

# **Zoological Parks and Gardens Board**

## **Whistleblower and Protected Disclosure Guide**

### **Protected Disclosures**

The Protected Disclosures Act 2012 (the PD Act) commenced operation on 10 February 2013 and replaced the Whistleblowers Protection Act 2001 (WPA). The new Act is overseen by the Independent Broad-based Anti-corruption Commission (IBAC) who have published "Guidelines for making and handling Protected Disclosures" (IBAC Guidelines)

The new Act not only expands the definition of improper conduct (see Page 14 of the IBAC Guidelines) but also restricts to whom a disclosure can be made (see Page 12 of the IBAC Guidelines) and also restricts to whom the disclosures can be made about (see Page 10 of the IBAC Guidelines).

Allegations of improper conduct as defined in the Act, cannot be reported to Zoological Parks and Gardens Board (ZPGB) employee if the person who wishes to make the report desires protection from detrimental action (see Page 6 of the IBAC Guidelines).

ZPGB is not a public body able to receive disclosures under Part 2 of the Act. Such reports must be made direct to the IBAC by the person concerned.

However any person wishing to report corruption, fraud or other misconduct under this policy may still report to the ZPGB Disclosure Coordinator or the STOPline hotline service. (See contact details below)

### **Compliance with the Protected Disclosures Act 2012**

The PD Act was part of a package of integrity reforms introduced by the Victorian Government, which also established the Independent Broad-based Anti-corruption Commission (IBAC).

The PD Act enables people to make disclosures about improper conduct within the public sector without fear of reprisal. It aims to ensure openness and accountability by encouraging people to make disclosures and protecting them when they do.

### **What is a 'protected disclosure'?**

A protected disclosure is a complaint of corrupt or improper conduct by a public officer or a public body. ZPGB is a "public body" for the purposes of the Act.

### **What is 'improper or corrupt conduct'?**

Improper or corrupt conduct involves substantial:

- mismanagement of public resources; or
- risk to public health or safety or the environment; or
- corruption.

The conduct must be criminal in nature or a matter for which an officer could be dismissed.

## How do I make a 'Protected Disclosure'?

You can make a protected disclosure about ZPGB or its board members, officers or employees by contacting IBAC on the contact details provided below.

Please note that ZPGB is not able to receive protected disclosures.

Any disclosure regarding improper conduct can still be made to the Disclosure Coordinator or to STOPline. Both can also provide advice regarding the PD Act and the process involved in obtaining protection from reprisal.

## How can I access ZPGB's procedures for the protection of persons from detrimental action?

ZPGB has established procedures for the protection of persons from detrimental action in reprisal for making a protected disclosure about ZPGB or its employees. You can access ZPGB's procedures on its website at:

[www.zoo.org.au](http://www.zoo.org.au).

### Contacts

#### Stopline

Zoological Parks and Gardens Board  
c/o Stopline  
Address: Locked Bag 8, Hawthorn, Vic 3122.  
Ph: 1300 304 550  
Website: [www.stopline.com.au](http://www.stopline.com.au)  
Email: [zoo@stopline.com.au](mailto:zoo@stopline.com.au)

#### Independent Broad-Based Anti-Corruption Commission (IBAC) Victoria

Address: Level 1, North Tower, 459 Collins Street, Melbourne Victoria 3001.  
Mail: IBAC, GPO Box 24234, Melbourne Victoria 3000  
Internet: [www.ibac.vic.gov.au](http://www.ibac.vic.gov.au)  
Phone: 1300 735 135

Email: see the website above for the secure email disclosure process, which also provides for anonymous disclosures.

## What is corrupt conduct?

Corrupt conduct has a specific meaning under the IBAC Act, as follows:

- ▶ conduct that adversely affects the honest performance by a public officer or public body of their functions
- ▶ conduct of a public officer or body that constitutes or involves the dishonest performance of their functions
- ▶ conduct of a public body or officer that knowingly or recklessly breaches public trust
- ▶ conduct of a public officer or body that involves the misuse of information or material acquired in the course of the performance of their role or function, whether or not for the benefit of the public body or person
- ▶ conduct that could constitute a conspiracy or an attempt to engage in the above forms of conduct.

The above forms of conduct will amount to corrupt conduct if it would constitute an indictable statutory offence if proven, or the offences of attempting to pervert the course of justice, perverting the course of justice or bribery of a public official. An indictable offence is a serious criminal offence that is trialled before a judge and jury.

The conduct will be corrupt, even if all or any part of it occurred outside of Victoria or Australia.

## **What should I include in a notification?**

You should describe what has happened and the nature and seriousness of the allegation should be clear. General descriptions such as "theft", "fraud", "improper conduct", "assault" or "failure to declare conflict of interest" may not adequately describe the nature of what has occurred and do not enable the officer to assess the matter fully.

The notification should also include a brief analysis of why it is believed that the events in question may involve corrupt conduct or police personnel misconduct, and the basis on which the belief was formed.

A Notification Checklist is provided to assist you with your notification. Please note that you should refer to IBAC website for secure email disclosure process – Report improper conduct as protected disclosure.

## **What happens after I make a notification?**

IBAC will assess the information you provided and may request more information if required for the assessment.

You should discuss any proposed actions with IBAC before taking them. For example if an investigation is commenced without consultation, it can prejudice any action IBAC may take.

Notifying IBAC does not affect obligations to report or refer matters to other bodies such as Victoria Police, the Auditor-General or the Victorian Ombudsman, or to carry out disciplinary procedures after consultation.

## **Who is STOPline?**

STOPline is an independent, impartial hotline service with trained interviewers to document reported misconduct. STOPline have several methods of receiving reports although a telephone call is preferred so that sufficient information can be obtained to enable the conduct of a thorough investigation. STOPline do not have incoming or outgoing caller ID.

Zoos Victoria utilises STOPLINE as another source where misconduct can be reported to an independent external group if the person don't deemed referring the matter to the Disclosure Coordinator is appropriate.

## **Freedom of Information**

It is highlighted that section 78 of the Act excludes the application of the Freedom of Information Act 1982 to any document that relates to a disclosure made under the Act. Public agencies should ensure that any of its officers handling freedom of information requests are aware of this section. A public agency should contact IBAC prior to providing any document originating from IBAC or relating to a protected disclosure, if requested under the Freedom of Information Act.

### Useful Guides on IBAC website

There is useful resource information on IBAC website to assist staff or discloser. Example of some of the resource material on the website includes:-

- What is a Public Body or Public Officer
- Notifications
- Appropriate Legislations.
- Guidelines for making and handling protected disclosures
- Guidelines for protected disclosure welfare management

See also:

IBAC

<http://www.ibac.vic.gov.au/report-corruption-or-misconduct/how-to-report-corruption-and-police-misconduct>

IBAC Guidelines:

<http://www.ibac.vic.gov.au/report-corruption-or-misconduct/protected-disclosure>

## Notification checklist

The notification should include:

- a complete description of the allegations or suspected events
- the name and position of any public official/s alleged to be involved
- the name/s of the person/s who made the allegation/s
- the name and role of any other person/s relevant to the matter
- the dates and/or time frames in which the alleged conduct occurred
- a brief analysis of why the events in question may be corrupt conduct
- a brief analysis of the basis for forming a reasonable suspicion about the events in question
- an indication as to whether the conduct appears to be a one-off event or part of a wider pattern or scheme
- the date the allegation was made or the date you became aware of the conduct
- how you became aware of the conduct
- what your organisation has done about the suspected conduct, including notification to any other agency (for example, the Police or the Victorian Ombudsman)
- what further action you propose
- the approximate amount of money or value of resources (if any) involved
- any other indicators of seriousness
- any other information deemed relevant to the matter
- copies of any relevant documents
- the name of the relevant contact officer.

## PROCEDURES FOR OUR FRONTLINE STAFF

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

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

Reception staff and/or staff assigned the role to open all incoming mail should adopt the procedures listed here:

- What if I open a letter which makes a complaint of corrupt or improper conduct against someone in the workplace?

Immediately put the letter into another envelope, marked it "Private and Confidential for addressee only" and forward it to  
Gillian Hoystead  
Disclosure Coordinator.

- What if I receive a telephone call which makes allegations of corrupt or improper conduct against someone in the workplace?

Do not ask them for their name or contact details. Immediately, ask them to contact STOPLINE on 1300-304-550 or Gillian Hoystead the Disclosure Coordinator for further advice. At no stage should you discuss anything with the caller.

- What if someone speaks to me about allegations of corruption or improper conduct?

Ask them to go on to our website and refer to the Protected Disclosure Guide.