

WHISTLEBLOWERS PROTECTION ACT 2001

The *Whistleblowers Protection Act* came into effect on 1 January 2002. The main purposes of the Act are to encourage and facilitate the disclosure of improper conduct by public officers and public bodies (including universities), to provide protection for persons who disclose improper conduct and to provide for the investigation of disclosures.

Under the Act, a person who believes that improper conduct has occurred may disclose the conduct to the Victorian Ombudsman or to the public body to which the conduct relates. A public body to which a disclosure is made must, within 45 days, decide if the disclosure is a public interest disclosure. A public interest disclosure is a disclosure that shows, or tends to show, that a public officer or a public body has engaged in, or is proposing to engage in, improper conduct in their capacity as a public officer or public body, or has taken or is proposing to take, detrimental action against a person in reprisal for making a protected disclosure.

If the public body decides that the disclosure is a public interest disclosure, it must notify the person who made the disclosure and the Victorian Ombudsman. Alternatively, if the public body decides that the disclosure is not a public interest disclosure, it must notify the person who made the disclosure and advise the person that he or she may have the matter referred to the Victorian Ombudsman.

The Victorian Ombudsman is responsible for making the final decision as to whether a matter is a public interest disclosure. If the Victorian Ombudsman decides that the matter is a public interest disclosure, he will either investigate it himself or refer the matter back to the public body to investigate.

The Act requires public bodies to establish procedures to facilitate the making of disclosures, to investigate matters disclosed and to protect the person who makes a disclosure. La Trobe University's *Detailed Procedures* (which can be found at <http://www.latrobe.edu.au/legalservices> under General Issues) establish a system for reporting disclosures of improper conduct or detrimental action by the University, its staff or members of Council. Disclosures may be made to the University's Protected Disclosure Officer and Coordinator, who is Mr Cliff Picton (the University Ombudsman), or alternatively to the Victorian Ombudsman.

The University's *Detailed Procedures* also provide for a Welfare Manager who is responsible for looking after the general welfare of the whistleblower. Dr Kerry Ferguson, Pro-Vice-Chancellor (Equity and Access) is the University's Welfare Manager.

More information about the Act can be found at <http://www.ombudsman.vic.gov.au/> under Whistleblowers.

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