PROTECTED DISCLOSURE ACT 2012
PROCEDURES FOR MAKING A DISCLOSURE ABOUT A MEMBER OF PARLIAMENT

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1. Statement of support for persons making protected disclosures

The Parliament of Victoria is committed to the aims and objectives of the Protected Disclosure Act 2012 (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 improper conduct, being corrupt conduct, or specified conduct including substantial mismanagement of public resources, or 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 have been issued by the Presiding Officers under section 65 of the Act. 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.

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 Act also enables disclosures to be made about ministerial officers, parliamentary officers, parliamentary advisers and electorate officers. However, these disclosures must be made directly to the Independent Broad-based Anti-corruption Commission (IBAC).

These procedures only relate to a disclosure about a current Member of Parliament made to a Presiding Officer.

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 Protected Disclosure Act 2012 came into operation on 10 February 2013 and replaced the Whistleblowers Protection Act 2001. The purpose of the Act is to encourage and facilitate the making of disclosures of improper conduct by public officers and public bodies and establish a system for matters to be investigated. The Act provides protection from detrimental action to any person affected by a protected disclosure whether it is a person who makes a disclosure, witness, or a person who is subject of an investigation.

Section 19 of the Act enables people to make protected disclosures relating to Members of Parliament and Ministers of the Crown to either the Speaker of the Legislative Assembly or the President of the Legislative Council.

4. Definitions of key terms

Throughout these procedures, the term ‘complainant’ means a person making a disclosure under the Act. Three key concepts in the reporting system are improper conduct, corrupt conduct and detrimental action. Definitions of these terms, as well as specified conduct, 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, as well as specified conduct being, a substantial mismanagement of public resources, or 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 in the performance of his or her official functions; or
- conduct of a Member of Parliament that constitutes or involves knowingly or recklessly breaching 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 his or her official functions; or
- a conspiracy or attempt to engage in any of the above conduct.

The corrupt conduct must be conduct that would, if the facts were found proved beyond reasonable doubt at a trial, constitute an indictable offence or one of the common law offences of attempting to pervert the course of justice, bribery of a public official or perverting the course of justice.

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 of Parliament sells confidential information.

4.3 Specified conduct

Specified conduct also includes the types of conduct specified above as ‘corrupt conduct’, as well as:
- a substantial mismanagement of public resources; or
- a substantial risk to public health or safety; or
- a substantial risk to the environment.

The use of the word ‘substantial’ has the effect of limiting these types of conduct to situations in which there is significant or considerable mismanagement, or significant or considerable risks to health, safety or the environment.

The specified conduct must be conduct that, if proved, would constitute a criminal offence or reasonable grounds for dismissal.

4.4 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 isolates in the workplace or asks the complainant to undertake tasks in appropriate to their level of skill and responsibility, because the person has made a disclosure.

A Member threatens, abuses or carries out other forms of harassment directly or indirectly against the complainant, 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 complainants will be referred to the appropriate Presiding Officer.

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.

<table>
<thead>
<tr>
<th>Person who is the subject of the disclosure</th>
<th>Person/body to whom the disclosure must be made</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employee of a public service body</td>
<td>That public service body or the IBAC</td>
</tr>
<tr>
<td>Councillor</td>
<td>The Ombudsman or the IBAC</td>
</tr>
<tr>
<td>Chief Commissioner of Police</td>
<td>The IBAC</td>
</tr>
<tr>
<td>Member of the police force</td>
<td>The IBAC or a member of the police force with a rank, including an acting rank, of sergeant or above</td>
</tr>
<tr>
<td>Ministerial officer, parliamentary adviser, electorate officer or parliamentary officer</td>
<td>The IBAC</td>
</tr>
<tr>
<td>IBAC, VAGO, Ombudsman</td>
<td>The Victorian Inspectorate</td>
</tr>
</tbody>
</table>

Independent Broad-based Anticorruption Commission (IBAC)
GPO Box 24234
Melbourne Victoria 3000
(DX 210187)

Internet: www.ibac.vic.gov.au
Email: submit@ibac.vic.gov.au
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Commissioner: Mr Stephen O’Bryan S.C.

Ombudsman Victoria
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Melbourne Victoria 3000
(DX 210174)

Internet: www.ombudsman.vic.gov.au
Email: ombudvic@ombudsman.vic.gov.au
Ph: (03) 9613 6222
Toll Free: 1800 806 314
Ombudsman: Ms Deborah Glass
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. Public sector employees and members of the public are also able to report incidents of improper conduct or detrimental action involving Members of Parliament.

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 Telmo Languiller MP
  Speaker of the Legislative Assembly
  Parliament House, Spring Street, East Melbourne 3002
  Ph (03) 9651 8575
  speaker@parliament.vic.gov.au

- Mr Ray Purdey
  Clerk of the Legislative Assembly
  Parliament House, Spring Street, East Melbourne 3002
  Ph (03) 9651 8550

- Ms Bridget Noonan
  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 Bruce Atkinson MLC
  President of the Legislative Council
  Parliament House, Spring Street, East Melbourne 3002
  Ph (03) 9651 8675
  president@parliament.vic.gov.au

- Mr Andrew Young
  Acting Clerk of the Legislative Council
  Parliament House, Spring Street, East Melbourne 3002
  Ph (03) 9651 8670

- Ms Anne Sargent
  Deputy Clerk of the Legislative Council
  Parliament House, Spring Street, East Melbourne 3002
  Ph (03) 9651 8671

Where a person 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;
- Commit to writing any disclosure made orally;
- Take all necessary steps to ensure the identity of the person making the disclosure 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 persons making a disclosure once a disclosure has been referred to him or her by a protected disclosure officer;
- Impartially assess each disclosure to determine whether it may be a protected disclosure in accordance with Part 2 of the Act;
- Determine whether to refer a disclosure to the IBAC;
- Appoint a welfare manager to support the complainant and to protect him or her from any reprisals;
- Take all necessary steps to ensure the identity of the complainant 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 person 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.

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 complainant and will:

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

7. Confidentiality

The Parliament of Victoria will take all reasonable steps to protect the identity of any person making a protected disclosure. Maintaining confidentiality is crucial in ensuring reprisals are not made against those making protected disclosures.

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 52 or 53 of the Act constitutes an offence that is punishable by a maximum fine of 120 penalty units or
twelve 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 person making the protected disclosure.

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 Protected Disclosure 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 CD or other disc (not on the network server) 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.

The Parliament of Victoria will not email documents relevant to a protected disclosure 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 protected
disclosures. This register will be used to publish statistical information 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 a complainant.

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 IBAC for determination;
- Any recommendations made by the IBAC 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 Does the disclosure appear to be a protected disclosure?

A Presiding Officer will assess whether the disclosure has been made in accordance with Part 2 of the Act and,
therefore, appears to be 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 will be referred to the
IBAC if the Presiding Officer considers it to be a protected disclosure.

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 (including
  as a Minister)?
- Is the alleged conduct either improper conduct or detrimental action taken against any person in reprisal for
  the making of a protected disclosure by any person?
- Does the information show or tend to show there is improper conduct or detrimental action?
- Does the complainant have reasonable grounds to believe that the information he or she has provided shows or
  tends to show there is improper conduct or detrimental action?
The phrase ‘reasonable grounds for belief’ requires more than a suspicion and the belief must have supporting facts and circumstances. For reasonable grounds of belief, the usual test applied is whether a reasonable person would have formed that belief, having regard to all the circumstances. This test is an objective one, that is, whether a reasonable person, possessed of the same information that the person making the disclosure holds, would believe that the information shows or tends to show that there is improper conduct or detrimental action. Reasonable grounds for a belief are also taken to require something more than a reasonable suspicion.

Nor can a belief be held to be based on reasonable grounds, where it is based on a mere allegation, or conclusion, which is unsupported by any facts or circumstances. The existence of evidence is required to show that the reasonable grounds are probable. For example, it is not sufficient for a person to base a disclosure on the statement ‘I know X is accepting bribes to grant planning permits to Y developer’. This is a mere allegation unsupported by any further facts and circumstances.

However, the requirement for facts and circumstances to be present to support a belief does not mean that it is necessary that the person have a prima facie case, merely that the belief be reasonably based.

In some circumstances, hearsay or second-hand information may be used to establish reasonable grounds for the belief, provided that the information and its source appears credible. This may depend on how the person obtained the information, and the detail of the information.

The credibility of the person making a disclosure or individuals who have provided them with information may also be considered in determining if the individual has reasonable grounds for the belief.

### 9.2 Discretion of Presiding Officer to refer disclosure to the IBAC

Where the Presiding Officer considers that a disclosure may be a protected disclosure, the Presiding Officer may notify the disclosure to the IBAC who will determine whether it is a protected disclosure complaint. In exercising their discretion, the Presiding Officers may consider, but are not limited to, the following:

- Is the disclosure trivial, frivolous or vexatious?
- Does the information provided 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 a protected disclosure should be notified to the IBAC within 28 days of the receipt of the disclosure.

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

- May notify the person who made the disclosure of that conclusion;
- Will notify the disclosure to the IBAC for determination as to whether the disclosure is a protected disclosure complaint.

Where the Presiding Officer concludes that the disclosure is not a protected disclosure, or exercises discretion not to refer a protected disclosure to the IBAC, he or she may 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 person who made the disclosure is not possible where the disclosure has been made anonymously.

### 9.3 Is the disclosure a protected disclosure complaint?

Where the Presiding Officer refers a disclosure to the IBAC, the IBAC will assess within a reasonable time whether it is a protected disclosure and, if so, determine it to be a protected disclosure complaint.

The IBAC will notify the Presiding Officer of his or her decision and the IBAC will also contact the person who made the protected disclosure to advise them of the decision made. Where the IBAC determines that a disclosure is a protected disclosure complaint, the IBAC must either carry out an investigation (but only if it is a complaint of
serious corrupt conduct), refer the matter to another investigating entity for investigation (most likely, the Ombudsman), or dismiss it (with reasons).

10. Managing the welfare of the persons making protected disclosures

10.1 Commitment to protecting persons making protected disclosures

The Parliament of Victoria is committed to the protection of complainants against detrimental action taken in reprisal for the making of protected disclosures. The Presiding Officers are responsible for ensuring they 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 for all complainants. The welfare manager will:

- Examine the immediate welfare and protection needs of a complainant who has made a disclosure and, where the complainant is an employee, seek to foster a supportive work environment;
- Advise the complainant 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 complainant including all contact and follow-up action;
- Ensure the expectations of the complainant 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 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).

10.2 Keeping the complainant informed

The Presiding Officer will ensure the complainant is kept informed of action taken in relation to his or her disclosure, and the time frames that apply. The complainant will be informed by IBAC or the relevant investigating entity about the action they have taken, and any recommendations made as a result of an investigation. They will be informed of any steps taken by the Parliament of Victoria to address any improper conduct that has been found to have occurred. All communication will be in plain English.

10.3 Occurrence of detrimental action

If a complainant 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 person 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 may refer it to the IBAC. If the IBAC subsequently determines the matter to be a protected disclosure complaint, the IBAC may investigate the matter or refer it to another body for investigation as outlined in the Act.

10.4 Complainant implicated in improper conduct

The Parliament of Victoria acknowledges that the act of making a protected disclosure should not shield a person from the reasonable consequences flowing from any involvement in improper conduct. Section 42 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 complainant. Where disciplinary or other action relates to conduct that is the subject of the 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 person 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 complainant of the proposed action to be taken, and of any mitigating factors that have been taken into account.

11. Management of the Member against whom a disclosure has been made

Where the IBAC determines that a disclosure is a public interest disclosure complaint, the Presiding Officer will discuss with the IBAC Commissioner whether it is appropriate to notify the Member of the complaint. If the matter is one of significant public interest, with the consent of the IBAC Commissioner, the Presiding Officer may also make a statement in the House advising that the matter has been referred to the IBAC.

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.

12. 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 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 120 penalty units or 12 months imprisonment or both;
- It is an offence for a person to obstruct an IBAC Officer in performing his or her responsibilities under the Independent Broad-based Anti-corruption Commission Act 2011. That Act provides a maximum penalty of 120 penalty units or 12 months imprisonment or both;
- It is an offence for a person to provide information under the Act that the person knows is false or misleading in a material particular, with the intention that it be acted on as a protected disclosure. The Act provides a maximum penalty of 120 penalty units or 12 months imprisonment or both.