

Fraud - Speaking Up Procedure

Approved: 5 March 2021

Review due: March 2024

1. Objective

This procedure encourages and facilitate speaking up about fraudulent activity, improper conduct or other wrongdoing. If you see something improper, have the confidence to speak up. GMW will provide support and confidentiality.

Speaking up is consistent with GMW's values of honesty, integrity, caring, accountability, courage.

This procedure gives effect to the Governance Policy. This procedure covers GMW's Public Interest Disclosure and its Whistleblower processes.

2. Scope

This procedure applies to:

- Directors: including non-executive Directors who are members of Board Committees
- Staff: including continuing, fixed term and casual staff and contractors

3. Quick Reference Guide

How to 'speak up'	Topic	See section
Does the disclosure fall within the Public Interest Disclosures Act 2012?	Aims of the Act	4
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4. The Public Interest Disclosures (PID) Act 2012

The PID Act aims to:

- Encourage and assist people to report improper conducts and detrimental action taken in reprisal for a public interest disclosure
- Provide certain protections for people who make a disclosure or those who may suffer detrimental action in reprisal for a disclosure
- Ensure that certain information about a disclosure is kept confidential – the identity of the person making the disclosure and the content of that disclosure

4.1 What is a public interest disclosure?

Public interest disclosures are reports about:

- Improper conduct of public bodies or public officers (such as corrupt conduct)
- Detrimental action that a public officer or public body has taken against a person in reprisal for them (or another person) having made a public interest disclosure or cooperated with the investigation of a public interest disclosure.

A disclosure can relate to conduct or action that:

- may have already taken place
- may be occurring now
- may happen in the future

A complaint should clearly show or suggest '**improper conduct**' or '**detrimental action**' by a public officer.

Improper conduct must be either criminal conduct or other conduct specified under the Act. Examples include serious professional misconduct, intentional or reckless breach of public trust and conduct adversely affecting the honest performance of a public officer.

Detrimental action includes harassment or discrimination, or other adverse action taken against the discloser in reprisal for having reported the alleged improper conduct.

4.2 Who a public interest disclosure can be about

Disclosures can be made about:

- Public bodies
- Public officers
- Conduct of a person who is not a public officer or is not employed by a public body, where their conduct is adversely affecting the honest performance of a public body or public officer, or is intended to adversely affect their effect performance.



4.3 Who can make a public interest disclosure

Anyone can make a disclosure about improper conduct or detrimental action – both members of the public and employees of a public body. However, to fall within the scheme, disclosure must be made to an organisation that is authorised to receive disclosures.

Disclosures can be made by individuals or a group of people. A company or business cannot make a disclosure – but its officer or employees can.

4.4 How to make a public interest disclosure

Disclosures must be made directly to IBAC.

Goulburn-Murray Water is **not able** to receive disclosures under Section 13 of the Act.

Disclosures need to be made to IBAC. IBAC is Victoria's anti-corruption agency responsible for preventing and exposing public sector corruption and police misconduct.

Disclosures can be made anonymously, orally or in writing (including email), and need not identify the person or organisation.

IBAC recommends that written disclosures to IBAC be made via its online form available from: [Make a complaint about corruption or police misconduct | IBAC](#)

GMW can still help

The Integrity Officer can assist any potential discloser by helping them understand:

- whether a matter might be a public interest disclosure
- how to make a public interest disclosure
- GMW's procedures under Section 58 of the Act setting out how we will protect people against detrimental action that might be taken against them in reprisal for making a public interest disclosure.

The Integrity Officer at GMW is Chris Dalton Corporate Secretary. Gaye Somers, Governance Coordinator, is the alternate Integrity Officer if Chris Dalton is unavailable.

4.5 What is not a Public Interest disclosure?

The following **are not Public Interest disclosures** under the Act:

- a disclosure that expressly states in writing, that the disclosure is not a disclosure under the Act
- other kinds of matters that do not meet the definition in sections 4.1-4.4 above. These can still be very important to GMW to know about and take action on. Please refer to section 5 below.



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5. Other ways of ‘speaking up’

You may have knowledge about other kinds of improper conduct that are not Public Interest Disclosures. It is still important for you to speak up.

GMW has a:

- fraud prevention procedure that sets out how GMW will make enquiries and investigate other kinds of improper conduct that are not Public Interest Disclosures. This procedure includes how GMW will support you and maintain confidentiality.
- annual attestation procedure: GMW financial delegates are asked once a year to confirm in writing their awareness or otherwise of any improper conduct
- annual employee survey: that allows staff to raise issues of concern anonymously

Please speak to the Integrity Officer at GMW - Chris Dalton Corporate Secretary. Gaye Somers, Governance Coordinator, is the alternate Integrity Officer if Chris Dalton is unavailable.

6. Not fraudulent activity, who to speak to?

If it's not fraudulent activity, who to speak to:	
Operational risk and compliance issues	Your supervisor or General Manager
Work-related grievance ie. bullying, harassment, discrimination	Your supervisor or your HR Business Partner <i>Also see Bullying and Harassment Prevention Procedure</i>
Health and safety	Health, Safety and Wellbeing team
Customer complaints	Customer Experience team

Depending on the circumstances, other staff at GMW may be able to help you such as:

- Your manager
- Your General Manager
- Corporate Secretary
- Your HR Business Partner
- Member of the Peer Support Group
- General Manager People, Culture and Safety

6. Other

6.1 Roles and Responsibilities

GMW

- 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.



- will ensure information connected with a public interest disclosure, including the identity of a discloser and the contents of that disclosure, are kept strictly confidential.
- recognises the value of transparency and accountability in its administrative and management practices
- supports the making of disclosures that reveal corrupt conduct, conduct involving a substantial mismanagement of public resources, or conduct involving a substantial risk to public health and safety or the environment
- will take all reasonable steps to protect people who make such disclosures from any detrimental action in reprisal for making the disclosure.
- will afford natural justice to the person who is the subject of the disclosure.

Employees

Employees are encouraged to report known or suspected incidences of improper conduct or detrimental action in accordance with this procedure.

All employees of GMW have an important role to play in supporting those who have made a legitimate disclosure. They must refrain from any activity that is, or could be perceived to be, victimisation or harassment of a person who makes a disclosure. Furthermore, they should protect and maintain the confidentiality of a person they know or suspect to have made a disclosure.

Integrity Officer (or Public Interest Disclosure Coordinator)

The Integrity Officer at GMW is Chris Dalton Corporate Secretary. Gaye Somers, Governance Coordinator, is the alternate Integrity Officer if Chris Dalton is unavailable.

The Integrity Officer (or Public Interest Disclosure Coordinator) will:

- Ensure all disclosers are advised to direct their disclosures to IBAC for assessment.
- For anonymous disclosures:
 - a) Determine whether the disclosure has been made in accordance with the Public Interest Disclosure Regulations and under section 13 of the Act
 - b) Impartially assess each disclosure to determine whether it is a public interest disclosure
 - c) Refer all Public Interest Disclosures to IBAC for assessment.
- Where a disclosure is not considered to be a Public Interest Disclosure, advise the discloser that GMW considers the disclosure is not a Public Interest Disclosure and the disclosure has not been notified to IBAC for assessment.
- Regardless of whether the discloser is notified to IBAC ensure that the protections set out in Part 6 of the Act apply to the discloser.
- Where possible, advise the discloser of the progress of an investigation into the disclosed matter.
- Establish and manage a confidential filing system.
- Collate and publish statistics on disclosures made.
- Take all necessary steps to ensure the identity of the discloser and the identity of the person who is the subject of the disclosure are kept confidential.
- Be the contact point for general advice about the operation of the Act and for integrity agencies, such as IBAC.



- Manage the welfare of the discloser (see 7.1).

Assessing Disclosures

Where a disclosure has been received by the Public Interest Disclosure Coordinator, they will assess whether the disclosure has been made in accordance with the Act and is, therefore, a Public Interest disclosure.

A disclosure must satisfy the following criteria:

- Did a natural person (that is, an individual person rather than a corporation) make the disclosure?
- Does the disclosure show or tend to show that a public body or public officer acting in their official capacity is taking or proposes to take either improper conduct or detrimental action taken against a person in reprisal for making a disclosure?
- Does the person making a disclosure have reasonable grounds for believing the alleged conduct has occurred?

If GMW receives a complaint, report or allegation of improper conduct or detrimental action that it views to be a PID, it will advise the discloser to make their PID to IBAC.

6.2 Confidentiality

GMW will take all reasonable steps to protect the identity of the discloser. Maintaining confidentiality is crucial in ensuring reprisals are not made against a discloser.

The Act requires any person who receives information due to the handling or investigation of a Public Interest Disclosure, not to disclose that information except in certain limited circumstances.

The circumstances in which a person may disclose information obtained about a Public Interest Disclosure include:

- In accordance with section 54 of the Act;
- In accordance with a direction or authorisation given by the entity investigating the disclosure; and
- When publishing statistics in the annual report of a public body.

However, the Act prohibits the inclusion of particulars in any report or recommendation that is likely to lead to the identification of the discloser. The Act also prohibits the identification of the person who is the subject of the disclosure in any particulars included in an annual report.

GMW will maintain confidentiality by taking all reasonable steps to ensure the identity of the discloser and the content of the Public Interest Disclosure is kept confidential.

To minimise risks, GMW will:

- remind employees that if they make a PID they should keep it confidential;
- limit the number of people who can be made aware of the discloser's identity, or information that could identify the discloser;
- ensure that a secure filing system for the receipt, storage, assessment and notification of PIDs is in place;
- warning of the criminal penalties that apply to any unauthorised divulging information concerning a Public Interest Disclosure



- ensuring all materials relevant to an investigation, such as recordings from interviews, be stored securely with the discloser files
- ensuring as far as is possible that other people cannot infer the identity of the discloser or any co-operators
- reminding the discloser or co-operator not to reveal themselves or any information that would enable others to identify them as a discloser
- proactively assessing the risk of detrimental action being taken in reprisal by actively monitoring the workplace.

6.3 Annual Reporting

The Public Interest Disclosure Coordinator will establish a secure register to record the information required to be published in the annual report, and to generally keep account of the status of disclosures. The Register will be confidential and will not record any information that may identify the discloser.

The Register will contain the following information:

- The number and types of disclosures made during the year;
- The number of disclosures referred to IBAC for determination;
- The number and types of disclosed matters referred to IBAC for investigation;

The Public Interest Disclosure Coordinator will ensure that GMW's Annual Report includes information about how to access GMW's Public Interest Disclosure Procedures and the number of disclosures notified to IBAC under section 21 (2) of the Act during the financial year.

7. Support

7.1 Welfare

GMW is committed to the protection of disclosers against detrimental action taken in reprisal for the making of Public Interest Disclosures. The Public Interest Disclosure Coordinator is responsible for ensuring disclosers are protected from direct and indirect detrimental action, and that the culture of the workplace is supportive of Public Interest disclosures being made.

The Public Interest Disclosure Coordinator will:

- Examine the immediate welfare and protection needs of a discloser who has made a disclosure and, where the discloser is an employee, seek to foster a supportive work environment
- Advise the discloser of the legislative and administrative protections available to him or her
- Listen and respond to any concerns of harassment, intimidation or victimisation in reprisal for making disclosure
- Keep a contemporaneous record of all aspects of the case management of the discloser including all contact and follow-up action
- Ensure the expectations of the discloser are realistic.

Detrimental action includes:

- Causing injury, loss or damage;



- Intimidation or harassment; and
- Discrimination, disadvantage or adverse treatment in relation to a person's employment, career, profession, trade or business (including the taking of disciplinary action).

In addition, the Act extends the need for welfare management to people who have cooperated or intend to cooperate with an investigation of a Public Interest Disclosure complaint. Persons who are the subject of allegations will also have their welfare looked after. GMW will, where it has been made aware of or has been provided with the identities of disclosers and cooperators, ensure they are protected from direct and indirect detrimental action being taken against them in reprisal for the Public Interest disclosure.

7.2 Keeping informed

GMW will support disclosers by:

- keeping them informed, by providing confirmation that the disclosure has been received, if the relevant investigative agency has provided this information to GMW
- informing them of the legislative or administrative protections available to the person
- informing them if action has been taken, details about results of the action known to GMW
- assuring them that all reasonable steps will be taken to protect them;
- giving them an undertaking to keep them informed as far as GMW is reasonably able to
- examining the immediate welfare and protection needs of the person and seeking to foster a supportive work environment
- listening and responding to any concerns the person may have about harassment, intimidation or victimisation in reprisal for their actions
- assessing whether the concerns the person may have about harassment, intimidation or victimisation might be due to other causes other than those related to the Public Interest disclosure; and
- keeping contemporaneous records of all aspects of the case management of the person, including all contact and follow-up action.

7.3 Legal support

Staff of GMW may voluntarily or compulsorily be required to attend an interview with law enforcement agencies or integrity protection agencies to be asked about the performance of their GMW duties.

GMW will reimburse any reasonable legal expenses incurred by a staff member in preparing for and attending such an interview provided there is no finding of improper conduct made by the law enforcement agency or integrity protection agency against the staff member.



The definition of improper conduct is that definition used in the *Public Interest Disclosures Act 2012*.

7.4 Incidents of detrimental action

The Public Interest Disclosure Coordinator will, in response to any reports of an incident of harassment, discrimination or adverse treatment that would amount to detrimental action taken in reprisal for the making of the disclosure:

- Record details of the incident;
- Advise the discloser of his or her rights under the Act; and
- Advise the chief executive officer of the detrimental action.

The taking of detrimental action in reprisal for the making of a disclosure can be an offence against the Act as well as grounds for making a further disclosure. It is an offence under the Act for a public officer or body to take detrimental action against a discloser in reprisal for making a Public Interest disclosure.

Examples of detrimental action prohibited by the Act include:

- threats to a person's personal safety or property;
- intimidating or harassing a discloser or the discloser's family or friends or otherwise causing personal injury or prejudice to the safety or damaging property of a discloser or the discloser's family or friends;
- the demotion, transfer, isolation or change in duties of a discloser due to his or her having made a disclosure;
- discriminating or disadvantaging a person in their career, profession, employment, trade or business; or
- discriminating against the discloser or the disclosers family and associates in subsequent applications for promotions, jobs, permits or tenders resulting in financial loss or reputational damage.

7.5 Advice and support

GMW has appointed the Corporate Secretary as the Integrity Officer/ Public Interest Disclosure Coordinator.

Please make contact with Chris Dalton, for support and/or advice:

Chris Dalton

Corporate Secretary

40 Casey Street, Tatura 3616

Phone: (03) 5826 3514 or 0427 512 330

Email: chris.dalton@gmwater.com.au

If Chris Dalton is unavailable please contact Gaye Somers, Governance Coordinator, on:

Phone: (03) 5826 3454 or 0417 336 160



Email: gaye.somers@gmwater.com.au

8. Responsibilities

Responsibility	Who
Approval	Corporate Secretary
Integrity Officer/ Public Interest Disclosure Coordinator	Chris Dalton Corporate Secretary 40 Casey Street, Tatura 3616 Phone: (03) 5826 3514 or 0427 512 330 Email: chris.dalton@gmwater.com.au

9. Definitions

The Act

The Act means the *Public Interest Disclosures Act 2012*

Improper conduct

Improper conduct means conduct that is corrupt, including a substantial mismanagement of public resources, or conduct involving substantial risk to public health or safety or to the environment. The conduct must be serious enough to constitute, if proved, a criminal offence or reasonable grounds for dismissal.

Unsuitable or inappropriate behavior including **corrupt conduct**. Examples of improper conduct include attempting to pervert the course of justice, bribery, recklessly breaching public trust, misuse of information and risking public health, safety or the environment.

Corrupt conduct

Corrupt conduct means:

- Conduct of any person (whether or not a public official) that adversely affects the honest performance of a public officer's or public body's functions;
- The performance of a public officer's or public body functions dishonestly or with inappropriate partiality;
- Conduct of a public officer or a public body that amounts to a breach of public trust;
- Conduct by a 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; or
- A conspiracy or attempt by a public officer or public body to engage in the above corrupt activity.

Deliberate or intentional wrongdoing. Examples of corrupt conduct include improper use of knowledge, information or resources to gain financial or personal advantage, dishonest conduct amounting to a breach of public trust and attempting to influence a member of the public or official in a way that it dishonest or biased.



Detrimental action

The Act makes it an offence for a person to take detrimental action against a person in reprisal for a Public Interest disclosure. Detrimental action includes:

- Action causing injury, loss or damage;
- Intimidation or harassment; and
- Discrimination, disadvantage or adverse treatment in relation to a person's employment, career, profession, trade or business, including the taking of disciplinary action.
- Examples of detrimental action include a demotion, transfer, isolation in a workplace or changes in duties, threats, abuse, direct or indirect harassment or discrimination against the person making the disclosure or his or her family and associates.

Public Bodies

Public service bodies such as government departments and local councils or a body that is performing a public function on behalf of the State. **A public body does not include statutory bodies such as GMW.**

Public Officers

A person employed in any capacity or holding any office in the public sector.

10. Document history

Doc #	Date approved	Approved by	Approval #
A1079237	27/08/13	Board	3650812
A1079237	27 June 2018	Board	4640582
A1079237	5 March 2021	Corporate Secretary	email

11. Associated documents

Document name	#
Governance Policy	A3725834
Fraud Prevention Procedure	A1737291
Attestation Procedure	A3800822
IBAC Guidelines for handling Public Interest disclosures (January 2020)	A1825582
IBAC Guidelines for public interest disclosure welfare management (January 2020)	A2168228
Public Interest Disclosures Act 2012 (legislation.vic.gov.au)	
Bullying and Harassment Prevention	A2948397

