

## 1. Objective

This procedure encourages and facilitate speaking up about fraudulent activity, improper conduct or other wrongdoing. If you see something improper, have the confidence to speak up. GMW will provide support and confidentiality.

Speaking up is consistent with GMW's values of honesty, integrity, caring, accountability, courage.

This procedure gives effect to the Governance Policy and covers GMW's Public Interest Disclosure obligations.

## 2. Scope

This Procedure applies to directors, employees, contractors and Water Services Committees (WSC) members. In this policy they are referred to as 'workplace participants'.

## 3. Quick Reference Guide

How to 'speak up'	Topic	See section
Does the disclosure fall within the Public Interest Disclosures Act 2012?	Aims of the Act	4
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## 4. The Public Interest Disclosures (PID) Act 2012

The PID Act aims to:

- Encourage and facilitate the making of disclosures of improper conduct and detrimental action by public officers and public bodies



- Provide certain protections for people who make a disclosure or those who may suffer detrimental action in reprisal for a disclosure
- Ensure that the identity of the person making the disclosure and the content of that disclosure is kept strictly confidential

## 4.1 What is a public interest disclosure?

Public interest disclosures are reports about:

- Improper conduct of public bodies or public officers (such as corrupt conduct)
- Detrimental action that a public officer or public body has taken against a person in reprisal for them (or another person) having made a PID or cooperated with the investigation of a PID.

A disclosure can relate to conduct or action that:

- may have already taken place
- may be occurring now
- may happen in the future

A PID can be made anonymously.

**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.

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

A complaint should clearly show or suggest '**improper conduct**' or '**detrimental action**' by a public officer.

## 4.2 Who a public interest disclosure can be about

Disclosures can be made about:

- Public bodies
- Public officers
- Conduct of a person who is not a public officer or is not employed by a public body, where their conduct is adversely affecting the honest performance of a public body or public officer, or is intended to adversely affect their effect performance.

## 4.3 Who can make a public interest disclosure

Anyone can make a disclosure about improper conduct or detrimental action – both members of the public and employees of a public body.

## 4.4 How to make a public interest disclosure

**Disclosures must be made directly to IBAC.**



IBAC is Victoria’s anti-corruption agency responsible for preventing and exposing public sector corruption and police misconduct.

Disclosures can be made anonymously, verbally or in writing (including email), and need not identify the person or organisation.

IBAC recommends that written disclosures to IBAC be made via its online form available from: [Make a complaint about corruption or police misconduct | IBAC](#)

Goulburn-Murray Water is **not able** to receive disclosures under Section 13 of the Act.

### GMW can still help

The Public Interest Disclosure Coordinator can assist any potential discloser by helping them understand:

- whether a matter might be a public interest disclosure
- how to make a public interest disclosure
- GMW’s procedures under Section 58 of the Act setting out how GMW will protect people against detrimental action that might be taken against them in reprisal for making a public interest disclosure.

For more information on the role of the Public Interest Disclosure Coordinator, please refer to section 6.2.

## 5. Other ways of ‘speaking up’

You may have knowledge about other kinds of improper conduct that are not PIDs. It is still important for you to speak up.

GMW has a:

- fraud and corruption control procedure that sets out how GMW will make enquiries and investigate other kinds of improper conduct that are not PIDs. This procedure includes how GMW will support you and maintain confidentiality.
- annual attestation procedure: GMW financial delegates are asked once a year to confirm in writing their awareness or otherwise of any improper conduct
- annual employee survey: that allows staff to raise issues of concern anonymously

### 5.1 Not fraudulent activity, who to speak to?

If it’s not fraudulent activity, who to speak to:	
Operational risk and compliance issues	Your supervisor, General Manager or Manager Governance
Work-related grievance ie. bullying, harassment, discrimination	Your supervisor or your HR Business Partner <i>Also see Bullying and Harassment Prevention Procedure</i>
Health and safety	Health, Safety and Wellbeing team
Customer complaints	Customer Experience team

Depending on the circumstances, other staff at GMW may be able to help you such as:

- Your manager



- Your General Manager
- Manager Governance
- Your HR Business Partner
- Member of the Peer Support Group
- General Manager People, Culture and Safety

## 6. Roles and Responsibilities in Welfare Management

GMW cannot receive PIDs, but it still must have systems in place to manage confidentiality, welfare support and risk management measures for disclosures made about GMW.

GMW:

- is making this procedure accessible on its website and in hard copies on request
- does not tolerate improper conduct by its employees, officers or members, nor the taking of reprisals against those who come forward to disclose such conduct.
- will take all reasonable steps to protect people who make such disclosures from any detrimental action in reprisal for making the disclosure.
- will ensure information connected with a PID, including the identity of a discloser and the contents of that disclosure, are kept strictly confidential.
- supports the making of disclosures that reveal corrupt conduct, conduct involving a substantial mismanagement of public resources, or conduct involving a substantial risk to public health and safety or the environment
- will afford natural justice and treat fairly those who are the subject of the allegations contained in disclosures.
- will handle the welfare management of persons connected with PID matters consistently and in accordance with its obligations under the PID Act
- lead by example in establishing a workplace that supports the making of PID.

### 6.1 Employees

Employees are encouraged to report known or suspected incidences of improper conduct or detrimental action in accordance with this procedure.

All employees of GMW have an important role to play in supporting those who have made a legitimate disclosure. They must refrain from any activity that is, or could be perceived to be, victimisation or harassment of a person who makes a disclosure. Furthermore, they should protect and maintain the confidentiality of a person they know or suspect to have made a disclosure.

### 6.2 Public Interest Disclosure Coordinator

GMW's PID Coordinator has a central role in the way the organisation deals with all PID matters, and in particular for ensuring that the welfare of any persons connected with a PID is properly managed.

The PID Coordinator is:

- the contact point for general advice about the operation of the Act and for integrity agencies such as the IBAC
- responsible for ensuring that GMW carries out its responsibilities under the Act, any regulations made pursuant to the Act and any guidelines issued by the IBAC



- GMW's chief liaison with the IBAC and any other investigating entities in regard to the Act
- to take all necessary steps to ensure information received or obtained in connection with a disclosure, including the identities of the discloser and the person(s) to whom the disclosure relate, are kept secured, private and confidential at all times
- responsible for arranging any necessary and appropriate welfare support for the discloser, including appointing a Welfare Manager to support a person entitled to be protected and to protect him or her from any reprisals
- to collate statistics required to be reported by GMW in its annual reports under the Act

The PID Coordinator appointed by GMW is Manager Governance  
[katie.zeller@gmwater.com.au]

If you have any concerns about contacting the PID Coordinator of GMW, or wish to speak to an alternative contact at GMW about PID matters, you can contact the PID Officer.

The PID Officer appointed by GMW is Governance Coordinator  
[gaye.somers@gmwater.com.au]

## 7. Welfare Management

The welfare of anyone raising a concern is important to GMW.

Because GMW cannot itself receive PIDs, it may not know that a person has made a PID. Confidentiality obligations require a person who has made a PID not to discuss the matter with any other person except with an authorised investigating entity. Therefore, GMW will only be made aware that a person requires protection under the Act if that information has been provided to GMW by an investigating entity. To ensure that the discloser receives the protections they are entitled to under the Act, GMW recommends they do not discuss the contents of, or the fact of your PID, except with permission of the investigating entity

Once GMW has been made aware of the identity of a discloser and any other relevant information about the PID, GMW will keep all information it receives confidential, and will manage the welfare of any relevant persons in accordance with its obligations under the Act.

GMW is committed to the protection of disclosers against detrimental action taken in reprisal for the making of PIDs. The PID Coordinator is responsible for ensuring disclosers are protected from direct and indirect detrimental action, and that the culture of the workplace is supportive of PIDs being made.

### 7.1 Welfare management of disclosers

The PID Coordinator will:

- examine the immediate welfare and protection needs of a discloser who has made a disclosure and, where the discloser is an employee, seek to foster a supportive work environment



- in appropriate circumstances appoint a Welfare Manager
- keep them informed, by providing confirmation that the disclosure has been received, if the relevant investigative agency has provided this information to GMW
- inform them of the legislative or administrative protections available to the person
- inform them if action has been taken, details about results of the action known to GMW
- proactively assess the risk of detrimental action being taken in reprisal and assuring the discloser that all reasonable steps will be taken to protect them and
- give them an undertaking to keep them informed as far as GMW is reasonably able to
- listen and respond to any concerns the person may have about harassment, intimidation or victimisation in reprisal for their actions
- assess whether the concerns the person may have about harassment, intimidation or victimisation might be due to other causes other than those related to the PID; and
- keep a contemporaneous record of all aspects of the case management of the discloser including all contact and follow-up action
- ensure the expectations of the discloser are realistic
- maintain confidentiality

## 7.2 Welfare Management of persons who are the subject of public interest disclosures

If GMW is advised of the identity of the person(s) who are subject of a public interest disclosure investigation, GMW will also support the welfare of persons who are the subject of a public interest disclosure. It is important to remember that until a PID is resolved, the disclosure about the person is only an allegation.

## 7.3 Incidents of detrimental action

The PID Coordinator will, in response to any reports of an incident of harassment, discrimination or adverse treatment that would amount to detrimental action taken in reprisal for the making of a disclosure:

- record details of the incident;
- advise the discloser of his or her rights under the Act; and
- advise the chief executive officer of the detrimental action.

It is a criminal offence to take detrimental action against another person in reprisal for a PID under the act. It is also grounds for making a further disclosure.

Examples of detrimental action prohibited by the Act include:

- threats to a person's personal safety or property
- 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 disclosers family and associates in subsequent applications for promotions, jobs, permits or tenders resulting in financial loss or reputational damage

A discloser of a PID who suffered detrimental action as defined in the Act may also:

- take civil action against the person who took detrimental action against them and seek damages;
- take civil action against GMW jointly and severally to seek damages if the person who took detrimental action against them took that action as staff of, or while acting as an agent of GMW; and
- apply for an order or an injunction from the Supreme Court.

## 7.4 Legal support

Staff of GMW may voluntarily or compulsorily be required to attend an interview with law enforcement agencies or integrity protection agencies to be asked about the performance of their GMW duties.

GMW will reimburse any reasonable legal expenses incurred by a staff member in preparing for and attending such an interview provided there is no finding of improper conduct made by the law enforcement agency or integrity protection agency against the staff member.

The definition of improper conduct is that definition used in the *PID Act 2012*.

## 8 Confidentiality

### GMW

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

The PID Act requires any person who receives information due to the handling or investigation of a PID, not to disclose that information except in certain limited circumstances.

The circumstances in which a person may disclose information obtained about a PID include:

- in accordance with section 54 of the Act;
- in accordance with a direction or authorisation given by the entity investigating the disclosure; and
- when publishing statistics in the annual report of a public body.

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

GMW will maintain confidentiality by taking all reasonable steps to ensure the identity of the discloser and the content of the PID is kept confidential.



## Discloser

A person making a PID must not reveal themselves or give out information that would enable others to identify them as a discloser. The Act contains a number of offence provisions relating to unauthorized disclosure of information by either disclosers or persons who have received disclosures.

## 8. Reporting

GMW is required to publish in its annual report information about how these procedures may be accessed and the number of disclosures notified by IBAC under section 21 (2) of the Act during the financial year.

## 9. Responsibilities

Responsibility	Who
Approval	General Manager Business and Finance
PID Coordinator	Manager Governance
PID Officer	Governance Coordinator

## 10. Definitions

### **The Act**

The Act means the *Public Interest Disclosures Act 2012*

### **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.

### **Corrupt conduct**

Corrupt conduct means:

- Conduct of any person (whether or not a public official) that adversely affects the honest performance of a public officer's or public body's functions;
- The performance of a public officer's or public body functions dishonestly or with inappropriate partiality;
- Conduct of a public officer or a public body that amounts to a breach of public trust;
- Conduct by a public officer or a public body that amounts to the misuse of information or material acquired in the course of the performance of their official functions; or
- A conspiracy or attempt by a public officer or public body to engage in the above corrupt activity.

Deliberate or intentional wrongdoing. Examples of corrupt conduct include improper use of knowledge, information or resources to gain financial or personal advantage, dishonest conduct amounting to a breach of public trust and attempting to influence a member of the public or official in a way that it dishonest or biased.





### Detrimental action

The Act makes it an offence for a person to take detrimental action against a person in reprisal for a PID. Detrimental action includes harassment or discrimination, or other adverse action taken against the discloser in reprisal for having reported the alleged improper conduct.

### Public Bodies

Public service bodies such as government departments and local councils or a body that is performing a public function on behalf of the State. **A public body does not include statutory bodies such as GMW.**

### Public Officers

A person employed in any capacity or holding any office in the public sector.

## 11. Document history

Doc #	Date approved	Approved by	Approval #
A1079237	27/08/13	Board	3650812
A1079237	27 June 2018	Board	4640582
A1079237	5 March 2021	Corporate Secretary	email
A1079237	24 January 2023	General Manager Business and Finance	A4561714

## 12. Associated documents

Document name	#
Governance Policy	A3834863
Fraud and Corruption Control Procedure	A1737291
Annual Attestation Procedure	A3800822
IBAC Guidelines for handling Public Interest disclosures (January 2020)	A1825582
IBAC Guidelines for public interest disclosure welfare management (January 2020)	A2168228
<a href="http://legislation.vic.gov.au">Public Interest Disclosures Act 2012 (legislation.vic.gov.au)</a>	
Bullying and Harassment Prevention Procedure	A2948397

