or PID Coordinator must record details of the incident and advise the person of their rights under the Act to make a new PID about that detrimental action to the IBAC, the VO or the IOV.

All persons are **reminded it is a criminal offence to take detrimental action against another person in reprisal for making a PID under the Act.** The penalty for committing such an offence in contravention of the Act is a maximum fine of 240 penalty points (\$48,842.40) from 1 July 2025,<sup>11</sup> two years imprisonment or **both**.

<sup>11</sup> Usually increasing 1 July every year in accordance with arrangements made under the *Monetary Units Act 2004*. The Treasurer has updated the value of a fee for 2025-26 to \$203.51. This information is current as at June 2025.

A discloser of a PID may also:

- take civil action against the person who took detrimental action against them and seek damages;
- take civil action against DFSV jointly and severally to seek damages if the person who took detrimental action against them took that action as staff of, or while acting as an agent of DFSV; and
- apply for an order or an injunction from the Supreme Court.

#### 7.4. Protections for persons making a public interest disclosure

##### **Part 6 protections available to disclosers**

The Act protects disclosers of a PID by stating that in making the PID, the discloser

- is not subject to any civil or criminal liability;
- is not subject to any administrative action (including disciplinary action) for making the PID;
- is not committing an offence against the *Constitution Act 1975* or any other law that imposes obligations of confidentiality or otherwise restricts the disclosure of information;
- is not breaching any other obligation (made by oath, rule of law or practice) requiring him or her to maintain confidentiality; and
- cannot be held liable for defamation in relation to information included in a PID made by him or her.

The protections in Part 6 apply from the time at which the disclosure is made by the discloser. They apply even if the authorised investigation entity has determined that the disclosure is not a PIC.

The protections also apply to further information relating to a PID made by the original discloser, if the further information has been provided, verbally or in writing, to any investigating entity investigating the PID.

Sections 52 and 53 of the Act prohibits persons, including bodies and persons receiving information connected with an assessable disclosure from disclosing information connected with, or leading to the identification of a discloser.

##### ***Transfer of employees***

An employee of DFSV who has made a PID and believes on reasonable grounds that detrimental action will be, is being, or has been taken against them may request a transfer of employment.

After making a disclosure an employee can be transferred internally to another part of DFSV, or to *another* public service body or public entity on similar terms and conditions of employment.<sup>12</sup> This can only happen if they request, or consent to, a transfer and the following other conditions apply:

- the head of DFSV has reasonable grounds to suspect detrimental action will be, is being, or has been taken against the employee;
- the head of DFSV considers that the transfer will avoid, reduce or eliminate the risk of detrimental action; and
- if transfer to another public body is proposed, the head of that public body consents to the transfer.

The transfer can be temporary or permanent, and if the employee is moved to another public body, the employee's service in the new body is regarded as continuous with their pre-transfer service.

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<sup>12</sup> The terms "public service body" and "public entity" are as defined by ss 4(1) and 5 respectively, *Public Administration Act 2004* (Vic).

## Actions of the discloser constituting offences and leading to protections being lost

A discloser is not protected by the provisions of the Act if they commit an offence under the Act as follows:

Offence	Maximum Penalty Applicable
Provide false or misleading information, or further information that relates to a PID that the person knows to be false or misleading, intending that the information be acted on as a PID.	A fine of 120 penalty units (\$24,421.20 from 1 July 2025), <sup>13</sup> <b>and/or</b> 12 months' imprisonment.
Claim that a matter is the subject of a PID knowing the claim to be false.	A fine of 120 penalty units <b>and/or</b> 12 months' imprisonment.
Falsely claim that a matter is the subject of a disclosure that the IBAC has determined to be a PIC.	A fine of 120 penalty units <b>and/or</b> 12 months' imprisonment.
Disclosing information received from the IBAC such as set out in s 184, IBAC Act,	A fine of 60 penalty units <b>and/or</b> 6 months' imprisonment

### Other limitations on protections afforded to disclosers

A discloser is not protected against legitimate management action being taken by DFSV in accordance with the Act.

In addition, although the discloser of a PID is not subject to criminal or civil liability for making the disclosure, the Act specifically provides that a person remains liable for their own conduct even though the person has made a disclosure of that conduct under the Act. Therefore, the discloser will still be held liable for their own conduct that they disclose as part of making a PID.

### ***If the person making the disclosure is implicated in the improper conduct or detrimental action that is the subject of the disclosure***

Where a discloser is implicated in improper conduct, and an investigative entity has provided the necessary information to DFSV, DFSV will protect the discloser from reprisals in accordance with the Act, the Guidelines and these procedures. DFSV acknowledges that the act of disclosing should not shield disclosers from the reasonable consequences flowing from any involvement in improper conduct. However, in some circumstances, an admission may be a mitigating factor when considering disciplinary or other action.

Taking disciplinary or other action against a person who has made a PID invariably creates the perception that it is being taken in reprisal for the disclosure. The CEO will make the final decision on the advice of the PID Coordinator, PID Officer or Welfare Manager as to whether disciplinary or other action will be taken against a discloser. Where disciplinary or other action relates to conduct that is the subject of the disclosure, the disciplinary or other action will only be taken after the disclosed matter has been appropriately dealt with. In all cases where disciplinary or other action is being contemplated, any such action will not be taken without DFSV ensuring that:

- the fact that a person has made a PID is not a substantial reason for DFSV taking 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.

DFSV will take all reasonable steps to thoroughly document its decision-making process, including recording the reasons why the disciplinary or other action is being taken, and the reasons why the

<sup>13</sup> Usually increasing 1 July every year in accordance with arrangements made under the *Monetary Units Act 2004*.

action is not being taken in retribution against the discloser for making the disclosure, so that it will be able to clearly demonstrate that the disciplinary or other action was taken for the appropriate and permitted reasons under the Act.

The discloser will be clearly informed of any action proposed to be taken, be afforded natural justice, and inform and be informed of any mitigating factors that have been taken into account. Such communications with the discloser will be made in plain English and reasonable steps to provide appropriate support will be offered where appropriate.

## 8. Confidentiality

### 8.1. General obligation of confidentiality on DFSV and all individuals

DFSV will take all reasonable steps to protect the identity of the discloser and the matters disclosed by a discloser. Maintaining confidentiality in relation to public interest disclosure matters is crucial, among other things, in ensuring detrimental actions are not taken in reprisal against a discloser.

Disclosers should consider whether it is in their best interests not to discuss any related matters other than with officers of the IBAC, another investigative entity, or other persons authorised by law.

### 8.2. Steps taken by DFSV to ensure confidentiality

#### Information management

DFSV will ensure all files, whether paper or electronic, are kept securely in accordance with recordkeeping standards issued by the Public Records Office of Victoria<sup>14</sup> the Victorian Protective Data Security Framework<sup>15</sup> and incorporated Standards.<sup>16</sup> To ensure protection and security, files will be accessible only by the PID Coordinator or PID Officer involved in any particular matter. Where necessary, a Welfare Manager may be able to gain access (where authorised) to related welfare matters if one has been appointed in any particular instance.

The Welfare Manager will not divulge any details relating to the disclosed matter to any person other than the PID Coordinator or an investigator appropriately authorised under the Act or the IBAC Act. All meetings between any relevant persons will be conducted discreetly to protect the confidentiality of the person making or connected with a PID.

All electronic files will be stored in the DFSV electronic filing system (ELO or SharePoint) in a secured folder, only accessible by the PID Coordinator. Electronic documents in the control of the PID Officer and which relate to concerns or allegations involving the PID Coordinator will be stored on ELO or SharePoint in a different secured folder which is only accessible by the PID Officer.

DFSV will not use unsecured email to transmit documents in connection with a disclosure. It will also ensure all telephone calls and meetings in connection to disclosures are conducted privately and in the strictest of confidence. Hard copy documents will not be delivered by internal mail to a generally accessible area and, where possible, will be delivered in person by the PID Coordinator or the PID Officer as appropriate in each case.

DFSV will proactively implement a risk management plan so that it can detect any unauthorised access or use of its data, including to notify the IBAC or the Office of the Victorian Information Commissioner if required, and any individuals affected by that breach.

#### Exemption from the Freedom of Information Act 1982 (“FOI Act”)

The FOI Act provides a general right of access for any person to seek documents in the possession of DFSV. However, the Act provides that certain information related to PIDs as contained in documents in the possession of DFSV will be exempt from the application of the FOI Act.

Such information excluded from the operation of the FOI Act includes:

- any information relating to a disclosure made in accordance with the Act; and
- any information that is likely to lead to the identification of a discloser.

<sup>14</sup> For further information on how the recordkeeping standards apply to PID's see <https://prov.vic.gov.au/recordkeeping-government/public-interest-disclosures> (last accessed 20 June 2025).

<sup>15</sup> <https://ovic.vic.gov.au/resource/victorian-protective-data-security-framework/> (last accessed 20 June 2025)

<sup>16</sup> <https://ovic.vic.gov.au/data-protection/standards/> (last accessed 20 June 2025)

DFSV is required to contact the IBAC prior to providing any document originating from the IBAC or relating to a public interest disclosure, if that document is sought under the FOI Act.

### **Training for all employees**

DFSV will:

- ensure that its people have access to a copy of these procedures in hard or soft copy;
- incorporate into its induction procedures training DFSV's general obligations under the Act and the rights and obligations of all employees and board members;
- introduce periodic refresher courses for existing employees and board members about their rights and obligations under the Act;
- provide additional training and assistance to:
  - any employees of DFSV with specific responsibilities and functions to handle and manage public interest disclosures under the Act, including the PID Coordinator and PID Officer, and people involved in welfare management; and
  - any employees with functions and duties under the FOI Act or with responsibilities for information management, to ensure that no prohibited information is disclosed under the Act and to ensure there is appropriate liaising with the staff of the IBAC or other investigative agencies where required in response to a request for access under the FOI Act.

### **8.3. Limited exceptions permitted by the Act**

The Act makes it a crime to disclose information connected with a PID. However, the Act provides limited exceptions to the general prohibition on disclosure, including in the following circumstances:

- where disclosure is required by DFSV (or one of its officers) in the exercise of functions of DFSV under the Act;
- where necessary for the purpose of the exercise of functions under the Act;
- by an investigative entity for the purpose of exercising that entity's functions under the IBAC Act;
- in accordance with a direction or authorisation given by the investigating entity that is investigating the disclosure;
- to the extent necessary for the purpose of taking lawful action in relation to the conduct that is the subject of an assessable disclosure including a disciplinary process or action;
- where the IBAC or the VO has determined that the assessable disclosure is not a PID and the discloser or DFSV subsequently discloses the information;
- when an investigating entity had published a report to Parliament, in accordance with its confidentiality obligations;
- for the purpose of obtaining legal advice in relation to matters specified in the Act;
- in order to enable compliance with the Act:
  - where a person does not have a sufficient knowledge of the English language, to obtain a translation from an interpreter;
  - where a person is under 18 years of age, to a parent or guardian;
  - where a person is suffering a disability and is not able to understand, to an independent person;
- to any of the following for the purpose of the discloser being able to seek advice or support in relation to his or her assessable disclosure:
  - a registered health practitioner;
  - a trade union of which the discloser is a member;
  - an EAP;
  - WorkCover for the purpose of making a workers' compensation claim;
  - applying to the Fair Work Commission.
- in disciplinary actions or legal proceedings for certain offences in the Act or other specified Acts.

The Act prohibits the inclusion of any details, in any report or recommendation, that is likely to lead to the identification of a 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 or any reports to Parliament.

#### 8.4. Penalties apply for breach of confidentiality

The Act contains a number of offence provisions relating to unauthorised disclosure of information by either disclosers or persons who have received disclosures. The relevant penalties include imprisonment, financial payments or both.

The criminal offences set out in the Act relating to confidentiality include:

Offence	Maximum Penalty Applicable
Divulging information obtained in connection or as a result of the handling or investigation of a PID without legislative authority	A fine of 120 penalty units <b>and/or</b> 12 months' imprisonment.
Disclosing that a PID has been notified for assessment under the Act.	A fine of 120 penalty units <b>and/or</b> 12 months' imprisonment.
Disclosing that a PID has been assessed by the IBAC or the V0 to be a PIC under the Act.	A fine of 120 penalty units <b>and/or</b> 12 months' imprisonment.

#### 9. Collating and publishing statistics

DFSV is required to publish information about how these Procedures may be accessed in its annual reports.

#### 10. Review

These procedures will be reviewed biennially or upon significant change to the Act, the Regulations or the Guidelines to ensure they comply with the requirements of the Act, the Regulations and the Guidelines.

This document is due to be internally reviewed by June 2027.

DFSV welcomes feedback from its staff, members and the general public about the accessibility and effectiveness of these Procedures and the DFSV integrity framework more generally. To provide your comments or complaints, please contact PID Coordinator/PID Officer.

#### 11. Responsible Officer

Chief Executive Officer.

#### 12. References

- *Public Interest Disclosures Act (2012)*
- *Independent Broad-based Anti-corruption Commission Act (2011)*
- IBAC Guidelines for Making and Handling Public Interest Disclosures and Guidelines for Public Interest Disclosure Welfare Management, current versions published at January 2020 and June 2025 respectively
- *Monetary Units Act (2004)*
- *Privacy and Data Protection Act 2014*
- *Freedom of Information Act (1982)*
- *Ombudsman Act 1973.*
- *Charter of Human Rights and Responsibilities (2006)*