

Guide to Protected Disclosures

Protected Disclosure Act 2012 (Vic)



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1 FUNDAMENTAL CONCEPTS

The Taxi Services Commission (TSC) is committed to transparency and accountability. The TSC does not tolerate corrupt conduct or misconduct or reprisals against persons who disclose such conduct.

You can help ensure that the TSC is free from corruption and serious misconduct by coming forward and providing information if you have concerns.

The law provides particular protections to people who make what is called a “protected disclosure” (a process commonly known as “whistleblowing”) under the Protected Disclosure Act 2012 (Vic). The purpose of these protections is to ensure that those making disclosures are not subject to detrimental action taken in reprisal against them.

This document explains the key concepts and procedures that apply to protected disclosures.

2 WHAT IS A PROTECTED DISCLOSURE?

A protected disclosure is a complaint or a report about the conduct of public bodies or public officers that is “improper conduct.” Public officers include members, officers and/or employees of the TSC.

Improper conduct is:

TYPE OF CONDUCT	MEANING
Corrupt conduct	Conduct that would, if proved beyond reasonable doubt at trial, constitute: <ul style="list-style-type: none"> • a criminal offence that is indictable (ie serious); or • the criminal offences of attempt to pervert the course of justice, perverting the course of justice or bribery of a public official.
Other specified conduct	Conduct that if proved would constitute a criminal offence that is not indictable (ie a more minor criminal offence) or reasonable grounds for dismissal from employment.

Protected disclosures can also be made about detrimental action that has occurred, is occurring or is proposed to be engaged in by a public body or a public officer.

If the relevant conduct you wish to make a complaint or report about does not fall into the above categories, you can make a complaint about such conduct to the TSC through the TSC’s standard complaints handling procedure (see <http://www.taxi.vic.gov.au/about-us/feedback-form>).

Prior to taking any action, you should read through this Guide (and seek independent advice if required) to determine whether what you propose to do constitutes a protected disclosure.

3 MAKING A PROTECTED DISCLOSURE

The TSC is not an entity that can either receive or notify protected disclosures.

If you wish to make a protected disclosure, you should make it directly to the Independent Broad-based Anti-corruption Commission (IBAC).

In person: IBAC Victoria
Level 1, North Tower
459 Collins Street
Melbourne Victoria 3001

By mail: IBAC Victoria
GPO Box 24234
Melbourne VIC 3000

Online: www.ibac.vic.gov.au

By phone: 1300 735 135

By fax: (03) 8635 6444

If IBAC decides that your complaint or disclosure is not a disclosure about improper conduct or detrimental action, IBAC may refer you back to the TSC for your complaint to be dealt with in accordance with the TSC's standard complaints handling procedure.

If you have made a complaint or disclosure to IBAC about a TSC member, officer or employee, you do not need to let the TSC know. In fact, it may be in your own interests to keep the contents of the disclosure (and the fact of it being made) confidential by only discussing it with IBAC.

4 YOUR WELFARE

If the TSC is aware that you have made a protected disclosure, the TSC will take all reasonable steps to look after your welfare and protect you from detrimental action that might be taken against you in reprisal for making a protected disclosure.

To obtain support from the TSC, you should contact the TSC's Welfare Manager either in writing, by telephone or by email:

Welfare Manager

Taxi Services Commission

PO Box 1716

Melbourne VIC 3001

Telephone: (03) 9655 4966

Email: welfare.manager@taxi.vic.gov.au

5 PRIVACY AND CONFIDENTIALITY

If the TSC is aware that you have made or are involved in a protected disclosure (whether as a discloser or witness, or as the subject of a disclosure), the TSC will ensure your privacy and confidentiality to the fullest extent possible.

It is a criminal offence for a person who knows that a protected disclosure has been made (such as the Welfare Manager) to disclose any information about the disclosure to anyone else except in extremely limited circumstances.

The following measures are intended to assist in ensuring the confidentiality of any communications regarding protected disclosures:

- All contact with the Welfare Manager should be discrete and private. If required, the Welfare Manager can meet you offsite or correspond with you confidentially.
- The Welfare Manager will maintain a secure electronic and paper filing system.
- The TSC will ensure that all files, whether paper or electronic, are kept securely and can only be accessed by authorised personnel.
- 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.
- The documents that relate to a protected disclosure or that are likely to lead to the identification of a person who has made a disclosure are not required to be produced by the TSC in response to a request under the Freedom of Information Act 1982.

If you have any particular concerns about your privacy or confidentiality, you should raise them with IBAC or with the TSC's Welfare Manager.

Any statistical information published by the TSC in relation to protected disclosures will not reveal the identity of any person involved in a protected disclosure nor will it reveal the contents of a protected disclosure.

Taxi Services Commission
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