



**WHISTLEBLOWERS PROTECTION ACT 2001**

**PROCEDURES FOR MAKING A DISCLOSURE  
ABOUT A MEMBER OF PARLIAMENT**

**April 2007**

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## **1. Statement of support to whistleblowers**

The Parliament of Victoria is committed to the aims and objectives of the *Whistleblowers Protection Act 2001* (the Act). Improper conduct by Members of the Parliament of Victoria is not tolerated, nor the taking of reprisals against those who come forward to disclose such conduct.

The Parliament of Victoria recognises the value of transparency and accountability in its administrative and management practices, and supports the making of disclosures about Members of Parliament 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.

The Parliament of Victoria will take all reasonable steps to protect people who make such disclosures from any detrimental action in reprisal for making the disclosure. The Parliament of Victoria will also afford fairness to the Member who is the subject of the disclosure.

## **2. Purpose of these procedures**

These procedures establish a system for reporting disclosures of improper conduct or detrimental action by Members of Parliament. The system enables such disclosures to be made to the Speaker of the Legislative Assembly, if the disclosure relates to a Member of the Legislative Assembly, or the President of the Legislative Council, if the disclosure relates to a Member of the Legislative Council. Specified officers may receive disclosures on behalf of the Speaker or President. Disclosures may be made by employees or by members of the public.

The coverage of the Act specifically excludes parliamentary officers. This means that disclosures about parliamentary officers cannot be made under the Act. Parliamentary officers are, however, entitled to make disclosures under the Act, as are all members of the public.

These procedures are designed to complement normal communication channels between supervisors and employees. Employees are encouraged to continue to raise appropriate matters at any time with their supervisors. As an alternative, employees may make a disclosure of improper conduct or detrimental action under the Act in accordance with these procedures.

## **3. Objects of the Act**

The *Whistleblowers Protection Act 2001* came into operation on 1 January 2002. The purpose of the Act is to encourage and facilitate the making of disclosures of improper conduct by public officers and public bodies. The Act provides protection to whistleblowers who make disclosures in accordance with the Act, and establishes a system for the matters disclosed to be investigated and rectifying action to be taken.

The provisions of the Act apply to Members of Parliament, who fall under the section 3 definition of a “public officer.” However, deliberations and decisions of Cabinet and deliberations of parliamentary committees are specifically excluded from disclosure under section 57 of the Act.

#### **4. Definitions of key terms**

Three key concepts in the reporting system are improper conduct, corrupt conduct and detrimental action. Definitions of these terms are set out below.

##### **4.1 Improper conduct**

A disclosure may be made about improper conduct by a Member of Parliament. Improper conduct means conduct that is corrupt, a substantial mismanagement of public resources, or conduct involving substantial risk to public health or safety or to the environment. The conduct must be serious enough to constitute, if proved, a criminal offence or reasonable grounds for dismissal.

###### ***Examples***

*To avoid closure of a town’s only industry, a Member of Parliament ignores or conceals evidence of illegal dumping of waste.*

*A Member tries to delay the imposing of quarantine to allow a financially distressed farmer to sell diseased stock.*

See 4.2 for specific examples of corrupt conduct.

##### **4.2 Corrupt conduct**

Corrupt conduct means:

- Conduct of a person (whether or not a public official) that adversely affects the honest performance of a Member of Parliament’s or a public body’s functions; or
- A Member of Parliament acting dishonestly or with inappropriate partiality; or
- Conduct of a Member of Parliament that amounts to a breach of public trust; or
- Conduct by a Member of Parliament 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 to engage in any of the above conduct.

###### ***Examples***

*A Member of Parliament takes a bribe or receives a payment other than his or her wages or salary in exchange for the discharge of a public duty.*

*A Member favours unmeritorious applications for permits by friends and relatives.*

*A Member of Parliament sells confidential information.*

### **4.3 Detrimental action**

The Act makes it an offence for a person to take detrimental action against a person in reprisal for a protected disclosure. Detrimental action includes:

- Action causing injury, loss or damage;
- Intimidation or harassment;
- Discrimination, disadvantage or adverse treatment in relation to a person's employment, career, profession, trade or business, including the taking of disciplinary action.

#### ***Examples***

*A Member transfers, isolates in the workplace or changes the duties of a whistleblower due to the making of a disclosure.*

*A Member threatens, abuses or carries out other forms of harassment directly or indirectly against the whistleblower, his or her family or friends.*

## **5. The reporting system**

### **5.1 Contacts within the Parliament of Victoria**

Disclosures of improper conduct or detrimental action may be made to the officers listed in 6.2.

All correspondence, phone calls and emails from internal or external whistleblowers will be referred to the appropriate Presiding Officer. The Presiding Officers (the Speaker of the Legislative Assembly and the President of the Legislative Council) are the Members of Parliament elected to preside over meetings of their respective Houses; they also take responsibility for the administration of the parliamentary departments.

Where a person is contemplating making a disclosure and is concerned about approaching a Presiding Officer or a protected disclosure officer in the workplace, he or she can call the relevant officer and request a meeting at a discreet location away from the workplace.

### **5.2 Contacts for disclosures not related to Members of Parliament**

These guidelines cover disclosures about Members of Parliament only. Disclosures about improper conduct or detrimental action by public bodies, or their officers, should be made to the relevant person/body. The following table sets out where other disclosures under the Act should be made.

<b>Person who is the subject of the disclosure</b>	<b>Person/body to whom the disclosure must be made</b>
Employee of a public body	That public body or the Ombudsman
Councillor	The Ombudsman
Chief Commissioner of Police	The Ombudsman or the Director, Police Integrity
Member of the police force	The Ombudsman, the Director, Police Integrity or Chief Commissioner of Police

A toll free central confidential hotline has been set up to enable anyone to find out the appropriate contact in a public body: 1300 366 356. Further information about making disclosures in relation to public bodies is also available at [www.justice.vic.gov.au/whistleblowers](http://www.justice.vic.gov.au/whistleblowers).

Ombudsman Victoria  
Level 9, 459 Collins Street (North Tower)  
Melbourne Victoria 3000  
(DX 210174)

Internet: [www.ombudsman.vic.gov.au](http://www.ombudsman.vic.gov.au)  
Email: [ombudvic@ombudsman.vic.gov.au](mailto:ombudvic@ombudsman.vic.gov.au)

Ph: (03) 9613 6222  
Toll Free: 1800 806 314

Ombudsman: Mr George Brouwer Ph: (03) 9613 6202

Director, Police Integrity  
Level 3, 459 Collins Street (South Tower)  
Melbourne Victoria 3000  
(DX 210004)

Internet: [www.opi.vic.gov.au](http://www.opi.vic.gov.au)  
Email: [opi@opi.vic.gov.au](mailto:opi@opi.vic.gov.au)

Ph: (03) 8635 6188  
Toll Free: 1800 818 387

Director, Police Integrity: Mr George Brouwer Ph: (03) 9613 6202

## **6. Roles and responsibilities**

### **6.1 Members of Parliament and Employees**

Members of Parliament and employees are encouraged to report known or suspected incidences of improper conduct or detrimental action in accordance with these procedures.

All Members and employees of the Parliament of Victoria 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 Protected disclosure officers**

For disclosures relating to Members of the Legislative Assembly, the protected disclosure officers are:

- The Honourable Jenny Lindell MP  
Speaker of the Legislative Assembly  
Parliament House, Spring Street, East Melbourne 3002  
Ph (03) 9651 8575
- Mr Ray Purdey  
Clerk of the Legislative Assembly  
Parliament House, Spring Street, East Melbourne 3002  
Ph (03) 9651 8550
- Mrs Liz Choat  
Deputy Clerk of the Legislative Assembly  
Parliament House, Spring Street, East Melbourne 3002  
Ph (03) 9651 8551

For disclosures relating to Members of the Legislative Council, the protected disclosure officers are:

- The Honourable Robert Smith MLC  
President of the Legislative Council  
Parliament House, Spring Street, East Melbourne 3002  
Ph (03) 9651 8676
- Mr Wayne Tunnecliffe  
Clerk of the Legislative Council  
Parliament House, Spring Street, East Melbourne 3002  
Ph (03) 9651 8670
- Mr Matthew Tricarico  
Deputy Clerk of the Legislative Council  
Parliament House, Spring Street, East Melbourne 3002  
Ph (03) 9651 8671

Where a whistleblower wishes to make a disclosure about either the Speaker or the President, the procedures in 6.5 apply.

Protected disclosure officers will:

- Be a contact point for general advice about the operation of the Act for any person wishing to make a disclosure about improper conduct or detrimental action;
- Make arrangements for a disclosure to be made privately and discreetly and, if necessary, away from the workplace;
- Receive and respond to written and oral inquiries about making a disclosure;
- Receive written and oral disclosures from any whistleblower;
- Commit to writing any disclosure made orally;
- Take all necessary steps to ensure the identity of the whistleblower and the identity of the person who is the subject of the disclosure are kept confidential;
- Forward all disclosures and supporting evidence to the relevant protected disclosure coordinator.

### **6.3 Protected disclosure coordinators**

The protected disclosure coordinators are the Presiding Officers, namely:

- The Speaker of the Legislative Assembly (for disclosures relating to Members of the Legislative Assembly);
- The President of the Legislative Council (for disclosures relating to Members of the Legislative Council).

In these procedures all references are to the Presiding Officers.

The Presiding Officer has a central 'clearinghouse' role in the internal reporting system. He or she will:

- Receive all disclosures forwarded from the protected disclosure officers;
- Receive and respond to written and oral inquiries from any person about making a disclosure;
- Receive written and oral disclosures from any person;
- Receive all telephone calls, emails and letters from whistleblowers once a disclosure has been referred to him or her by a protected disclosure officer;
- Impartially assess each disclosure to determine whether it is a protected disclosure in accordance with Part 2 of the Act;
- Determine whether to refer a protected disclosure to the Ombudsman;
- Appoint a welfare manager to support the whistleblower and to protect him or her from any reprisals;
- Take all necessary steps to ensure the identity of the whistleblower and the identity of the Member who is the subject of the disclosure are kept confidential.

#### **6.4 Administrative responsibilities**

The Clerk of the Legislative Assembly (for disclosures relating to Members of the Assembly) and the Clerk of the Legislative Council (for disclosures relating to Members of the Council) will, in conjunction with the Presiding Officers:

- Establish and manage a confidential filing system;
- Collate statistics on disclosures made.

#### **6.5 Disclosures relating to the Speaker or the President**

Where a whistleblower wishes to make a disclosure against either the Speaker or the President the following procedure applies:

- Disclosures relating to the Speaker should be made to Clerk or Deputy Clerk of the Legislative Assembly and those relating to the President should be made to the Clerk or Deputy Clerk of the Legislative Council. Contact details are provided in 6.2;
- For the purposes of such disclosures only, all the obligations of the Presiding Officers will be carried out by the Deputy Speaker or Deputy President, as Deputy Presiding Officers, as appropriate;
- The Clerk or Deputy Clerk may refer the disclosure direct to the Deputy Presiding Officer for consideration. Alternatively he or she may ask the Ombudsman to contact the Deputy Presiding Officer with details of the disclosure and to provide such guidance as the Deputy Presiding Officer may request in the exercising of his or her obligations.

#### **6.6 Welfare manager**

The welfare manager will be the Manager Organisation Development in the Department of Parliamentary Services or such other suitably qualified person appointed by the Presiding Officer. He or she is responsible for looking after the general welfare of the whistleblower and will:

- Examine the immediate welfare and protection needs of a whistleblower who has made a disclosure and seek to foster a supportive work environment;
- Advise the whistleblower of the legislative and administrative protections available to him or her;
- Listen and respond to any concerns of harassment, intimidation or victimisation in reprisal for making disclosure;
- Ensure the expectations of the whistleblower are realistic.

## **7. Confidentiality**

The Parliament of Victoria will take all reasonable steps to protect the identity of the whistleblower. Maintaining confidentiality is crucial in ensuring reprisals are not made against a whistleblower.

The Act requires any person who receives information due to the handling or investigation of a protected disclosure, not to disclose that information except in certain limited circumstances. Disclosure of information in breach of section 22 constitutes an offence that is punishable by a maximum fine of 60 penalty units (currently \$6,445) or six months imprisonment or both.

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

- Where exercising the functions of the Presiding Officers under the Act;
- When making a report or recommendation under the Act;
- In criminal proceedings for certain offences in the Act.

However, the Act prohibits the inclusion of particulars in any report or recommendation that is likely to lead to the identification of the whistleblower.

The Parliament of Victoria will ensure all files, whether paper or electronic, are kept in a secure location and can only be accessed by the relevant Presiding Officer, protected disclosure officer or welfare manager (in relation to welfare matters). All printed material will be kept in files that are clearly marked as a Whistleblower Protection Act matter, and warn of the criminal penalties that apply to any unauthorised divulging of information concerning a protected disclosure. All electronic files will be stored on floppy disk and be given password protection. The Clerk of the Legislative Assembly and Clerk of the Legislative Council, as appropriate, will be responsible for all electronic files. Backup files will be kept on a duplicate floppy disk. These disks, along with all materials relevant to consideration of the disclosure, will be stored securely with the whistleblower files.

The Parliament of Victoria will not email documents relevant to a whistleblower matter and will ensure all phone calls and meetings are conducted in private.

## **8. Collating and publishing statistics**

The Presiding Officers will ensure a secure register is established to keep account of the status of whistleblower disclosures. This information will be published in the relevant annual report of the Department of the Legislative Assembly and the Department of the Legislative Council. The register will be confidential and will not record any information that may identify the whistleblower.

The register will contain the following information:

- The number and types of disclosures made to a Presiding Officer during the year;
- The number and types of disclosures referred by the Presiding Officer to the Ombudsman for determination;

- Any recommendations made by the Ombudsman that relate to the Parliament of Victoria or its Members;
- The number and types of disclosed matters that were substantiated upon investigation and the action taken on completion of the investigation.

## **9. Receiving and assessing disclosures**

### **9.1 *Has the disclosure been made in accordance with Part 2 of the Act?***

A Presiding Officer will assess whether the disclosure has been made in accordance with Part 2 of the Act and is, therefore, a protected disclosure.

#### **9.1.1 Has the disclosure been made to the appropriate person?**

For the disclosure to be responded to by a Presiding Officer, it must concern a Member of the Legislative Assembly or Legislative Council, as appropriate. If the disclosure concerns an employee, officer or member of a public body, the person who has made the disclosure must be advised of the correct person or body to whom the disclosure should be directed: see the table in 5.2. If the disclosure has been made anonymously, it should be referred to the Ombudsman.

#### **9.1.2 Does the disclosure contain the essential elements of a protected disclosure?**

To be a protected disclosure, a disclosure must satisfy the following criteria:

- Did a natural person (that is, an individual person rather than a corporation) make the disclosure?
- Does the disclosure relate to conduct of a Member of Parliament acting in his or her official capacity?
- Is the alleged conduct either improper conduct or detrimental action taken against a person in reprisal for making a protected disclosure?
- Does the person making a disclosure have reasonable grounds for believing the alleged conduct has occurred?

Where a disclosure is assessed to be a protected disclosure, the Presiding Officer may refer the disclosure to the Ombudsman who will determine whether it is a public interest disclosure. In exercising their discretion, the Presiding Officers may consider, but are not limited to, the following:

- Is it appropriate to engage an external consultant to consider evidence provided and conduct preliminary investigations?
- Is the disclosure trivial, frivolous or vexatious?
- Does the evidence produced show, or tend to show, support for the alleged conduct?
- If proven, would the disclosure amount to a failure to comply with the Code of Conduct provisions contained in the *Members of Parliament (Register of Interests) Act 1978*?

- Is the matter the subject of any other investigation?
- Was there any delay in disclosing information and, if so, what explanation was given for such delay?

The Presiding Officer will use reasonable endeavours to determine whether the disclosure is a protected disclosure and, if so, whether it should be referred to the Ombudsman, within 45 days of the receipt of the disclosure.

Where the Presiding Officer concludes that the disclosure amounts to a protected disclosure and it should be referred to the Ombudsman, he or she will:

- Notify the person who made the disclosure of that conclusion;
- Refer the disclosure to the Ombudsman for determination as to whether the disclosure is a public interest disclosure.

Where the Presiding Officer concludes that the disclosure is not a protected disclosure, or exercises discretion not to refer a protected disclosure to the Ombudsman, he or she will notify the person who made the disclosure of that conclusion. In these circumstances the matter does not need to be dealt with under the Act and the Member of Parliament is not advised that a disclosure has been made about him or her.

Notification to the whistleblower is not necessary where the disclosure has been made anonymously.

## **9.2 *Is the disclosure a public interest disclosure?***

Where the Presiding Officer refers a disclosure to the Ombudsman, the Ombudsman will determine within a reasonable time whether it is a public interest disclosure.

The Ombudsman will notify the Presiding Officer of his or her decision and the Presiding Officer will contact the whistleblower to confirm the decision made. Where the Ombudsman determines that a disclosure is a public interest disclosure, the Ombudsman must then carry out an investigation.

## **10. Action taken after an investigation**

### **10.1 *Ombudsman's final report***

At the conclusion of the investigation, the Ombudsman will report the findings of the investigation to the Presiding Officer. The Ombudsman may also make recommendations, including that:

- The disclosed matter be referred to an appropriate authority for further consideration;
- Action be taken to remedy any harm or loss arising from the conduct;
- Action be taken to prevent the conduct from continuing or occurring in the future.

Where the report is to include an adverse comment against a Member, that Member will be given the opportunity to respond and his or her defence will be fairly included in the report.

The report will not disclose particulars likely to lead to the identification of the whistleblower.

## **10.2 Action to be taken**

If the Presiding Officer is satisfied that the investigation has found that the disclosed conduct has occurred, he or she will consider what action must be taken to prevent the conduct from continuing or occurring in the future. The Presiding Officer may also consider whether action should be taken to remedy any harm or loss arising from the conduct.

In assessing what action should be taken where there is an adverse report, the Presiding Officer may consider, but is not limited by, the following options:

- Passing details on to the police for further action;
- Tabling the report in the Legislative Assembly or Legislative Council, as appropriate.

Although the Presiding Officer has full discretion in assessing the appropriate action, he or she will normally arrange for such a report to be tabled.

Where the report does not include an adverse comment against a Member, the Presiding Officer may still exercise discretion to table it. In assessing whether to do so, the Presiding Officer will take into account, but is not limited by, the following:

- Whether the issue has been the subject of public discussion;
- If the tabling of the report would have an adverse effect on the Member.

## **11. Managing the welfare of the whistleblower**

### **11.1 Commitment to protecting whistleblowers**

The Parliament of Victoria is committed to the protection of genuine whistleblowers against detrimental action taken in reprisal for the making of protected disclosures. The Presiding Officers are responsible for ensuring whistleblowers are protected from direct and indirect detrimental action, and that the culture of the workplace is supportive of protected disclosures being made.

The relevant Presiding Officer will appoint a welfare manager to all whistleblowers who have made a protected disclosure. The welfare manager will:

- Examine the immediate welfare and protection needs of a whistleblower who has made a disclosure and, where the whistleblower is an employee, seek to foster a supportive work environment;
- Advise the whistleblower of the legislative and administrative protections available to him or her;
- Listen and respond to any concerns of harassment, intimidation or victimisation in reprisal for making disclosure;

- Keep a contemporaneous record of all aspects of the case management of the whistleblower including all contact and follow-up action;
- Ensure the expectations of the whistleblower are realistic.

All employees will be advised that it is an offence for a person to take detrimental action in reprisal for a protected disclosure. The maximum penalty is a fine of 240 penalty units (currently \$25,783) or two years imprisonment or both. The taking of detrimental action in breach of this provision can also be grounds for making a disclosure under the Act and can result in an investigation.

Detrimental action includes:

- Causing injury, loss or damage;
- Intimidation or harassment;
- Discrimination, disadvantage or adverse treatment in relation to a person's employment, career, profession, trade or business (including the taking of disciplinary action).

### ***11.2 Keeping the whistleblower informed***

The Presiding Officer will ensure the whistleblower is kept informed of action taken in relation to his or her disclosure, and the time frames that apply. The whistleblower will be informed of the objectives of an investigation, the findings of an investigation, and the steps taken by the Parliament of Victoria to address any improper conduct that has been found to have occurred. The whistleblower will be given reasons for decisions made by the Parliament of Victoria in relation to a protected disclosure. All communication with the whistleblower will be in plain English.

### ***11.3 Occurrence of detrimental action***

If a whistleblower reports an incident of harassment, discrimination or adverse treatment that would amount to detrimental action taken in reprisal for the making of the disclosure, the welfare manager will:

- Record details of the incident;
- Advise the whistleblower of his or her rights under the Act;
- Advise the Presiding Officer of the detrimental action.

The taking of detrimental action in reprisal for the making of a disclosure can be an offence against the Act as well as grounds for making a further disclosure. Where such detrimental action is reported, the Presiding Officer will assess the report as a new disclosure under the Act. Where the Presiding Officer is satisfied that the evidence produced shows, or tends to show, support for the alleged conduct, he or she will refer it to the Ombudsman. If the Ombudsman subsequently determines the matter to be a public interest disclosure, the Ombudsman may investigate the matter or refer it to another body for investigation as outlined in the Act.

### ***11.4 Whistleblowers implicated in improper conduct***

Where a person who makes a disclosure is implicated in misconduct, the Parliament of Victoria will handle the disclosure and protect the whistleblower from reprisals in

accordance with the Act, the Ombudsman's guidelines and these procedures. The Parliament of Victoria acknowledges that the act of whistleblowing should not shield whistleblowers from the reasonable consequences flowing from any involvement in improper conduct. Section 17 of the Act specifically provides that a person's liability for his or her own conduct is not affected by the person's disclosure of that conduct under the Act. However, in some circumstances, an admission may be a mitigating factor when considering disciplinary or other action.

The Presiding Officer will make the final decision as to whether disciplinary or other action will be taken against a whistleblower. Where disciplinary or other action relates to conduct that is the subject of the whistleblower's disclosure, the disciplinary or other action will only be taken after the disclosed matter has been appropriately dealt with.

In all cases where disciplinary or other action is being contemplated, the Presiding Officer must be satisfied that it has been clearly demonstrated that:

- The intention to proceed with disciplinary action is not causally connected to the making of the disclosure (as opposed to the content of the disclosure or other available information);
- There are good and sufficient grounds that would fully justify action against any non-whistleblower in the same circumstances;
- There are good and sufficient grounds that justify exercising any discretion to institute disciplinary or other action.

The Presiding Officer will ensure the process is thoroughly documented including the recording of reasons why the disciplinary or other action is being taken, and the reasons why the action is not in retribution for the making of the disclosure. The Presiding Officer will clearly advise the whistleblower of the proposed action to be taken, and of any mitigating factors that have been taken into account.

## **12. Management of the Member against whom a disclosure has been made**

Where the Ombudsman determines that a disclosure is a public interest disclosure, the usual procedure will be:

- The Ombudsman will notify the relevant Presiding Officer;
- The Presiding Officer will write to the Member to advise that the Member is the subject of a protected interest disclosure under the Act. The Member will be told that the Ombudsman will contact him or her direct to arrange a discussion or, alternatively, the Member will be asked to contact the Ombudsman;
- The letter will either be delivered to the Member personally at Parliament House or sent to his or her home address.

Where the allegations in a disclosure have been investigated by the Ombudsman, the Member who is the subject of the disclosure will be formally advised by the Presiding Officer of the outcome of the investigation.

The Parliament of Victoria will give its full support to a Member who is the subject of a disclosure where the allegations contained in a disclosure are clearly wrong or

unsubstantiated. If the matter has been publicly disclosed, the Presiding Officer will consider any request by that person to issue a statement of support setting out that the allegations were clearly wrong or unsubstantiated.

### **13. Criminal offences**

The Parliament of Victoria will ensure officers appointed to handle protected disclosures and all other employees are aware of the following offences created by the Act:

- It is an offence for a person to take detrimental action against a person in reprisal for a protected disclosure being made. The Act provides a maximum penalty of a fine of 240 penalty units (currently \$25,783) or two years imprisonment or both;
- It is an offence for a person to divulge information obtained as a result of the handling or investigation of a protected disclosure without legislative authority. The Act provides a maximum penalty of 60 penalty units (currently \$6,445) or six months imprisonment or both;
- It is an offence for a person to obstruct the Ombudsman in performing his responsibilities under the Act. The Act provides a maximum penalty of 240 penalty units (currently \$25,783) or two years imprisonment or both;
- It is an offence for a person to knowingly provide false information under the Act with the intention that it be acted on as a disclosed matter. The Act provides a maximum penalty of 240 penalty units (currently \$25,783) or two years imprisonment or both.