1. purpose

This policy outlines EPA’s approach to Public Interest Disclosures (PIDs) and reporting suspected unethical conduct, which are crucial to organisational integrity and maintaining public trust.

The policy sets standards and expectations for ethical and professional conduct and supports EPA’s compliance with the Code of Conduct for Victorian Public Sector Employees (the Code).

1. context

The public sector values in the Code and the *Public Administration Act 2004* set fundamental obligations for public sector employees, including to act with integrity, impartiality and accountability. The Code is binding on all staff. Providing confidential avenues for reporting of actual or suspected unethical or unlawful conduct is one of the most important ways that these obligations can be fulfilled.

A PID is a complaint or allegation made about corrupt conduct, improper conduct or detrimental action. The *Public Interest Disclosure Act 2012* (PID Act) enables people to make disclosures without fear of reprisal. The PID Act aims to ensure openness and accountability by encouraging people to make disclosures and protecting them when they do.

1. APPLICATION

This policy applies to all EPA employees. This includes:

* CEO, Executive Directors, Directors and Managers
* Employees (whether ongoing, fixed-term or temporary)
* Contractors, consultants, recruitment agency staff and trainees; and
* Seconded staff from Victoria Government organisations.
1. POLICY PRINCIPLES

4.1 Speak up

EPA is a public body subject to the PID Act but is not authorised to receive PIDs. EPA employees wishing to make a PID must report direct to the Independent Broad-based Anti-corruption Commission (IBAC). IBAC will determine whether a disclosure is a public interest disclosure or not. If IBAC determines that a disclosure is a public interest disclosure, it must deal with the disclosure in accordance with the *Independent Broad-based* *Anti-corruption Commission Act 2011* (IBAC Act).

Employees who suspect or have knowledge of corrupt conduct, improper conduct or detrimental action should make a PID to IBAC. Employees who do not wish to make a PID should speak up and notify their manager, authorised representative or the Chief Quality Officer. EPA will take decisive action, including possible disciplinary action, against employees who discriminate against or victimise those who speak up in good faith.

4.2 Confidentiality

Maintaining confidentiality is crucial in ensuring reprisals are not made against a person making a public interest disclosure. EPA will take all reasonable steps to protect the identity of a person making a public interest disclosure.

The PID Act requires EPA to keep any information it receives about an investigation, the content of a disclosure or about the identity of a person who has made a disclosure, confidential, except in certain limited circumstances. This means that EPA will not tell a person who is the subject of a disclosure who has made the disclosure. Persons who make a disclosure must also maintain confidentiality of that disclosure.

4.3 Welfare and protection

EPA’s people are our greatest asset and we prioritise employees’ health, safety and wellbeing. EPA will consider on a case-by-case basis, what welfare support should be provided to a discloser, someone co-operating with an IBAC investigation, or a person who is the subject of a disclosure. EPA’s approach will be consistent with the IBAC Guidelines for Public Interest Disclosure Welfare Management, January 2020.

Employees against whom disclosures are made must be supported during the handling and investigation of disclosures. EPA 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 and to protect them from unnecessary harm.

EPA 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 will consider any request by that person to issue a statement of support setting out that the allegations were clearly wrong or unsubstantiated.

4.4 Detrimental action

It is an offence for a person to take detrimental action against another person for making a PID. Detrimental action includes:

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

If anyone reports an incident of harassment, discrimination or adverse treatment that may amount to detrimental action, the employee who receives the report should record details of the incident and advise the person making the report of their rights to make a disclosure to IBAC.

Where the detrimental action is of a serious nature likely to amount to a criminal offence, consideration should be given to reporting the matter to the police or IBAC. In these circumstances, you should contact the General Counsel immediately for advice.

1. DEFINITIONS

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| **Detrimental action** | Detrimental action includes:* action 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.
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| **Improper conduct** | Improper conduct means:* corrupt conduct; or
* conduct of a public officer or public body engaged in by the public officer or public body in their capacity as a public officer or a public body that constitutes:
	+ a criminal offence
	+ serious professional misconduct
	+ 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
* conduct of any person that:
	+ adversely affects the honest performance by a public officer or public body of their functions as a public officer or public body
	+ is intended to adversely affect the effective performance or exercise by a public officer or public body of the functions or powers of the public officer or public body; or
* conduct of any person that could constitute a conspiracy or attempt to engage in any of the conduct referred to above.

Conduct that is trivial does not constitute improper conduct. |
| **Public Interest Complaint** | A Public Interest Complaint means a disclosure that has been determined by IBAC to be a public interest complaint. |
| **Public Interest Disclosure** | A Public Interest Disclosure or PID is a disclosure by a person of information that shows or tends to show or reasonably believes shows or tends to show:1. a person, public officer or public body has engaged, is engaging or proposes to engage in improper conduct; or
2. a public officer or public body has taken, is taking or proposes to take detrimental action against a person in contravention of the Act’s protection from reprisal.
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1. RESPONSIBILITIES

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| **Governing Board** | The Governing Board has overall accountability for EPA’s governance, risk management and ensuring compliance with applicable legislation and policies. The Governing Board approves this policy and ensures its periodic review. |
| **Risk and Audit Committee** | The RAC reports to and advises the Governing Board and EPA’s management on risk management systems and practices and the compliance and control environment. The RAC is responsible for reviewing the effectiveness of EPA’s Integrity Framework and organisational systems and policies for setting and monitoring compliance with applicable laws, regulations, Ministerial Directions, Standards and government policies. The RAC reviews this policy for approval from the Governing Board. |
| **Senior Executive Committee** | Endorses this policy for review by the RAC and approval from Governing Board when due for review. |
| **Chief Executive Officer** | Ensures that EPA staff are aware of and comply with this policy. |
| **Executive Directors and Directors of standalone branches** | Implementation this policy within their divisions and branches.  |
| **Chief Quality Officer (CQO)** | Advises on the operation of this policy, including on matters that require investigation due to a reported breach, and ensures that EPA has systems and processes in place for implementing this policy. |
| **Assurance, Risk and Integrity Unit** | Advises on the operation of this policy and has responsibility for day to day oversight of its operation. Acts as a conduit/liaison between IBAC and EPA in Public Interest Disclosure matters and notifies CQO of any apparent fraudulent or corrupt behaviour and the status and outcome of investigations. |
| **People leaders** | Implements this policy within their teams.  |
| **EPA staff** | Adheres to the standards set out in this policy and participates in mandatory periodic education and training to ensure they understand their obligations under this policy. All EPA staff must undertake annual Integrity training. |

1. FURTHER INFORMATION

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| **External Resources** | [Public Interest Disclosures Act 2012](https://www.legislation.vic.gov.au/in-force/acts/public-interest-disclosures-act-2012/027)[Public Administration Act 2004](https://www.legislation.vic.gov.au/in-force/acts/public-administration-act-2004/086)[Independent Broad-based Anti-corruption Commission Act 2011](https://www.legislation.vic.gov.au/in-force/acts/independent-broad-based-anti-corruption-commission-act-2011/042)[Codes of conduct - VPSC](https://vpsc.vic.gov.au/ethics-behaviours-culture/codes-of-conduct/)[Public sector values - VPSC](https://vpsc.vic.gov.au/ethics-behaviours-culture/public-sector-values/)[IBAC: Guidelines for handling public interest disclosures](https://www.ibac.vic.gov.au/publications-and-resources/article/guidelines-for-making-and-handling-protected-disclosures)[IBAC: Guidelines for public interest disclosure welfare management](https://www.ibac.vic.gov.au/publications-and-resources/article/guidelines-for-protected-disclosure-welfare-management) |

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1. assurance

EPA monitors compliance with this policy through a range of detective, preventive and corrective internal controls, detailed in the Public Interest Disclosure Procedure. Control activity is reported to the Senior Executive Committee and the RAC at least annually. A breach of this policy may result in disciplinary outcomes, including termination of employment.

1. approval

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| **Policy owner** | Chief Quality Officer |
| **Approved by** | Governing Board: 17 June 2025 |
| **Reviewed by** | Risk and Audit Committee: 27 May 2025Senior Executive Committee: 23 April 2025 |
| **Contact** | Senior Integrity Advisor |
| **Last review date** | May 2024 |
| **Review schedule** | May 2028 |
| **Replaces** | Policy and Procedure: Public Interest Disclosures May 2024 |