

Fact sheet: Public interest disclosure

A public interest disclosure is information provided about improper conduct or detrimental action in the public sector.

Public interest disclosures are vital to ensure integrity of the Victorian public service and fight corruption. In the past, a person who made a public interest disclosure was known as a whistleblower.

If you make a public interest disclosure, you are protected

The *Public Interest Disclosures Act 2012* ensures that if you report improper conduct and corruption in the Victorian public sector, you can do so knowing that you will be protected.

The protections include keeping your identity confidential and protecting you from reprisals, such as bullying, harassment or legal action.

To be covered by the protections, your disclosure must be assessed and found to be a public interest disclosure by the Independent Broad-based Anti-corruption Commission (IBAC).

If the disclosure is not a public interest complaint, the identity of the discloser does not have to be kept confidential but a person cannot be fired, disciplined or bullied for making a complaint. They are also protected from legal actions such as defamation and civil liability.

What is a public interest disclosure?

A public interest disclosure is defined in the Act and can relate to either improper conduct or detrimental action.

Improper conduct

Improper conduct must be either criminal conduct or other conduct specified under the Act. Examples include serious professional misconduct, intentional or reckless breach of public trust and conduct adversely affecting the honest performance of a public officer.

In the local government sector, some examples of improper conduct are:

- a council officer has awarded a contract to a company they or a family member runs
- a councillor has received money from a company and then voted in a way that benefits that company
- a council officer receives money from a company after that company wins a public tender.

Detrimental action

Detrimental action includes harassment or discrimination, or other adverse action taken against the discloser in reprisal for having reported the alleged improper conduct.

How to make a public interest disclosure

You can make a public interest disclosure directly to IBAC. For more information, visit www.ibac.vic.gov.au.

You can also make a public interest disclosure to Victorian state government departments, administrative offices (including the Local Government Inspectorate), or local councils, provided the disclosures relate to their officers or employees.

Each of these bodies has a Public Interest Disclosure Coordinator who is responsible for receiving and handling reports of improper conduct from public sector employees and members of the public.

The Public Interest Disclosure Coordinator must keep all potential public interest disclosures confidential and refer them to IBAC for assessment.

We ask you if you want your complaint assessed as a public interest disclosure

When you file a complaint with us, we will ask you if you want your complaint assessed as a public interest disclosure.

If you do, we will refer your complaint to IBAC.

If your complaint is found to be a public interest complaint, IBAC may investigate or refer it to the most appropriate agency for investigation.

If your complaint is found to not be a public interest complaint, IBAC may refer the complaint back to us for assessment and investigation.

We aim to ensure that the identity of all complainants is protected, whether their complaint is assessed as a public interest disclosure or not.

We assess all complaints to see if they could be a public interest disclosure

When we receive your complaint, we will assess it to see if it looks like it could be a public interest disclosure.

If you did not think it should be assessed as a public interest disclosure but we disagree and think it could fit the criteria, we will write to you to ask you if you want it to be considered as public interest disclosure.

You must tell us in writing if you **do not** wish your complaint to be considered under the Public Interest Disclosure scheme.

Assessing a complaint as a public interest disclosure takes time

If you make a complaint that you want assessed as a public interest disclosure, we must send it to IBAC for assessment.

This process can take several weeks to complete. It is important to understand that assessing whether a disclosure is a public interest complaint may take time.

If you do not think your complaint is about improper conduct or detrimental action, it may be better to avoid the extra time needed to assess it as a public interest disclosure.

You should consider your options carefully when you lodge a complaint with us and are asked if you want your complaint assessed as a public interest disclosure.

What happens if your complaint is not a public interest disclosure?

If your complaint is not a public interest disclosure or you do not want it treated as a public interest disclosure and referred to IBAC, we will assess your complaint.

This means that we will look at the allegations you have made and the evidence you have supplied to determine whether the matter should be investigated.

If you have given us your contact details (and the complaint is not anonymous), we will contact you about what we have determined in our assessment or investigation.

More information



There is more information about public interest disclosures on IBAC's website:

www.ibac.vic.gov.au/reporting-corruption/public-interest-disclosures



There is more information about public interest disclosures on our website:

www.lgi.vic.gov.au/public-interest-disclosures