



11 Protected Disclosure Policy

The MRC amends its policies from time to time. This version was correct at **13/11/2018**. To confirm that this is the latest version of this policy, please refer to the MRC Intranet or contact the policy owner.

Policy Owner	Director of Corporate Services
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1. Background and Purpose

This policy forms part of the Melbourne Recital Centre’s Integrity Framework which reinforces behaviours of impartiality and integrity inherent in Melbourne Recital Centre’s Values, the Code of Conduct for the Victorian Public Sector (VPS) and the Department of Economic Development, Jobs, Transport and Resources’ Integrity Framework.

Melbourne Recital Centre’s Integrity Framework comprises the following policies:

- Gifts, Benefits and Hospitality Policy
- Conflict of Interest Policy
- Fraud, Corruption & Other Losses Policy
- Protected Disclosure Policy

This document outlines the procedure for making disclosures about improper conduct by MRC employees, officers, contractors and agents, or about reprisals taken against those who disclose or co-operate with an investigation of such conduct. Such disclosures are also sometimes known as “whistleblowing”.

MRC’s commitment to the objectives of the of the *Protected Disclosure Act 2012 (Vic)* is embedded in our core values of Respect, Excellence, Creativity, Inclusiveness, Teamwork, Accountability and Loyalty, and reflected in MRC’s Integrity Framework.

2. Scope

The policy applies to all persons employed or engaged by MRC including Board, employees, volunteers and contractors and should be read in conjunction with other policies that make up MRC’s Integrity Framework.

3. Principles

3.1 What is a Protected Disclosure?

The *Protected Disclosure Act 2012 (Vic)* ensures that people who report improper conduct and corruption in the Victorian public sector can do so in the knowledge that they will be protected. Protections include keeping the identity of the person reporting improper conduct confidential and protecting them from reprisals including bullying, harassment, loss of employment or legal action for making a complaint.

3.2 Improper Conduct & Detrimental Action

Melbourne Recital Centre does not tolerate improper conduct or detrimental action by its employees, officers or contractors, including detrimental action against those who come forward to disclose such conduct.

Improper conduct must be either criminal conduct or conduct serious enough to result in a person's dismissal.

Detrimental action includes harassment or discrimination, or other adverse action taken against the discloser in reprisal for having reported the alleged improper conduct. The person need not have taken the action but can have threatened to do so or incited someone else to do so. Detrimental action need not be taken against a discloser, but against any person.

A complaint should clearly show or suggest 'improper conduct' or 'detrimental action' by a public officer. People seeking protection under *Protected Disclosure Act 2012 (Vic)* should carefully consider whether their complaint meets these basic thresholds before reporting.

3.3 Making Protected Disclosures

All MRC personnel are encouraged to report any known or suspected occurrences of improper conduct or detrimental action.

Options for making a disclosure include:

- Make a disclosure internally. This disclosure could be made to your supervisor or someone else in authority at MRC. MRC may refer to the DEDJTR Protected Disclosure Coordinator, the Assistant Director, Integrity Services.
- Make a protected disclosure to the Independent Broad-based Anti-corruption Commission (IBAC), see 3.4.

3.4 Independent Broad-based Anti-Corruption Commission (IBAC)

The Independent Broad-based Anti-corruption Commission (IBAC) is Victoria's anti-corruption agency. The *Independent Broad-based Anti-corruption Commission Act 2011* (IBAC Act) affords IBAC the protections to investigate and refer disclosures.

MRC is not authorised by IBAC to receive disclosures, therefore a disclosure made to MRC will not have the protections afforded by the IBAC Act. In all cases, MRC will make all efforts to protect the confidentiality of a disclosure it receives and reference IBAC guidelines on conducting internal investigations into misconduct.

If you want to make a protected disclosure about MRC or an employee or officer of MRC, you must make the disclosure to IBAC.

The Independent Broad-based Anti-corruption Commission (IBAC)

Level 1, North Tower
459 Collins Street
Melbourne VIC 3001

or

GPO Box 24234
Melbourne VIC 3001
P 1300 735 135

W www.ibac.vic.gov.au

Online form: <https://www.ibac.vic.gov.au/reporting-corruption/report/complaints-form>

IBAC assesses every complaint it receives as a potential protected disclosure and then recommends actions.

3.5 Confidentiality

If informed of any details of a protected disclosure, MRC will treat all information received in the strictest of confidence as required by the *Protected Disclosure Act 2012* (Vic). This includes the identity of a person who has made a disclosure. MRC will take reasonable steps to support the welfare and confidentiality of a person about whom a disclosure is made.

There are limited circumstances provided for under the Act, where Melbourne Recital Centre can disclose such information, e.g. mandatory notifications of suspected corruption.

MRC provides a free, confidential and independent Employee Assistance Program (EAP) to all MRC team members and their families.

EAP services are available to all MRC team members involved in a grievance process and can be reached via Acacia Connection on 1300 361 008 or email info@acaciaconnection.com or acaciaconnection.com

4. Breach of Policy

In the case where this, or a related policy, is breached, resolution may be in accordance with MRC's disciplinary processes, taking into account the Victorian Public Sector Code of Conduct and related legislation and/or regulations.

5. Responsibilities

Board	For approving this policy and for exercising specific authority under this policy
Chief Executive Officer (CEO)	For exercising specific authority under this policy and for providing organisational leadership which encourages a high awareness of, and adherence to, policies and procedures
Managers	For championing the application of this policy in the MRC; ensuring adherence to all policies and procedures on a day-to-day basis in their areas of responsibility; and responding effectively and consistently to instances of breach
Policy Owner	For providing advice to MRC employees, contractors and volunteers on the intent and operation of the policy for which they are responsible; for identifying potential changes and updates to the policy; and for leading the process of change and approval for updating and implementing a policy
All Employees, Contractors and Volunteers	For complying with the requirements of this policy and developing an awareness of the MRC's policies and procedures to the extent required for their role

6. Links and References

Internal Support Materials	
Melbourne Recital Centre Constitution	<i>Tempo: Organisational Knowledge Centre</i>
Conflict of Interest Policy	<i>Tempo: Policy Centre</i>
Gifts, Benefits & Hospitality Policy	<i>Tempo: Policy Centre</i>
Fraud, Corruption & Other Losses Policy	<i>Tempo: Policy Centre</i>
Procurement Policy	<i>Tempo: Policy Centre</i>
External Support Materials	
<i>Independent Broad-based Anti-corruption Commission Act 2011</i>	<i>Independent Broad-based Anti-corruption Commission Act 2011</i>
<i>Protected Disclosure Act 2012 (Vic)</i>	<i>Protected Disclosure Act 2012 (Vic)</i>

Independent Broad-based Anti-corruption Commission (IBAC)	http://www.ibac.vic.gov.au/
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7. Glossary

Improper conduct	Either criminal conduct or conduct serious enough to result in a person's dismissal
Detrimental action	Harassment or discrimination, or other adverse action taken against the discloser in reprisal for having reported the alleged improper conduct
Contractor	Supplier of goods and services to the MRC under a contract
Delegate	Employee with specific authority under the register of delegations to transact on behalf of MRC
Enterprise Agreement	Formal agreement on pay and conditions established jointly by the MRC and its employees
Policy	Provides formal parameters for decision-making, action or behaviour; relates to matters of substance, focusing on key principles rather than specific tasks, and will be capable of wide application, without substantial revision, for several years
Policy Owner	The MRC employee with ultimate responsibility for the management and maintenance of a policy

8. Document Control

Prepared by	Director of Corporate Services	13/11/2018
Endorsed by	-	-
Approved by	Melbourne Recital Centre Board	13/11/2018
Date of effect		13/11/2018
Date of next review		13/11/2021