

Protected Disclosure form

This form is to be used for disclosures of improper, detrimental or corrupt conduct (disclosures) of Macedon Ranges Shire Council and Council staff in accordance with the *Protected Disclosure Act 2012* (the Act). Please refer to definitions of improper, detrimental and corrupt conduct on the back of this form.

Please note that disclosures relating to a Councillor must be made to the Victorian Ombudsman or to the Independent Broad-based Anti-Corruption Commission (IBAC).

Formal procedures developed by Council for the reporting, assessment and investigation of disclosures protect any person making a disclosure from reprisals. All dealings relating to a protected disclosure are kept confidential.

Contact details			
Name			
Telephone		Preferred method of contact (please tick)	
Email			
Postal address			
Anonymous ¹			
Details of the matter being disclosed			
Description of disclosure: What happened? Where did this happen? When did this happen?			
Names and positions of people involved			
How did you become aware of this?			
Names of any witnesses or people who may be able to provide additional information relating to the disclosure			
Any additional information			
Declaration			
I have made this disclosure voluntarily and honestly. I am aware that there are penalties for providing false or misleading information.			
Signed			Date

¹ If your disclosure is anonymous, this may affect how the disclosure is investigated and you will not be notified of the outcome of any investigation.

Improper conduct is defined as corrupt or specified conduct

Corrupt conduct

Conduct that:

- adversely affects the honest performance of functions by a public officer or public body
- involves the dishonest performance of functions by a public officer or public body
- involves a breach of public trust
- involves a misuse of information acquired in the performance of functions as a public officer or public body
- involves a conspiracy or an attempt to engage in any of the above conduct

AND

would constitute:

- an indictable offence
- an attempt to pervert the course of justice
- bribery of a public official
- perverting the course of justice.

Specified conduct

Corrupt conduct that would not constitute an indictable offence, but would constitute either a criminal offence or reasonable grounds for dismissing or terminating the services of the officer engaged in the conduct, or conduct that:

- involves a substantial mismanagement of public resources
- involves a substantial risk to public health and safety or
- involves a substantial risk to the environment

AND

would constitute:

- a criminal offence
- reasonable grounds for dismissing or terminating the services of the officer engaged in the conduct
- an attempt to pervert the course of justice
- bribery of a public official
- perverting the course of justice.

'Detrimental conduct' is defined as:

Action taken against a person who has made a protected disclosure which:

- causes injury, loss or damage
- intimidation or harassment
- discrimination, disadvantage or adverse treatment in relation to a person's employment, career, profession, trade or business (including disciplinary action).

Detrimental action is **not** legitimate management action where there are good and sufficient grounds that would justify the action against any other person in the same circumstances.