

Protected Disclosure Policy

1.0 Purpose

Bendigo Kangan Institute (BKI) is a Victorian Public Body, and as such, is required to comply with the Protected Disclosure Act (2012) (**the Act**). This Policy states our commitment to compliance with this legislation.

2.0 Scope

This policy applies to all BKI employees.

3.0 References

- [Protected Disclosure Act 2012 \(VIC\)](#)
- [IBAC Guidelines for Protected Disclosure Welfare Management](#)
- [IBAC Guidelines for Making and Handling Protected Disclosures](#)
- [Charter of Human Rights and Responsibilities Act 2006 \(VIC\)](#)
- [Public Administration Act 2004 \(VIC\)](#)
- [Code of Conduct for Victorian Public Sector Employees 2015](#)

4.0 Policy Statement

BKI does not tolerate fraud or corruption by its employees or officers, or the taking of reprisals against those who come forward to disclose such conduct.

The Act encourages and facilitates making Disclosures of suspected fraud or corruption by Public Bodies and/or their employees, and protects persons who make those Disclosures.

Under the Act, BKI is not able to accept a Disclosure. Disclosers should provide information to IBAC directly. Where the CEO becomes aware of suspected fraud or corruption, they will report this to IBAC as soon as possible.

BKI has appointed 2 Protected Disclosure Coordinators, the COO and the Legal Risk and Policy Specialist, who will support the employee making the protected disclosure, witnesses to a disclosure, or a person about whom a disclosure is made, if and when their identity is disclosed to them.

BKI will not provide support if the Discloser:

- Provided false or misleading information.
- Claimed that a matter is a Protected Disclosure knowing it was false.
- Falsely claimed that a matter is the subject of a disclosure that IBAC has determined to be a Protected Disclosure complaint.

BKI will only disclose personal information as required by an authorised investigative body. BKI will protect people against any Detrimental Action arising in connection with a Protected Disclosure.

The BKI Annual Report will contain a statement confirming that Policy and procedure for making a Protected Disclosure has been made available to employees and the public.

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5.0 Roles and Responsibilities

Role	Responsibilities
Protected Disclosure Co-ordinator	<ul style="list-style-type: none"> • Ensure the Protected Disclosure Policy is available to employees and the public. • Report in the Annual Report on how the Protected Disclosure Policy have been made available to the public. • Ensure the welfare of those who make a Disclosure, are a witness in a Disclosure, or are a person or people about whom a Disclosure is made. • Protect all involved in a Protected Disclosure against Detrimental Action.

Definitions

Word/Term	Definition
Corruption	Dishonest activity in which an employee of an entity acts contrary to the interest of the entity and abuses their position of trust in order to achieve some personal gain or advantage for themselves or for another person or entity.
Detrimental Action	<p>Taking or threatening to take action causing injury, loss or damage, intimidating or harassing a person involved in making a Protected Disclosure or assisting in the investigation of a Protected Disclosure.</p> <p>Action may include but is not limited to discrimination, disadvantage or adverse treatment in relation to a person's employment, career, profession, trade or business, including the taking of disciplinary action.</p>
Discloser	A person or a group of people who makes a Disclosure of suspected fraud and/or corruption.
Fraud	<ul style="list-style-type: none"> • Dishonest activity causing actual or potential financial loss to any person or entity including theft of moneys or other property by employees or persons external to the entity and whether or not deception is used at the time, immediately before and immediately following the activity. • Misappropriation of BKI resources, including intellectual property, for any use not intended by The Institute. • The deliberate falsification, concealment or destruction of documentation used or intended for use for a normal business purpose.
IBAC	<p>Independent Broad-Based Anti-Corruption Commission – a Victorian body established to receive, assess and investigate disclosures about fraud and corruption and detrimental action taken in reprisal for a disclosure by public bodies or public officers.</p> <p>http://www.ibac.vic.gov.au/</p>

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Word/Term	Definition
Legal Protection	The Act provides protection against Detrimental Action for: <ul style="list-style-type: none"> • The person making the Disclosure • Witnesses • The person who is the subject of the investigation
Protected Disclosure	A complaint of fraud or corrupt conduct by a Public Body or person.
Protected Disclosure Act	A Victorian Act of Parliament which provides a mechanism for people to make Disclosures about Improper Conduct within the Public Sector with protection from reprisal (the Act).
Protected Disclosure Co-ordinator	The person appointed by BKI to manage the welfare of a Discloser, a witness to suspected fraud or corruption, or a person the subject of a Disclosure.

6.0 Supporting Procedures

Doc ID	Procedure name
IP 3.207	Lodgement of a Protected Disclosure procedure

7.0 Version Control and Change History

Ver.	Approved By	Approval Date	Issue Date	Description of Change	Next Scheduled Review Date	Document Owner
1.0	Board	27/10/2014	04/12/2014	The content of this policy originated from Kangan Institute Protected Disclosure Policy POL 1.4 version 6	31/12/2015	Chief Business Performance and Assurance Officer
2.0	N/A		02/03/2015	Editorial change: Removal of logos from template	31/12/2015	COO
3.0	CEO			Change to reflect capacity to receive Protected Disclosure	21/09/2017	CEO
3.1	CEO	04/10/2017	05/10/2017	Wording update	4/10/2018	CEO

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8.0 KI Policy and Procedure Portal / BT BMS Requirements

Category	Key Words
Legal	Protected disclosure; whistle blower; protection; improper conduct; IBAC; detrimental action; corruption; reprisal.