

## WHISTLE BLOWER REFORMS

By Julie Davis

Barrister



Amendments have been made to the Protected Disclosure Act 2012, renamed the Public Interest Disclosures Act 2012. A 'protected disclosure' is now a Public Interest Disclosure, being a disclosure by a natural person of information that shows/tends to show or information that the person reasonably believes shows/tends to show improper conduct or detrimental action.



"Public Interest Complaint" replaces "protected disclosure complaint and is a disclosure that has been determined by IBAC, the Victorian Inspectorate or IOC to be a Public Interest Complaint. Employees are better protected under the amendments. If an employee has made a disclosure which forms any part of the reason for which action is taken against that employee, it will constitute detrimental action and be reportable as a public interest disclosure under the new provisions, as well as being a criminal offence.

There are three main elements relating to confidentiality requirements:

- To ensure that all bodies to whom a public interest complaint is referred, are permitted to disclose information necessary to perform their investigative functions.
- To make it clear that complainants may always seek advice and support from specified categories of persons without seeking permission.

- To change the statutory requirements around confidentiality notices used in investigations - recipients of confidentiality notices will be entitled to disclose restricted matters to certain categories or persons, unless the issuing agency makes a direction to the contrary.

(Go to [www.ibac.vic.gov.au](http://www.ibac.vic.gov.au))

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