

What you need to know about

The Whistleblowers Protection Act

What is the Whistleblowers Protection Act?

The *Whistleblowers Protection Act 2001* (the Act) was enacted by the Parliament of Victoria and came into effect on 1 January 2002. It applies to all state public bodies in Victoria.

It encourages and facilitates the making of disclosures of improper conduct by public officers and public bodies. The Act provides protection to whistleblowers who make disclosures, anonymously if they wish, in accordance with the Act. It also establishes a system for the matters disclosed to be investigated and rectifying action to be taken.

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Need more information?

The Building Commission's Whistleblower Protection Policy and Procedure are available for review from Reception at the Building Commission's Melbourne office, the Protected Disclosure Officer, the Organisational Effectiveness Unit or the Commission's Intranet (employee access only).

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How is it relevant to the Building Commission?

The Building Commission is committed to the aims and objectives of the Act. It does not tolerate improper conduct by its employees, officers or members, nor the taking of reprisals against those who come forward to disclose such conduct.

The Commission supports the making of disclosures that reveal:

- Corrupt conduct
- Conduct involving a substantial mismanagement of public resources
- Conduct involving a substantial risk to public health and safety, and safety of the environment.

The Building Commission will take all reasonable steps to protect people who make such disclosures from any detrimental action in reprisal for making the disclosures. It will afford natural justice to the person who is the subject of the disclosure.

Staff and members of the public are encouraged to continue to raise complaints or grievances that fall outside the above parameters through the established complaints handling procedures.

What types of disclosures are protected under the Act?

A disclosure is a protected disclosure under the Act when it satisfies the following criteria:

- It is made by a natural person (i.e. not a company or association)
- The disclosure relates to the conduct of a public body or public officer acting in their official capacity
- The alleged conduct is either improper conduct or detrimental action taken against a person in reprisal for making a protected disclosure
- The person making the disclosure has reasonable grounds for believing the alleged conduct has occurred.

What is improper conduct?

Improper conduct under the Act is defined as:

- Corrupt conduct, that is
 - conduct of any person (whether or not a public officer) that adversely affects the honest performance of a public officer's or public body's functions
 - the dishonest performance of a public officer's function or with inappropriate partiality
 - conduct of a public officer, former public officer or a public body that amounts to a breach of public trust
 - conduct of a public officer, former public officer or a public body that amounts to the misuse of information or material acquired in the course of the performance of their official functions
 - a conspiracy or attempt to engage in the above conduct OR
- Conduct involving substantial mismanagement of Building Commission resources OR
- Conduct involving substantial risk to public health or safety OR
- Conduct involving substantial risk to the environment.

With the additional proviso that if proved, the conduct identified above would constitute a criminal offence or reasonable grounds for dismissing or dispensing with, or otherwise terminating, the services of the public officer who was, or is, engaged in that conduct.

Who do you make a disclosure to?

There are three main points of contact for making a disclosure:

1. Independent Service Provider
2. Protected Disclosure Co-ordinator
3. Ombudsman

The Building Commission has appointed STOPline Pty Ltd, an independent service provider to assist with the implementation and management of disclosures. STOPline provides an independent, secure, impartial and highly confidential complaint ("disclosure") management system to address the requirements of the Act and the Ombudsman's guidelines.

The STOPline

Telephone: 1300 304 550

Building Commission c/o The STOPline

Locked Bag 8, Hawthorn, Victoria, 3122

Email: disclosure@stoline.com.au

Website: www.stoline.com.au

OR

Protected Disclosure Co-ordinator

Telephone: (03) 9285 6487

Sarah McCann-Bartlett

Deputy Building Commissioner

Level 27, Casselden Place, 2 Lonsdale Street,
Melbourne, Victoria, 3000

Email: smccann-bartlett@buildingcommission.com.au

Disclosures can be made either verbally or in writing and can also be made anonymously.

If you do not want to make a disclosure to the Protected Disclosure Co-ordinator or our Independent Service Provider, then you may make a disclosure to the Ombudsman.

Ombudsman:

Telephone: (03) 9613 6202

Toll Free: 1800 806 314

The Ombudsman Victoria

Level 22, 459 Collins Street, Melbourne, Victoria, 3000

Internet: www.ombudsman.vic.gov.au

Other Public Bodies:

If you wish to make a disclosure under the Act about an officer or employee of *another* Public Body, contact the Protected Disclosure Co-Coordinator of that Public Body or the Ombudsman.