

Responsible Officer:	Chief Executive Officer	Approved by:	Executive Team
Next Review Date:	April 2023	Date Approved:	April 2019
Procedure Number:		TRIM Ref:	DOC/19/16469

1. INTRODUCTION

The *Protected Disclosures Act 2012* (the Act) commenced operation on 10 February 2013. The purpose of the Act is to encourage and facilitate the making of disclosures of improper conduct by public officers and public bodies.

A major review of the Act (Integrity & Accountability Legislation Amendment (Public Interest and Independence) Act 2019) was proclaimed in March 2019 which may have future impacts on this Procedure as parts of the amending act come into operation in January and July 2020.

The Act provides protection from detrimental action to any person affected by a protected disclosure; including the person making the disclosure, witnesses and persons the subject of an investigation.

2. PURPOSE/SCOPE

Hepburn Shire Council is committed to the purposes of the Protected Disclosures Act 2012.

Hepburn Shire Council does not tolerate improper conduct by its employees, or members, nor the taking of reprisals against those who come forward to disclose such conduct.

Hepburn Shire Council recognises the value of transparency and accountability in its administrative and management practices and supports the making of disclosures that reveal corrupt conduct, conduct involving a substantial mismanagement of public resources, or conduct involving a substantial risk to public health and safety or the environment.

The Hepburn Shire Council will take all reasonable steps to protect people who make such disclosures from any detrimental action in reprisal for making the

disclosure. It will also afford natural justice to the person who is the subject of the disclosure.

These procedures support the Protected Disclosure Policy and establish a system for reporting disclosures of improper conduct or detrimental action by Hepburn Shire Council or its employees. The system enables such disclosures to be made to the Protected Disclosure Coordinator or delegate.

Disclosures may be made by employees or by members of the public.

These procedures are designed to complement normal communication channels between supervisors and employees. Employees are encouraged to continue to raise appropriate matters at any time with their supervisors. As an alternative, employees may make a disclosure of improper conduct or detrimental action under the Act in accordance with these procedures.

The three key concepts of the reporting system are improper conduct, corrupt conduct and detrimental action. Definitions for these terms may be found in Section 3.

3. DEFINITIONS AND ABBREVIATIONS

Word/Term	Definition
Improper Conduct	<p>(1) Improper conduct means:</p> <ul style="list-style-type: none"> (a) corrupt conduct; or (b) conduct specified in subsection (2) that is not corrupt conduct but that, if proved, would constitute— <ul style="list-style-type: none"> (i) a criminal offence; or (ii) reasonable grounds for dismissing or dispensing with, or otherwise terminating, the services of the officer who was, or is, engaged in that conduct. <p>(2) For the purposes of subsection (1)(b), <i>specified conduct</i> is conduct —</p> <ul style="list-style-type: none"> (a) of any person that adversely affects the honest performance by a public officer or public body of his or her or its functions as a public officer or public body; or (b) of a public officer or public body that constitutes or

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	<p>involves the dishonest performance of his or her or its functions as a public officer or public body; or</p> <p>(c) of a public officer or public body that constitutes or involves knowingly or recklessly breaching public trust; or</p> <p>(d) of a public officer or public body that 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; or</p> <p>(e) that could constitute a conspiracy or an attempt to engage in any conduct referred to in paragraph (a), (b), (c) or (d); or</p> <p>(f) of a public officer or public body in his or her capacity as a public officer or its capacity as a public body that—</p> <p>(i) involves substantial mismanagement of public resources; or</p> <p>(ii) involves substantial risk to public health or safety; or</p> <p>(iii) involves substantial risk to the environment.</p>
<p>Corrupt conduct</p>	<p>Corrupt conduct means:</p> <p>(a) of any person that adversely affects the honest performance by a public officer or public body of his or her or its functions as a public officer or public body; or</p> <p>(b) of a public officer or public body that constitutes or involves the dishonest performance of his or her or its functions as a public officer or public body; or</p> <p>(c) of a public officer or public body that constitutes or involves knowingly or recklessly breaching public trust; or</p> <p>(d) of a public officer or a public body that 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; or</p> <p>(e) that could constitute a conspiracy or an attempt to</p>

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	engage in any conduct referred to in paragraph (a), (b), (c) or (d)— being conduct that would, if the facts were found proved beyond reasonable doubt at a trial, constitute a relevant offence.
Detrimental action	The Act makes it a criminal offence for a person to take detrimental action against a person in reprisal for a protected disclosure. Detrimental action 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.
Whistleblower	Person making allegation of improper conduct

4. REPORTING SYSTEM

4.1 Contact persons within the Hepburn Shire Council

An initial contact for disclosures of corrupt conduct, improper conduct or detrimental action by Hepburn Shire Council or its employees, may be made to any of the following officers:

Protected Disclosure Coordinator

Manager Governance compliance and Risk

PO Box 21,

Daylesford, Victoria 3875

Phone : 03 5321 6450

Email : smillard@hepburn.vic.gov.au

All correspondence, phone calls and emails from internal or external whistleblowers will be referred to the Protected Disclosure Coordinator.

Where a person is contemplating making a disclosure and is concerned about approaching the Protected Disclosure Coordinator in the workplace, he or she can call the relevant officer and request a meeting in a discreet location away from the workplace.

4.2 Alternative contacts

A disclosure about improper conduct, corrupt conduct or detrimental action by Hepburn Shire Council or its employees, may also be made directly to the Independent Broad-Based Anti-Corruption Commission Victoria (IBAC).

A disclosure about improper conduct, corrupt conduct or detrimental action by an Hepburn Shire Councillor must be made to IBAC or the Victorian Ombudsman:

IBAC

GPO Box 24234

MELBOURNE VICTORIA 3000

Internet: www.ibac.vic.gov.au

Telephone: 1300 735 135

VICTORIAN OMBUDSMAN

Level 9 North Tower

459 Collins Street

MELBOURNE VIC 3000

Website www.ombudsman.vic.gov.au

Telephone 0396136222 or 1800806314

Email ombudvic@ombudsman.vic.gov.au

5 ROLES AND RESPONSIBILITIES

5.1 Employees

Employees are encouraged to report known or suspected incidences of improper conduct or detrimental action in accordance with these procedures.

All employees of Hepburn Shire Council have an important role to play in supporting those who have made a legitimate disclosure. They 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.

5.2 Protected Disclosure Coordinator

The Protected Disclosure Coordinator will:

- be a contact point for general advice about the operation of the Act for any person wishing to make a disclosure about improper conduct or detrimental action;
- make arrangements for a disclosure to be made privately and discreetly and if necessary, away from the workplace;
- receive any disclosure made orally or in writing (from internal and external whistleblowers);
- commit to writing any disclosure made orally;

- impartially assess the allegation and determine whether it is a disclosure made in accordance with Part 2 of the Act (that is, 'a protected disclosure');
- take all necessary steps to ensure the identity of the whistleblower and the identity of the person who is the subject of the disclosure are kept confidential; and
- receive all phone calls, emails and letters from members of the public or employees seeking to make a disclosure;
- impartially assess each disclosure to determine whether it is a public interest disclosure;
- refer all public interest disclosures to IBAC;
- be responsible for carrying out, or appointing an investigator to carry out, an investigation referred to Hepburn Shire Council by IBAC or the Victorian Ombudsman;
- be responsible for overseeing and coordinating an investigation where an investigator has been appointed;
- appoint a welfare manager to support the whistleblower and to protect him or her from any reprisals;
- advise the whistleblower of the progress of an investigation into the disclosed matter;
- establish and manage a confidential filing system;
- collate and publish statistics on disclosures made; and
- take all necessary steps to ensure the identity of the whistleblower and the identity of the person who is the subject of the disclosure are kept confidential.

5.3 Investigator

The investigator will be responsible for carrying out an internal investigation into a disclosure where IBAC or the Ombudsman Victoria has referred a matter to Hepburn Shire Council.

An investigator may be a person from within an organisation or a consultant engaged for that purpose. Hepburn Shire Council must ensure that any investigator is aware of the provisions of the Act, including the criminal penalties that apply for breaches of the Act. Hepburn Shire Council should ensure a contracted investigator signs a form confirming

their understanding of the Act prior to the commencement of an investigation.

5.4 Welfare Manager

The Welfare Manager is responsible for looking after the general welfare of the whistleblower. The Welfare Manager will:

- examine the immediate welfare and protection needs of a whistleblower who has made a disclosure and seek to foster a supportive work environment;
- advise the whistleblower of the legislative and administrative protections available to him or her;
- listen and respond to any concerns of harassment, intimidation or victimisation in reprisal for making a disclosure; and
- ensure the expectations of the whistleblower are realistic.

The Welfare Manager is to be appointed by the Protected Disclosure Coordinator and will usually be the Manager People and Culture.

6 CONFIDENTIALITY

Hepburn Shire Council will take all reasonable steps to protect the identity of the whistleblower. Maintaining confidentiality is crucial in ensuring reprisals are not made against a whistleblower.

The Act requires any person who receives information, due to the handling or investigation of a protected disclosure, not disclose that information except in certain limited circumstances.

The circumstances in which a person may disclose information obtained about a protected disclosure include:

- where exercising the functions of the public body under the Act;
- when making a report or recommendation under the Act;
- when publishing statistics in the annual report of a public body; and
- in criminal proceedings for certain offences in the Act.

However, the Act prohibits the inclusion of particulars in any report or recommendation that is likely to lead to the identification of the whistleblower.

The Act also prohibits the identification of the person who is the subject of the disclosure in any particulars included in an annual report.

Hepburn Shire Council will ensure all files, whether paper or electronic, are kept secure and can only be accessed by the Protected Disclosure Coordinator, the investigator or welfare manager (in relation to welfare matters).

All printed material will be kept in files that are clearly marked as a *Protected Disclosure Act* matter, and warn of the criminal penalties that apply to any unauthorised divulging of information concerning a protected disclosure.

All electronic files produced will be imported into an electronic document management system (HP Records Manager) and be given a confidential classification and be password protected to restrict access. All materials relevant to an investigation, such as tapes from interviews, will also be stored securely with the whistleblower files.

Hepburn Shire Council will not email documents, without encryption and password protection, relevant to a whistleblower matter and will ensure all phone calls and meetings are conducted in private.

7 COLLATING AND PUBLISHING STATISTICS

The Protected Disclosure Coordinator will record the information required to be published in the annual report. The report will not record any information that may identify the whistleblower to ensure confidentiality.

The report will contain the following information:

- Information on how to access the Protected Disclosures guidelines
- the number and types of disclosures made to IBAC ;
- the number and types of protected disclosures complaints referred to Hepburn Shire Council by IBAC
- the number and types of protected disclosure complaints investigated by Hepburn Shire Council
- the number and types of protected disclosures complaints dismissed by Hepburn Shire Council
- The number of applications for an injunction made by Hepburn Shire Council .

8 RECEIVING AND ASSESSING DISCLOSURES

8.1 Has the disclosure been made in accordance with Part 2 of the Act?

Where a disclosure has been received by the Protected Disclosure Coordinator, he or she will assess whether the disclosure has been made in accordance with Part 2 of the Act and therefore, is a protected disclosure.

8.2 Has the disclosure been made to the appropriate person?

For the disclosure to be responded to by Hepburn Shire Council, it must concern an employee of Hepburn Shire Council. If the disclosure concerns an employee, officer or member of another public body, the person who has made the disclosure must be advised of the correct person or body to whom the disclosure should be directed.

8.3 Does the disclosure contain the essential elements of a protected disclosure?

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

- Did a natural person (that is, an individual person rather than a corporation) make the disclosure?
- Does the disclosure relate to conduct of a public body or public officer acting in their official capacity?
- Is the alleged conduct either improper conduct or detrimental action taken against a person in reprisal for making a protected disclosure?
- Does the person making a disclosure have reasonable grounds for believing the alleged conduct has occurred?

Where a disclosure is assessed to be a protected disclosure, the Protected Disclosure Coordinator will notify IBAC within 28 days of the disclosure being made.

Where a disclosure is assessed not to be a protected disclosure, the matter does not need to be dealt with under the Act and can be considered under other internal complaint handling processes.

The Protected Disclosure Coordinator will decide how the matter should be responded to.

In either case, the Protected Disclosure Coordinator will notify the whistleblower within 14 days of the assessment. Notification to the whistleblower is not necessary where the disclosure has been made anonymously.

9 INVESTIGATIONS

9.1 Introduction

Where IBAC or the Ombudsman Victoria refers a public interest disclosure to Hepburn Shire Council for investigation, the Protected Disclosure Coordinator will appoint an investigator to carry out the investigation.

The objectives of an investigation will be:

- to collate information relating to the allegation as quickly as possible. This may involve taking steps to protect or preserve documents, materials and equipment;
- to consider the information collected and to draw conclusions objectively and impartially;
- to maintain procedural fairness in the treatment of witnesses and the person who is the subject of the disclosure; and
- to make recommendations arising from the conclusions drawn concerning remedial or other appropriate action.

9.2 Terms of reference

Before commencing an investigation, the Protected Disclosure Coordinator will draw up terms of reference.

The terms of reference will set a date by which the investigation report is to be concluded, and will describe the resources available to the investigator to complete the investigation within the time set. The Protected Disclosure Coordinator may approve, if reasonable, an extension of time requested by the investigator.

The terms of reference will require the investigator to make regular reports to the Protected Disclosure Coordinator who, in turn, is to keep IBAC or the Ombudsman Victoria informed of general progress.

9.3 Investigation plan

The investigator will prepare an investigation plan for approval by the Protected Disclosure Coordinator. The plan will list the issues to be substantiated and describe the avenue of inquiry. It will address the following issues:

- What is being alleged?
- What are the possible findings or offences?
- What are the facts in issue?
- How is the inquiry to be conducted?
- What resources are required?
- At the commencement of the investigation, the whistleblower should be:
 - notified by the investigator that he or she has been appointed to conduct the investigation;
 - asked to clarify any matters; and
 - provide any additional material he or she might have.

The investigator will be sensitive to the whistleblower's possible fear of reprisals and will be aware of the statutory protections provided to the whistleblower.

9.4 Natural justice

The principles of natural justice will be followed in any investigation of a public interest disclosure. The principles of natural justice concern procedural fairness and ensure a fair decision is reached by an objective decision maker. Maintaining procedural fairness protects the rights of individuals and enhances public confidence in the process.

Hepburn Shire Council will have regard to the following issues in ensuring procedural fairness:

- the person who is the subject of the disclosure is entitled to know the allegations made against him or her and must be given the right to respond. (This does not mean the person must be advised of the allegation as soon as the disclosure is received or the investigation has commenced);
- if the investigator is contemplating making a report adverse to the interests of any person, that person should be given the

opportunity to put forward further material that may influence the outcome of the report and that person's defence should be fairly set out in the report;

- all relevant parties to a matter should be heard and all submissions should be considered;
- a decision should not be made until all reasonable inquiries have been made;
- the investigator or any decision maker should not have a personal or direct interest in the matter being investigated;
- all proceedings must be carried out fairly and without bias. Care should be taken to exclude perceived bias from the process; and
- the investigator must be impartial in assessing the credibility of the whistleblowers and any witnesses. Where appropriate, conclusions as to credibility should be included in the investigation report.

9.5 Conduct of the investigation

The investigator will make notes of all discussions and phone calls while they are occurring and all interviews with witnesses will be taped.

All information gathered in an investigation will be stored securely.

Interviews will be conducted in private and the investigator will take all reasonable steps to protect the identity of the whistleblower.

Where disclosure of the identity of the whistleblower cannot be avoided due to the nature of the allegations, the investigator will warn the whistleblower and his or her welfare manager of this probability.

It is at the discretion of the investigator to allow any witness to have legal or other representation or support during an interview. If a witness has a special need for legal representation or support, permission should be granted.

9.6 Referral of an investigation to IBAC or the Ombudsman

The Protected Disclosure Coordinator will make a decision regarding the referral of an investigation to IBAC or the Ombudsman Victoria where, on the advice of the investigator:

- the investigation is being obstructed by, for example, the non-cooperation of key witnesses; or

- the investigation has revealed conduct that may constitute a criminal offence.

9.7 Reporting requirements

The Protected Disclosure Coordinator will ensure the whistleblower is kept regularly informed concerning the handling of an investigation.

The Protected Disclosure Coordinator will report to IBAC or the Ombudsman Victoria about the progress of an investigation.

Where IBAC or the Ombudsman Victoria or the whistleblower requests information about the progress of an investigation, that information will be provided within 28 days of the date of the request.

10 ACTION TAKEN AFTER AN INVESTIGATION

10.1 Investigator's final report

At the conclusion of the investigation, the investigator will submit a written report of his or her findings to the Protected Disclosure Coordinator. The report will contain:

- the allegation/s;
- an account of all relevant information received and, if the investigator has rejected evidence as being unreliable, the reasons for this opinion being formed;
- the conclusions reached and the basis for them; and
- any recommendations arising from the conclusions.

Where the investigator has found that the conduct disclosed by the whistleblower has occurred, recommendations made by the investigator will include:

- the steps that need to be taken by Hepburn Shire Council to prevent the conduct from continuing or occurring in the future; and
- any action that should be taken by Hepburn Shire Council to remedy any harm or loss arising from the conduct. This action may include bringing disciplinary proceedings against the person responsible for the conduct, and referring the matter to an appropriate authority for further consideration.

The report will be accompanied by:

- the transcript or other record of any oral evidence taken, including tape recordings; and
- all documents, statements or other exhibits received by the officer and accepted as evidence during the course of the investigation.

Where the investigator's report is to include an adverse comment against any person that person will be given the opportunity to respond and his or her defence will be fairly included in the report.

The report will not disclose particulars likely to lead to the identification of the whistleblower.

10.2 Action to be taken

If the Protected Disclosure Coordinator is satisfied that the investigation has found that the disclosed conduct has occurred, he or she will recommend to the Chief Executive Officer the action that must be taken to prevent the conduct from continuing or occurring in the future. The Protected Disclosure Coordinator may also recommend that action be taken to remedy any harm or loss arising from the conduct.

The Protected Disclosure Coordinator will provide a written confidential report to Hepburn Shire Council, IBAC, the Ombudsman Victoria and the whistleblower, setting out the findings of the investigation and any remedial steps taken.

Where the investigation concludes that the disclosed conduct did not occur, the Protected Disclosure Coordinator will report these findings to IBAC or the Ombudsman Victoria and to the whistleblower.

11 MANAGING THE WELFARE OF THE WHISTLEBLOWER

11.1 Commitment to protecting whistleblowers

Hepburn Shire Council is committed to the protection of whistleblowers against detrimental action taken in reprisal for the making of protected disclosures. The Protected Disclosure Coordinator is responsible for ensuring whistleblowers are protected from direct and indirect detrimental

action, and that the culture of the workplace is supportive of protected disclosures being made.

The Protected Disclosure Coordinator will appoint a Welfare Manager to all whistleblowers who have made a protected disclosure. The welfare manager will:

- examine the immediate welfare and protection needs of a whistleblower who has made a disclosure and, where the whistleblower is an employee, seek to foster a supportive work environment;
- advise the whistleblower of the legislative and administrative protections available to him or her;
- listen and respond to any concerns of harassment, intimidation or victimisation in reprisal for making disclosure;
- keep a constantly updated record of all aspects of the case management of the whistleblower including all contact and follow-up action; and
- ensure the expectations of the whistleblower are realistic.

All employees will be advised that it is an offence for a person to take detrimental action in reprisal for a protected disclosure. The taking of detrimental action in breach of this provision can also be grounds for making a disclosure under the Act and can result in an investigation.

Detrimental action includes:

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

11.2 Keeping the whistleblower informed

The Protected Disclosure Coordinator will ensure the whistleblower is kept informed of action taken in relation to his or her disclosure, and the timeframes that apply. The whistleblower will be informed of the objectives of an investigation, the findings of an investigation, and the steps taken by Hepburn Shire Council to address any improper conduct or

detrimental action that has been found to have occurred. All communication with the whistleblower will be in plain English.

11.3 Occurrence of detrimental action

If a whistleblower reports an incident of harassment, discrimination or adverse treatment that would amount to detrimental action taken in reprisal for the making of the disclosure, the Welfare Manager will:

- record details of the incident;
- advise the whistleblower of his or her rights under the Act; and
- advise the Protected Disclosure Coordinator of the detrimental action.

The taking of detrimental action in reprisal for the making of a disclosure can be an offence against the Act as well as grounds for making a further disclosure. Where such detrimental action is reported, the Protected Disclosure Coordinator will assess the report as a new disclosure under the Act. Where the Protected Disclosure Coordinator is satisfied that the disclosure is a protected disclosure, he or she will refer it to IBAC or the Ombudsman Victoria. If IBAC or the Ombudsman Victoria subsequently determines the matter to be a protected disclosure, IBAC or the Ombudsman may investigate the matter or refer it to Hepburn Shire Council for investigation as outlined in the Act.

11.4 Whistleblowers implicated in improper conduct

Where a person who makes a disclosure is implicated in misconduct, Hepburn Shire Council will handle the disclosure and protect the whistleblower from reprisals in accordance with the Act, these procedures and the Hepburn Shire Council Employees Code of Conduct.

Hepburn Shire Council acknowledges that the act of whistleblowing should not shield whistleblowers from the reasonable consequences flowing from any involvement in improper conduct

The Chief Executive Officer will make the final decision on the advice of the Protected Disclosure Coordinator as to whether disciplinary or other action will be taken against a whistleblower. Where disciplinary or other action relates to conduct that is the subject of the whistleblower's 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, the Chief Executive Officer must be satisfied that it has been clearly demonstrated that:

- the intention to proceed with disciplinary action is not causally connected to the making of the disclosure (as opposed to the content of the disclosure or other available information);
- there are sufficient grounds that would fully justify action against any non-whistleblower in the same circumstances; and
- there are sufficient grounds that justify exercising any discretion to institute disciplinary or other action.

The Protected Disclosure Coordinator will thoroughly document the process including recording the reasons why the disciplinary or other action is being taken, and the reasons why the action is not in retribution for the making of the disclosure.

The Protected Disclosure Coordinator will clearly advise the whistleblower of the proposed action to be taken and of any mitigating factors that have been taken into account.

12 MANAGEMENT OF THE PERSON AGAINST WHOM A DISCLOSURE HAS BEEN MADE

Hepburn Shire Council recognises that employees against whom disclosures are made must also be supported during the handling and investigation of disclosures.

Hepburn Shire Council will take all reasonable steps to ensure the confidentiality of the person who is the subject of the disclosure during the assessment and investigation process. Where investigations do not substantiate disclosures, the fact that the investigation has been carried out, the results of the investigation, and the identity of the person who is the subject of the disclosure will remain confidential.

The Protected Disclosure Coordinator will ensure the person who is the subject of any disclosure investigated by or on behalf of Hepburn Shire Council:

- is informed as to the substance of the allegations;

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

Where the allegations in a disclosure have been investigated, and the person who is the subject of the disclosure is aware of the allegations, or the fact of the investigation, the Protected Disclosure Coordinator will formally advise the person who is the subject of the disclosure of the outcome of the investigation.

Hepburn Shire Council will give its full support to a person who is the subject of a disclosure where the allegations contained in a disclosure are clearly wrong or unsubstantiated. If the matter has been publicly disclosed, the Chief Executive Officer of Hepburn Shire Council will consider any request by that person to issue a statement of support setting out that the allegations were clearly wrong or unsubstantiated.

13 CRIMINAL OFFENCES

Hepburn Shire Council will ensure officers appointed to handle protected disclosures and all other employees are aware of the following offences created by the Act:

- It is an offence for a person to take detrimental action against a person in reprisal for a protected disclosure being made. The Act provides a maximum penalty of a fine of 240 penalty units or two years imprisonment or both.
- It is an offence for a person to divulge information obtained as a result of the handling or investigation of a protected disclosure without legislative authority. The Act provides a maximum penalty of 60 penalty units or six months imprisonment or both.
- It is an offence for a person to knowingly provide false information under the Act with the intention that it is acted on as a disclosed matter. The Act provides a maximum penalty of 240 penalty units or two years imprisonment or both.

14 REVIEW

This procedure will be reviewed every four years to ensure it meets the objectives of the Act and is reflective of the Ombudsman Victoria's guidelines