

## Public Interest Disclosure (Whistleblowing) Policy

### Purpose

This Trust for Nature (TFN) policy and the *Public Interest Disclosures Act 2012* ('Act') aims to encourage and facilitate the making of disclosures of improper conduct by public officers and public bodies, including TFN, its staff and Board members.

### Scope

Applies to all TFN employees, Board members, contractors and volunteers.

### Definitions

- **IBAC** means the Independent Broad-based Anti-corruption Commission.
- **Public Interest Disclosure Procedures** means the procedures established by TFN to facilitate and encourage the making of disclosures under the Act, and how TFN will manage the welfare of persons connected with public interest disclosures, as required under the Act.

### Background

On 10 February 2013, the *Protected Disclosure Act 2012* came into operation. *The Protected Disclosure Act 2012* was updated with effect from 1 January 2020 and is now called the *Public Interest Disclosures Act 2012*.

A person (i.e. not an organisation or company) may make a disclosure under the Act. The person may come from within TFN, or any member of the public.

A disclosure can be made about public officers and public bodies, including TFN, its staff and Board members. Certain protections are provided to a person who makes a public interest disclosure.

TFN is a public body subject to the Act, but is not authorised to receive a public interest disclosure. Any disclosure about TFN must be made directly to IBAC.

### Policy Principles

- **(Commitment to public interest disclosures)** TFN is committed to the aims and objectives of the Act. It recognises the value of transparency and accountability in its administrative and management practices, and supports the making of disclosures that reveal improper conduct. It does not tolerate improper conduct by the organisation, its employees, officers or Board members, nor the taking of detrimental action in reprisal against those who come forward to disclose such conduct.
- **(Confidentiality)** TFN takes its confidentiality obligations under the Act seriously. This includes the requirement to protect the identity of the discloser and the matters disclosed

Policy – Public Interest Disclosure Policy	Issue date: April 2020
Version 1	Review date: 3 years from issue date
Review Responsibility: Legal Counsel	Approved by: Board

## Public Interest Disclosure (Whistleblowing) Policy

by a discloser. This is crucial, among other things, in ensuring reprisals are not made against a discloser. Breaches of these confidentiality obligations include criminal sanctions.

- **(Training)** TFN will train staff and Board members regularly on the reasons for having a public interest disclosure policy and procedure and how to follow it.

### TFN's role in public interest disclosure under the Act

- TFN is not permitted to receive disclosures made under the Act.
- If an individual (i.e. not an organisation or a company) wishes to make a disclosure about TFN, its officers, Board members or employees, this disclosure must be made directly to IBAC.
- If TFN believes a disclosure or complaint made to it, may be a public interest disclosure made in accordance with the Act, TFN will request that disclosure is made to IBAC and IBAC will deal with the disclosure.
- A person making a disclosure to IBAC should not discuss it with TFN or any person in TFN unless IBAC has granted permission or direction or contacted TFN to provide it with information in order to allow TFN to provide the disclosure with any necessary welfare and support.
- As required under the Act, TFN has established procedures to facilitate and encourage the making of disclosures under the Act, and how TFN will manage the welfare of persons connected with public interest disclosures. TFN's Public Interest Disclosure Procedures are available at: [www.trustfornature.org.au](http://www.trustfornature.org.au)

### What are public interest disclosures?

- A public interest disclosure is a disclosure by an individual about 'improper conduct' on the part of a public body or its staff and Board members. Disclosures may also be made about 'detrimental action' taken in reprisal for making a public interest disclosure.
- The conduct or action being disclosed may have taken place, still be occurring, or may be believed to have occurred or be occurring.
- Improper conduct can include:
  - corrupt conduct, and/or
  - any of the following conduct by a public officer or public body made in an official capacity:
    - a criminal offence,

Policy – Public Interest Disclosure Policy	Issue date: April 2020
Version 1	Review date: 3 years from issue date
Review Responsibility: Legal Counsel	Approved by: Board

## Public Interest Disclosure (Whistleblowing) Policy

- 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 performance of public functions,
    - 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 by a third party that adversely affects the honest performance of a public officer or public body or is intended to adversely affect effective performance of a public officer or public body while obtaining an advantage for the third party, and/or
  - conduct by a third party that could constitute a conspiracy or attempt to engage in any of the above.
- Less serious or trivial complaints are excluded from the definition of improper conduct. All complaints not included in the definition of improper conduct will be dealt with under Trust for Nature’s public complaint policy and procedures.
  - The Act provides further definitions of ‘serious professional misconduct and detrimental action. For more information about what those terms mean, refer to IBAC’s resources (see further below).

### Further Information

For more information about public interest disclosures or the Victorian integrity system generally see <https://www.ibac.vic.gov.au/reporting-corruption/public-interest-disclosures>.

In addition, you can find out more information about our general complaints handling process at [www.trustfornature.org.au](http://www.trustfornature.org.au).

### Contact

- Public interest disclosure co-ordinator

### Policy review

This document will be reviewed on a three year cycle or more frequently as required and is to be approved by the Board.

Policy – Public Interest Disclosure Policy	Issue date: April 2020
Version 1	Review date: 3 years from issue date
Review Responsibility: Legal Counsel	Approved by: Board