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1. Purpose

The purpose of this Procedure is to:

- Encourage and facilitate the reporting of corrupt and other improper conduct of public officers and public bodies within the *Victorian Public Sector (VPS)*, by making a *public interest disclosure (PID)* in accordance with the *Public Interest Disclosures Act 2012 (PID Act)*.
- Establish processes to:
 - make a PID about SRLA, SRLA persons and SRLA Board members;
 - how SRLA will protect disclosers against detrimental action in reprisal for having made a disclosure; and
 - addressing welfare management arrangements for disclosers.

This Procedure has been prepared in accordance with the PID Act and the relevant PID guidelines^{1&2} issued by the *Independent Broad-based Anti-corruption Commission (IBAC)*, which is available on the IBAC website (www.ibac.vic.gov.au).

SRLA will regularly review this Procedure to ensure that it continues to meet the requirements of the PID Act.

Statement of Commitment

SRLA is committed to encouraging and facilitating the making of disclosures of improper conduct of public officers and public bodies and will take all reasonable steps, in accordance with the PID Act, to help facilitate the making, handling, notification and investigation of public interest disclosures (PIDs) and the protection of persons from reprisals.

SRLA does not tolerate improper conduct by the organisation, its persons or its Board members, nor the taking of detrimental action in reprisal against those who come forward to disclose such conduct.

SRLA will take all reasonable steps to protect relevant persons from any detrimental action in reprisal for having made a PID.

SRLA will also afford natural justice to the person or body who is the subject of the disclosure.

2. Scope

This Procedure applies to:

- All SRLA persons, including executive officers and employees covered by Part 2, Division 4 of the *Suburban Rail Loop Act 2021 (Vic) (SRL Act)*;
- Workplace participants including (but not limited to) trainees, university and work experience students;
- SRLA Board members; and
- Interns, cadets and volunteers who perform work for or on behalf of SRLA.

¹ <https://www.ibac.vic.gov.au/docs/default-source/guidelines/guidelines-for-handling-public-interest-disclosures.pdf>

² https://www.ibac.vic.gov.au/docs/default-source/guidelines/guidelines-for-public-interest-disclosure-welfare-management.pdf?sfvrsn=288e6875_16

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- Agency on-hire staff and contractors who the Victorian Public Sector Commission (VPSC) has specifically identified as being bound by the VPS Code of Conduct. These people include those who:
 - supervise public sector employees;
 - undertake work that is of a similar nature to the work undertaken by public sector employees at premises or a location generally regarded as a public sector workplace; or
 - use or have access to public sector resources or information that is not normally accessible or available to the public

3. Definitions

Term	Definition
Corrupt conduct	Refer to section 3 of the PID Act.
Detrimental action	Refer to section 6.2 of this Procedure and section 3 of the PID Act.
EAP	Employee Assistance Program. You can contact a counsellor directly on 1800 808 374 or email info@assureprograms.com.au
IBAC	The Independent Broad-based Anti-Corruption Commission is Victoria's independent anti-corruption commission. IBAC: <ul style="list-style-type: none"> • receives complaints and notifications of public sector corruption and police misconduct; • investigates and exposes corruption and police misconduct; • informs the public sector and community about the risks and impacts of corruption and police misconduct, and ways it can be prevented. IBAC can be contacted by phone on 1300 735 135.
IBAC Act	<i>Independent Broad-based Anti-Corruption Commission Act 2011</i>
Improper conduct	Refer to section 6.1 of this Procedure and section 4 of the PID Act.
Public interest disclosure (PID)	A disclosure by a natural person(s) of information that shows or tends to show, or information that the person reasonably believes shows or tends to show, improper conduct or detrimental action (where the particular disclosure relates to an earlier PID). PIDs were previously known as 'protected disclosures'. For a disclosure to be a PID, it must be made in accordance with the requirements of Part 2 of the PID Act. A complaint or allegation that is already in the public domain will not normally be a PID.
PID Act	<i>Public Interest Disclosures Act 2012</i>
PID Coordinator	Public Interest Disclosure Coordinator See section 10.2 for details of PID Coordinator.
Public interest complaint (PIC)	A PID that has been determined by IBAC, the Victorian Inspectorate, or the Integrity and Oversight Committee of the Parliament of Victoria to be a public interest complaint (PIC).

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Public body	Refer to section 6.3 of this Procedure and section 6 of the PID Act.
Public officer	Refer to section 6.3 of this Procedure and section 6 of the PID Act.
SRLA	Suburban Rail Loop Authority.
SRLA Board	The Board of the Suburban Rail Loop Authority.
SRLA Persons	<ul style="list-style-type: none"> • All SRLA employees, including executive officers and employees covered by Part 2, Division 4 of the Suburban Rail Loop Act 2021 (Vic) (SRL Act); • Workplace participants including (but not limited to) trainees, university and work experience students • SRLA Board members • Interns, cadets and volunteers who perform work for or on behalf of SRLA • Agency on-hire staff and contractors who the VPSC has specifically identified as being bound by the VPS Code of Conduct. These people include those who: <ul style="list-style-type: none"> ○ supervise public sector employees ○ undertake work that is of a similar nature to the work undertaken by public sector employees at premises or a location generally regarded as a public sector workplace, or ○ use or have access to public sector resources or information that is not normally accessible or available to the public.

4. Responsibilities

Role	Responsibilities
CEO	<ul style="list-style-type: none"> • Be the accountable person for SRLA's compliance with the PID Act;
PID Coordinators	<ul style="list-style-type: none"> • Be responsible for SRLA's administration of the PID Act; • Act as the main contact in SRLA for dealing with PIDs; • Liaise with IBAC and other investigating bodies as required; • Ensure support and welfare protection are provided to public interest disclosers and/or staff who are co-operating in an investigation; • Provide advice and assistance to staff regarding the PID Scheme; • Provide support, as appropriate, to SRLA persons with respect to public interest disclosures; and
Integrity and Assurance Branch	<ul style="list-style-type: none"> • Periodically review this Procedure and ensure that this Procedure complies with the requirements of the PID Act; • Report on SRLA's PID procedures as part of annual reporting; and • Provide advice and further information in relation to this Procedure as required.
SRLA managers / supervisors	<ul style="list-style-type: none"> • Refer SRLA persons to SRLA PID Coordinators for advice relating to making a PID or the PID Act; • Support staff awareness of integrity obligations and this Procedure; and



<p>SRLA persons and SRLA Board members</p>	<ul style="list-style-type: none"> • Ensure staff who report or are witness to wrongdoing or who are cooperating in an investigation are supported and protected from reprisal. • Must familiarise themselves and PID Act in accordance with the Code of Conduct; • Demonstrate and support a culture of integrity and accountability including supporting the making of PIDs; • Report information showing or tending to show or information that the person believes is showing/tending to show improper conduct or detrimental action; and • Maintain the confidentiality of disclosures including using the appropriate channels when making PIDs.
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5. How the Public Interest Disclosure Scheme works

1.1 About the PID Scheme

The Public Interest Disclosures Scheme (PID Scheme) is a Victorian Public Sector (VPS) ‘whistleblowing-system’ which operates under the PID Act to facilitate and provide a legal framework for reporting corruption and other improper conduct by public bodies and public officers within the VPS.

‘Blowing the whistle’ on public sector corruption and misconduct, now known as making a *public interest disclosure* (PID), is important in maintaining the integrity of the VPS as it enables corruption and other types of improper conduct to be identified, investigated and, where possible, rectified and prevented.

The PID Scheme encourages the making of PIDs, by providing a number of legal protections to people who make their disclosures in accordance with the PID Act. The PID Scheme also establishes a system for PIDs to be investigated and any rectifying action to be taken.

Under the PID Scheme, every VPS body is required to have personnel and procedures to assist and enable persons to make PIDs.

The *Independent Broad-based Anti-Corruption Commission* (IBAC) plays a central role within the PID Scheme as it receives and is notified about the majority of disclosures made. This assists IBAC in its primary role of identifying, investigating, exposing and preventing corruption and other types of wrongdoing within the VPS.

The PID Scheme is also supported by a number of other entities that receive disclosures and, where appropriate, notify those disclosures to IBAC and other appropriate entities for further review and investigation.

1.2 About the PID Act

The PID Act provides a legal framework for making a public interest disclosure. The purpose of the PID Act is to promote the integrity and accountability of the Victorian public sector, by:

- encouraging and facilitating the making of disclosures about the wrongdoing of Victorian public bodies, their officers and people who have or who intend to adversely affect the honest or effective performance of a Victorian public body or officer;

- providing protection for persons who make disclosures and persons who may suffer detrimental action in reprisal for those disclosures;
- ensuring those disclosures are properly assessed and, where necessary, investigated; and
- providing for the confidentiality of the content of those disclosures and the identity of persons who make those disclosures.

1.3 SRLA's role within the PID Scheme

SRLA acts to support the PID Scheme and encourage and facilitate the purposes of the PID Act.

As an independent statutory authority, SRLA is not permitted to receive PIDs under the PID Act. However, PIDs may still be made about SRLA, SRLA persons and SRLA Board members.

If SRLA receives a disclosure that it considers, is or may be a PID, it will advise the discloser to make their disclosure to an appropriate body that is permitted to receive PIDs under the PID Act.

If you make your disclosure to SRLA, you will not be protected under the PID Act.

6. What is a public interest disclosure?

A *public interest disclosure* (PID) is a complaint or allegation about:

- **'improper conduct'** by a public body or public officer; or
- **'detrimental action'** that a public body or public officer has taken, or threatens to take, against a person in reprisal for them (or another person) having made a PID or cooperated with the investigation of a PID.

A PID can relate to conduct or action that may have already taken place; may be occurring now or that is proposed to be taken in the future.

1.4 What is 'improper conduct'

As defined in section 4 of the PID Act, improper conduct includes:

- corrupt conduct;
- conduct engaged in by a public officer or public body, in their capacity as a public officer or public body, that constitutes:
 - a criminal offence
 - serious professional misconduct
 - dishonest performance of public functions
 - intentional or reckless breach of public trust
 - 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

- 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 and results in the person, or an associate of the person, obtaining a specified benefit
- conduct of any person that could constitute a conspiracy or attempt to engage in improper conduct.

1.5 What is 'detrimental action'

Definition of 'detrimental action':

Detrimental action, as defined in section 3 of the PID Act, 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.

Detrimental action also includes threats to take such action or inciting or permitting someone else to take detrimental action.

To make a PID about detrimental action:

- the detrimental action must be taken or proposed to be taken by a public body or public officer, against a person in *reprisal* for them (or another person) having made a PID or cooperated with the investigation of a PID.

It is an offence under the PID Act for a public officer or public body to take detrimental action against another person in reprisal for the making of a PID.

Examples of detrimental action:

- threats to a person's personal safety or property, including intimidating or harassing a discloser or the discloser's family or friends or otherwise causing personal injury or prejudice to the safety or damaging property of a discloser or the discloser's family or friends
- the demotion, transfer, isolation or change in duties of a discloser due to his or her having made a disclosure
- discriminating or disadvantaging a person in their career, profession, employment, trade or business
- discriminating against the discloser or the discloser's family and associates in subsequent applications for promotions, jobs, permits or tenders resulting in financial loss or reputational damage.

1.6 Who can a PID be made about?

A public interest disclosure can be made about:

- a **'public body'**, including:
 - public sector bodies (including public service bodies, public entities and special bodies)
 - incorporated or unincorporated bodies established under an Act for a public purpose, including universities
 - the Electoral Boundaries Commission
 - a council (established under the Local Government Act 1989)
 - a body performing a public function on behalf of the State or a public body or public officer

- a **'public officer'**, including:
 - public servants, including SRLA persons and SRLA Board members
 - local government Councillors and council employees
 - university employees and teachers
 - Victoria Police personnel
 - Members of Parliament, including Ministers
 - ministerial officers, parliamentary advisers and officers, electorate officers
 - judicial officers, including coroners, members of the Victorian Civil and Administrative Tribunal (VCAT), associate judges, judicial registrars
 - statutory office holders, including the Auditor-General and the Victorian Ombudsman, and the Director of Public Prosecutions
 - the Governor, Lieutenant-Governor or Administrator of the State

- **the conduct of any person, that:**
 - adversely affects the honest performance of a public body or public officer; or
 - is intended to adversely affect the effective performance of a public body or public officer and results in that person or an associate of that person obtaining a specified benefit; or
 - the conduct of any person who attempts to engage or conspire in improper conduct.

Please see section 6 of PID Act for more information about the definitions of 'public body' and 'public officer'.

Please note: A PID may still be made even if you cannot identify the person or the organisation to which the disclosure relates.

7. How to make a PID

1.7 Who can make a PID?

Any individual (or group of individuals) can make a PID. This includes members of the public and employees of a public body.

A company or organisation cannot itself make a PID, but its officers or employees can.

1.8 You must make your PID to an appropriate entity

The PID Act prescribes the entities to which you are able to make your public interest disclosure (PID) to.

It is important to make your disclosure to the appropriate entity, as if your disclosure is made to a person or entity that cannot receive your disclosure, your disclosure may not qualify to receive the protections provided for under the PID Act.

1.9 Who can you make your PID to?

Important notice about making disclosures

SRLA is not a body that may receive PIDs.

If your disclosure is made to SRLA, you will not be protected under the PID Act.

A public interest disclosure (PID) must be made to an entity that is permitted to receive PIDs under the *Public Interest Disclosure Act 2012* (PID Act).

If SRLA receives a disclosure that may be considered a PID, SRLA will advise the discloser to make their disclosure to an appropriate body that is permitted to receive PIDs under the PID Act.

PIDs may be made to the following entities:

- **IBAC** is able to receive all PIDs, except disclosures about:
 - IBAC or an IBAC officer
 - members of Parliament
 - the Victorian Inspectorate or a Victorian Inspectorate officer
 - a Public Interest Monitor
- **A public service body** is able to receive all PIDs made to it by its members, officers or employees, except disclosures about:
 - members of Parliament.
- **A public service body may also receive** all PIDs that relate to the conduct of the public service body or a member, officer or employee of the public service body.

- **A Council** may receive all PIDs that relate to the conduct of that Council, or a member, officer or employee of that Council.
- If your disclosure is about IBAC or an IBAC officer or a Public Interest Monitor, you *must* make your disclosure to the **Victorian Inspectorate (VI)**.
- If your disclosure is about the VI or a VI officer, you *must* make your disclosure to the **Integrity & Oversight Committee of Parliament** or to a Presiding Officer (i.e. the Speaker of the Legislative Assembly or the President of the Legislative Council).
- If your disclosure is about a member of Parliament you *must* make your disclosure to a **Presiding Officer**.

For further information of who you may make your disclosure to, please see IBAC's 'Guidelines for handling public interest disclosures (January 2020)' which is available on the IBAC website (www.ibac.vic.gov.au).

1.10 How to make a PID

You may make a PID:

- by phone (including leaving a voicemail message)
- in person by arrangement
- in writing by email or letter (but not by fax)
- anonymously

Please note:

- if you make your PID anonymously, this may impact the ability to investigate the disclosure and/or notify you of the outcome of any investigation.
- you may ask someone else to make a PID on your behalf. However, if someone makes a disclosure on your behalf, only they will receive the full protection of the PID Act in relation to that disclosure.

1.11 What to include in your PID?

To better assist the relevant entity that receives your PID, where possible, it is helpful to include the following information within your disclosure:

- a description of the alleged improper conduct or detrimental action;
- details of the person or body you are complaining about and any witnesses to improper conduct or detrimental action that you are making a disclosure about;
- information and copies of any documents which support your disclosure;
- your contact details (unless you wish to make your disclosure anonymously); and
- any concerns that you have about reprisals for making your disclosure.

1.12 Opting-out of making a PID

Under section 19 of the PID Act, you may avoid your PID being or continuing to be considered and treated as a PID, by stating in writing that your disclosure is not a PID and providing this statement to the entity that you made your disclosure to, no later than 28 days after making your disclosure.

1.13 Help with making your PID

- If you require assistance to make your PID, please contact the agency to whom you are making your PID to.
- You may also contact one of SRLA's PID Coordinators for:
 - assistance in making your PID; and
 - to seek support and welfare protection in relation to your PID as appropriate.
- If you have difficulty speaking English, you may also seek help from the *Translating and Interpreting Service* (TIS) on 131 450.

1.14 External disclosures

Where a PID was not made anonymously and has been determined to be a *public interest complaint* (PIC), section 38A of the PID Act allows a discloser to make a further disclosure of substantially the same subject matter to a third party (i.e. those not authorised to receive public interest disclosures such as a journalist or member of Parliament), and still retain protections provided for under Part 6 of the PID Act, where investigation of the complaint has been unjustifiably delayed.

Any external disclosures must not contain information that may prejudice a criminal investigation, criminal proceeding or other legal proceeding of which the person making the external disclosure is aware, and must not contain information that is likely to disclose investigative methods used by IBAC or Victoria Police.

1.15 Alternatives to making a PID

You may wish to make a complaint directly to SRLA instead of making a PID to IBAC or another entity that is able to receive PIDs under the PID Act.

If you make a complaint directly to SRLA, you will not receive the legal protection that are provided for making a PID under the PID Act.

How to make a complaint as an SRLA person

If you are an SRLA person, please refer to SRLA's [Complaints Handling Procedure](#) for further details about making a complaint to SRLA.

SRLA persons are also encouraged to raise matters with their supervisors and managers at any time.

Making a complaint for members of the public

Members of the public are encouraged to use SRLA's feedback processes to communicate complaints or concerns with services provided.

This can be done through SRLA's website (<https://bigbuild.vic.gov.au/projects/suburban-rail-loop>) by using the feedback form which can be found under the 'Contact Us' Link at the bottom of the webpage.

Alternatively, a complaint may be made directly to SRLA's People and Culture team in writing addressed to:

*People & Culture
Suburban Rail Loop Authority
80 Collins Street
Melbourne VIC 3000*

8. Handling of your PID

1.16 How SRLA will handle your PID

SRLA is not a body that may receive PIDs.

If SRLA receives a disclosure that it considers, is or may be a PID, it will advise you to make your disclosure to an appropriate body that is permitted to receive PIDs under the PID Act.

1.17 Mandatory notifications by SRLA

SRLA's Chief Executive Officer (CEO) has an obligation under section 57 of the *Independent Broad-based Anti-Corruption Commission Act 2011* (IBAC Act) to notify IBAC of any matter they suspect on reasonable grounds to involve corrupt conduct occurring or having occurred.

Accordingly, SRLA's CEO will notify IBAC of any matters that are reasonably suspected to involve corrupt conduct occurring or having occurred.

1.18 How your PID will be handled by an entity that is able to receive your PID

Where you make your PID to an entity that can receive your PID under the PID Act, that entity will generally:

- i. acknowledge the receipt of your PID.
- ii. contact you to obtain any further information or clarification about your PID;
- iii. consider whether, under the PID Act, your PID is required to be notified to IBAC or another appropriate body for further assessment, investigation and handling and, where appropriate, notify your PID to that body within 28 days of you submitting your PID; and

Please note:

- If your PID relates to the conduct of IBAC, an IBAC officer, or a Public Interest Monitor, where required, it will be notified to the *Victorian Inspectorate* (VI).
- If your PID relates to the conduct of the VI or a VI officer, where required, it will be notified to the *Integrity & Oversight Committee* (IOC).
- In all other cases, where required, your PID will be notified to IBAC.

- iv. where your PID is *not* required to be notified to IBAC or another appropriate body, advise you of how your disclosure will be handled and your rights and protections available to you under the PID Act.

1.19 How IBAC and other entities handle notified PIDs

After your PID has been notified to IBAC (or another appropriate entity), the notified entity is required to determine whether the disclosure is a *Public Interest Complaint* (PIC). Additional information may be sought from the parties involved to assist with this determination.

Determining whether your disclosure is a PIC

Under Division 2 of Part 3 of the PID Act, the notified entity *must* determine a disclosure to be a PIC, where it considers that:

- (i) *the disclosure shows or tends to show improper conduct, or detrimental action in reprisal for the making of a PID; or*
- (ii) *the person who made the disclosure believes on reasonable grounds that the disclosure shows or tends to show improper conduct, or detrimental action in reprisal for the making of a PID.*

In any other case, the notified entity *must* determine that the disclosure is not a PIC.

Where your disclosure has been determined to be a PIC

Where IBAC or another appropriate entity determines that your disclosure is a PIC, where possible, they will:

- advise you in writing of their determination and the action they will take; and
- whether they have decided to investigate the PIC, refer the PIC to be investigated by another investigating entity or take no further action.

Where your disclosure is not a PIC

Where IBAC or another appropriate entity determines that the disclosure is *not* a PIC, where possible, they will:

- advise you of their determination in writing that the disclosure will not be investigated as a PIC, meaning that your identity is no longer required to be kept confidential under the PID Act; and
- whether, with your consent, they will consider handling your disclosure as a complaint under their relevant legislation.

Please note:

For more information regarding how your PID will be handled after it is notified, please see IBAC's '*Guidelines for handling public interest disclosures* (January 2020)', which is available on IBAC's website (www.ibac.vic.gov.au).

9. Protections for making a PID

1.20 Legal protections for making a PID

Under Part 6 of the PID Act, you will receive the following legal protections for making a PID in accordance with the requirements of the PID Act:

- protection from detrimental action taken or proposed to be taken against you or another person in reprisal for making a PID, including:
 - protection from being fired, disciplined or bullied for making a PID;
 - the opportunity, where possible, to obtain a transfer of employment to avoid potential reprisals;
- immunity from civil or criminal liability or an action of defamation, for making a PID; and
- protection from committing an offence or for breaching any confidentiality obligations you might have with respect to the information you have provided within your PID.

These protections apply from the time you make the disclosure and continue to apply even if your disclosure is determined under the PID Act not to be *public interest complaint* (PIC) by IBAC or another relevant entity.

Limitations to the protections provided under Part 6 of the PID Act

These protections provided under Part 6 of the PID Act are limited in some circumstances. They do not apply:

- to your own conduct that you have disclosed (see section 42 of the PID Act); and
- if you knowingly provide false or misleading information of a material particular, intending that information to be acted on as a PID (see sections 39(2), 40(2), 41(2) and 43(2) of the PID Act).

The PID Act does not prevent the discloser's manager from taking management action in relation to them, as long as the action is not related to the fact that the person made the disclosure (see section 44 of the PID Act).

1.21 Confidentiality protections and requirements

The PID Act imposes a number of confidentiality requirements in relation to the receipt and handling of disclosures in an attempt to minimise the risks of reprisal for making a PID.

These confidentiality requirements, which are found under Part 7 of the PID Act, apply to disclosures that are made directly to IBAC, the Victorian Inspectorate (VI), or the Integrity & Oversight Committee of Parliament (IOC), and those disclosures which are required to be notified to IBAC, the VI, or the IOC for assessment under the PID Act (i.e. disclosures that are assessable as a PID).

Breaching these confidentiality restrictions, without lawful excuse, is an offence.

The confidentiality restrictions and their exceptions are set out in sections 52, 53 and 54 of the PID Act. The two main confidentiality restrictions are:

(i) The content of a public interest disclosure must be kept confidential

The PID Act prohibits the disclosure of the content, or information about the content, of any disclosure that is assessable as a PID.

This confidentiality restriction applies to a person or body that receives a PID, or that is provided with information about a PID by an investigating entity who is assessing or investigating the disclosure.

This restriction does not apply to the discloser.

(ii) The identity of the person making a public interest disclosure must be kept confidential

The PID Act prohibits the disclosure of information that would be likely to lead to the identification of a person who has made a disclosure that is assessable as a PID.

This restriction applies to any person or body, other than the discloser.

1.22 Exceptions to the requirements of confidentiality

The above confidentiality restrictions, under Part 7 of the PID Act, do not apply where:

- a person or body discloses the confidential information for the purposes of exercising its functions under the PID Act;
- the confidential information is disclosed by an investigating entity for the purpose of the exercise of functions under the Act that authorises that investigating entity to investigate the public interest disclosure;
- IBAC, the VI or the IOC determines that the disclosure is not a public interest complaint;
- the disclosure of confidential information is made by an investigating entity to Victoria Police where relevant to a Victoria Police investigation of criminal conduct;
- the disclosure of confidential information is for the purpose of a proceeding for an offence or a disciplinary process under a relevant Act;
- the disclosure of confidential information is necessary for the discloser to obtain legal advice or representation, interpretive services, the advice of a parent or guardian (for disclosers under 18 years), the advice of an independent person (for disclosers who are illiterate or have mental or physical impairments);
- the disclosure of confidential information is for the purpose of assisting the discloser to seek advice or support from a registered health practitioner or trade union or employee assistance program;
- the disclosure of the confidential information is to WorkCover for a workers compensation claim or for an application to the Fair Work Commission;
- the content, or information about the content, of a PID is disclosed in accordance with a direction or authorisation from the investigating entity that is investigating the PID after it has been determined to be a public interest complaint (PIC);
- the content, or information about the content of a PID is disclosed for the purpose of taking lawful action (including a disciplinary process) in relation to the conduct that is subject of the disclosure; and
- where the discloser gives prior written consent to disclose information that would be likely to lead to their identification as the person who made the PID.

1.23 Offences under the PID Act

The PID Act contains a number of civil and criminal penalties to further protect the confidentiality of disclosures, protect persons from detrimental action in reprisal for a PID and prevent the making of false disclosures.

Offences under the PID Act include:

Detrimental action

It is an offence under section 45 of the PID Act for a person to take or threaten action in reprisal when:

- another person has made or intends to make a PID;
- the person believes another person has made or intends to make a PID;
- another person has cooperated or intends to cooperate with the investigation of a PID;
- the person believes another person has cooperated or intends to cooperate with the investigation of a PID.

Criminal penalty: 240 penalty units or 2 years imprisonment or both.

Civil penalty: Order of court for offender to pay appropriate level of damages to compensate for injury, loss or damage.

Disclosure of the content of a PID

It is an offence under section 52(2) of the PID Act for a person or body to disclose, without lawful excuse, the content of a disclosure that has been assessed as a PID.

Criminal penalty: 120 penalty units or 12 months imprisonment or both (person); 600 penalty units (body corporate).

Disclosure of the identity of a person making a PID

It is an offence under section 53(1) of the PID Act for a person or body to disclose, without lawful excuse, the content of a disclosure that has been assessed as a PID.

Criminal penalty: 120 penalty units or 12 months imprisonment or both (person); 600 penalty units (body corporate).

Making a false disclosure or providing false further information

It is an offence under section 72 of the PID Act for a person to provide information intending it be acted on as a PID, or further information that relates to a PID, knowing it to be false or misleading.

Criminal penalty: 120 penalty units or 12 months imprisonment or both.

Falsely claiming a disclosure is a PID

It is an offence under section 73 of the PID Act for a person to claim that a matter is the subject of a PID or the subject of a disclosure determined to be a public interest complaint (PIC), knowing that claim to be false.

Criminal penalty: 120 penalty units or 12 months imprisonment or both.

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10. Welfare support SRLA provides for making a PID

1.24 SRLA's support for making a PID

SRLA supports a workplace culture where the making of PIDs is valued by the organisation, and where the right of any individual to make a PID is taken seriously. SRLA will:

- i. ensure this Procedure is accessible on its website and available internally and externally to employees, officers and any individual in the broader community
- ii. not tolerate the taking of detrimental action in reprisal against any person for making a PID, and will take any reasonable steps to protect such persons from such action being taken against them
- iii. afford natural justice and treat fairly those who are the subject of allegations contained in disclosures
- iv. take the appropriate disciplinary and other action against any SRLA persons engaged in the taking of detrimental action
- v. ensure that SRLA as a whole handles the welfare management of persons connected with PID matters consistently and appropriately in accordance with its obligations under the PID Act
- vi. be visible, approachable, openly communicative and lead by example in establishing a workplace that supports the making of PIDs.
- vii. protect the identity of the discloser and to keep confidential the contents of the person's disclosure in accordance with the PID Act.

1.25 Welfare support provided by SRLA's PID Coordinators

SRLA's PID Coordinators are available to provide basic welfare support to SRLA persons that make a PID and to others who may cooperate with the investigation of a PID.

SRLA's PID Coordinators include:

- **Rudy Monteleone, Director, Integrity and Assurance**
rudy.monteleone@srla.vic.gov.au
M: 0419 986 758
- **Richard Campbell, Director, Governance and General Counsel**
richard.campbell@srla.vic.gov.au
M: 0421 277 134
- **Jennifer Gale, Executive General Manager Corporate Services**
jennifer.gale@srla.vic.gov.au
M: 0436 436 106

The welfare support provided by SRLA's PID Coordinators may include:

- assessing, monitoring and managing the risks of detrimental action being taken against the discloser;
- recording incidents of harassment, discrimination or adverse treatment that may amount to detrimental action and advising the person of their rights under the PID Act to make a PID to an appropriate entity;

- providing advice to the discloser about the operation of the PID Act and the handling of their disclosure;
- appointing a welfare manager to coordinate welfare support for a discloser or a person co-operating with the investigation of a PID;
- assisting the discloser to seek support from various support services, including from a registered medical practitioner, employee assistance program, trade union, or a Victorian WorkCover Authority; and
- where possible, assisting the discloser, pursuant to section 51 of the PID Act, to seek a role transfer of employment or other work arrangements, where they reasonably believe that detrimental action in reprisal for a PID has or will be taken against them.

11. Welfare support SRLA provides to the subject of a PID

1.26 Referral to the Employee Assistance Program

Until a PID is investigated, the information about a person who is the subject of the disclosure is only an allegation.

SRLA will meet the welfare needs of the subject of the disclosure as they may need support once they become aware an allegation has been made against them. SRLA will consider each matter on a case-by-case basis, taking into account the particular circumstances of the person and the allegation. If it is appropriate, SRLA may refer a person to its Employee Assistance Program.

1.27 Informing the subject of a disclosure about the allegation made against them

Whether the person, who is the subject of a disclosure, is informed about the allegation made against them, depends on the circumstances. It is possible the subject of the disclosure may never be told about the disclosure if the disclosure is determined to be a PIC (under the PID Act), or a decision is made to dismiss the matter.

The PID Act restricts the release of information about the content of disclosures or information which would be likely to identify a discloser. This generally means SRLA cannot reveal this information to the person who is the subject of a disclosure.

However, SRLA may give information to the subject of the disclosure about the allegation made against them in some circumstances, such as:

- i. If it is directed or authorised to do so by the entity investigating the disclosure; or
- ii. for the purpose of taking action with respect to the alleged conduct, including disciplinary action.

These exceptions do not allow SRLA to reveal information that would be likely to identify the discloser.

Investigating entities may also inform the subject of the disclosure for the purposes of conducting their investigation or taking action as a result of the investigation.

1.28 Maintaining confidentiality

SRLA will take all reasonable steps to ensure that the confidentiality of a person who is the subject of a PID is maintained during the assessment and any ensuing investigation of the PID.

Where the disclosure is dismissed or investigations do not substantiate the allegations, confidentiality will still be maintained in relation to the subject's identity, as well as the fact of the investigation and any results.

1.29 Natural justice

A person who is the subject of an allegation will be afforded natural justice before a decision is made about their conduct. Natural justice means the person has the right to:

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

If the matter has been investigated, the investigating entity (IBAC, the Victorian Inspectorate, Victoria Police, the Integrity and Oversight Committee of the Parliament of the Victoria or the Victorian Ombudsman) is responsible for carrying out this consultation.

1.30 If allegations are wrong or unsubstantiated

If someone has been the subject of allegations that are wrong or unsubstantiated, then SRLA and the investigating entity will endeavour to ensure there are no adverse consequences for the person arising out of the disclosure or its investigation.

This is particularly crucial where information has been publicly disclosed that has identified the person, and also where such information has become well known across the workplace if it is directed or authorised to do so by the entity investigating the disclosure, or for the purpose of taking action with respect to the alleged conduct, including disciplinary action.

These exceptions do not allow SRLA to reveal information that would be likely to identify the discloser.

Investigating entities may also inform the subject of the disclosure for the purposes of conducting their investigation or taking action as a result of the investigation.

12. Questions

Please contact the Integrity and Assurance Branch (integrity@srla.vic.gov.au) if you have any questions about this Procedure.



13. Related documents

Document Type	Reference
Relevant Legislation	<i>Charter of Human Rights and Responsibilities Act 2006</i> <i>Independent Broad-based Anti-corruption Commission Act 2011</i> <i>Occupational Health and Safety Act 2004</i> <i>Occupational Health and Safety Regulations 2007</i> <i>Public Administration Act 2004</i> <i>Public Interest Disclosure Act 2012</i> <i>Public Interest Disclosures Regulations 2019</i>
External Policy Documents and Standards	Code of Conduct for Victorian Public Sector Employees IBAC Guidelines for protected disclosure welfare management, January 2020 IBAC Guidelines for handling public interest disclosures, January 2020
Relevant SRLA Policy	Governance and Integrity Policy
Related and Supporting Documents	Governance and Integrity Policy Documents
Please see the SRLA Policies and Supporting Documents Intranet page for links to SRLA's approved policies and supporting documents	

14. Document control

Procedure	Public Interest Disclosure Procedure
Issuing Division & Branch	Corporate Services, Integrity and Assurance Branch
Enquires/Contact	Rudy Monteleone, Director, Integrity and Assurance
Accountable Officer	Rudy Monteleone, Director, Integrity and Assurance
Sponsor	Jennifer Gale, Executive General Manager, Corporate Services
Approved by	Executive Leadership Team
Date approved	9 February 2022
Review Date	9 February 2024
Last reviewed	N/A
Version	1.0
Summary of changes to latest version	First version, developed for SRLA as a Statutory Authority