

OFFICIAL

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Cenitex Public Interest Disclosure Procedures

Procedures details

Purpose / objective	This document sets out Cenitex's procedures on Public Interest Disclosures under the <i>Public Interest Disclosures Act 2012 (Vic)</i> (the "PID Act" or "the Act").
Scope	<p>Cenitex cannot receive PIDs, so such disclosures must be referred to other integrity bodies such as the Independent Broad-based Anti-corruption Commission (IBAC), Integrity Oversight Victoria (IOV) or the Integrity and Oversight Committee (IOC).</p> <p>These Procedures supplement the Guidelines produced by IBAC (available here and here).</p>
Key Terms	<p>Cooperator: Someone who cooperates or intends to cooperate with an investigation of a disclosure</p> <p>Detrimental action: Action against a person in reprisal for them having made a Public Interest Disclosure</p> <p>Investigative entity: A body authorised to investigate a Public Interest Disclosure</p> <p>Discloser: Someone who makes a Public Interest Disclosure</p> <p>Guidelines: IBAC's Guidelines for handling Public Interest Disclosures (available here) and Guidelines for Public Interest Disclosure Welfare Management (available here)</p>
Principles	<p>Cenitex:</p> <ul style="list-style-type: none">• is committed to the aims and objectives of the PID Act, and will not tolerate employee conduct that is contrary to the Act• will take all reasonable steps to protect people who make disclosures under the PID Act from 'detrimental action', and will take appropriate action against employees who have taken detrimental action (including disciplinary action)• will afford natural justice to anyone who is the subject of allegations in a disclosure• recognises the value of transparency and accountability in its administrative and management practices and supports disclosures that reveal improper conduct or detrimental action• will manage the welfare of persons connected with Public Interest Disclosures consistent with its obligations under the PID Act• be visible, approachable, communicative and lead by example in establishing a workplace that supports Public Interest Disclosures.

Procedures statement

What is a Public Interest Disclosure?

A Public Interest Disclosure ("PID") is a disclosure by a natural person of information that shows or tends to show (or that the person reasonably believes shows or tends to show), that a person, public officer or public body:

- has engaged, is engaging in, or is proposing to engage in, improper conduct; or
- has taken, is taking, or is proposing to take, detrimental action against a person in reprisal for a PID.

A PID can relate to conduct or action that may have already taken place, may be occurring now, or which may happen in the future.

Who can make a Public Interest Disclosure?

Any person can make a PID. This includes all Cenitex staff members. A company or business cannot make a PID, but its officers or employees can.

A person can ask someone else to make a disclosure on their behalf, although only that person will receive the full protection of the PID Act and only in relation to that disclosure.

A person does not have to specifically refer to a PID, the PID Act or the protections in the PID Act for their disclosure to be a 'Public Interest Disclosure'. A person may also advise that they do not want their disclosure to be treated as a 'Public Interest Disclosure' by stating so in writing at the time of making the disclosure or within 28 days of making that disclosure.

After a PID is made, IBAC, Integrity Oversight Victoria or the Integrity and Oversight Committee will assess the disclosure to determine whether the disclosure is a Public Interest Complaint ("PIC"). IBAC will determine that the disclosure is a PIC if it considers that it shows that a person, public officer or public body has engaged, is engaging, or proposes to engage in 'improper conduct' or 'detrimental action'. A determination that a disclosure is a PIC may lead to an investigation of the disclosure by the investigating entity, or other further action to address the complaint.

Improper conduct

'Improper conduct' means the following kinds of conduct:

- Corrupt conduct
- Conduct of a public officer or public body, in their capacity as a public officer or a public body, which constitutes:
 - A criminal offence
 - Serious professional misconduct
 - Dishonest performance of public functions
 - Intentional or reckless breach of public trust
 - Intentional or reckless misuse of information or material acquired in the course of a public officer's or public body's functions
 - Substantial mismanagement of public resources
 - Substantial risk to health or safety of one or more persons
 - Substantial risk to the environment
- Conduct of any person that adversely affects a public officer's or public body's honest performance of their functions
- Conduct of any person that adversely affects or is intended to adversely affect a public officer's effective performance of their functions, which results in a benefit to that person.
- A conspiracy or attempt to engage in any of the conduct referred to above

If the conduct is trivial, it will not meet the threshold for improper conduct.

Examples of 'improper conduct'

- An employee takes a bribe or receives a payment other than their wages in exchange for the discharge of a public duty.
- An employee discloses confidential information to assist a former colleague to win a government contract.
- A public officer favours unmeritorious applications for jobs or permits by friends and relatives.

Detrimental action

Detrimental action includes:

- actions causing injury, loss or damage
- intimidation or harassment, for example, threats to safety or property of a discloser or a discloser's family or friends
- discrimination, disadvantage or adverse treatment in relation to a person's employment, career, profession, trade or business, including the taking of disciplinary action, e.g., the demotion of a discloser due to his or her having made a disclosure.

A person does not need to have actually taken the detrimental action, but can have threatened to do so, or incited or permitted someone else to take that action.

Legitimate management action taken against a person who has made a disclosure is not detrimental action.

It is an offence for a person to take, threaten to take or allow another person to take detrimental action against another person in reprisal for making a PID. Detrimental action in reprisal for a PID can be grounds for a further PID. Where the detrimental action is of a serious nature likely to amount to a criminal offence, Cenitex will also consider reporting the matter to Victoria Police or IBAC.

A discloser may:

- take civil action for damages against someone who takes detrimental action against them (including Cenitex, if the person was acting in the course of their employment with Cenitex, or as Cenitex's agent)
- seek relief from a court to prevent detrimental action from being taken.

The PID Act provides the following protections for disclosers:

- immunity from civil or criminal liability (including in proceedings for defamation) or liability arising by way of administrative process (such as disciplinary action) for making the disclosure
- someone who makes a PID does not, by making that disclosure, commit an offence under section 95 of the *Confidentiality Act 1975 (Vic)* or any other Act imposing a duty to maintain confidentiality, or breach any other confidentiality obligations or information disclosure restrictions that might otherwise be thought to apply

These protections apply from the time of the disclosure, even if IBAC determines that the PID is not a PIC. The protections also apply to further information provided to IBAC (or other relevant investigative entity).

A disclosure that is made to a person or body who cannot receive disclosures under the PID Act (e.g. a journalist or politician) will not attract the protections under the PID Act, except in the limited circumstances specified in section 38A of the Act.

Further, a discloser is not protected under the PID Act if they provide false or misleading information relating to a PID, falsely claim that a matter is the subject of a PID, or falsely claim that a matter is the subject of a disclosure that IBAC has determined to be a Public Interest Complaint. A discloser is also not protected from legitimate management action, or the consequences of their own conduct (even if this was disclosed as part of the PID).

In addition to the protections for making a PID, it is an offence under the PID Act to disclose the content of a PID, or the identity of a person who has made a PID.

Maintaining confidentiality

The content of a PID must be kept confidential. The PID Act prohibits:

- the disclosure of the content, or information about the content, of any disclosure that has been assessed as a PID
- the disclosure of information (e.g., in a report or recommendation) that would be likely to lead to the identification of a person who has made a PID.

Consistent with this, Cenitex will take the following steps to maintain confidentiality:

- Staff training: Cenitex will provide all staff with these confidentiality procedures, and training on these procedures. Staff with specific responsibilities under the PID Act and staff with information management responsibilities will receive additional briefing or training.
- Information management: Ensure all files are secure and only accessible by the PID Coordinator (see discussion below), investigating entity or welfare manager. Electronic files will be stored outside Cenitex's normal computer network (such as on an approved portable storage device) and be given password protection. Records should not be given titles which in any way discloses the identity of the person making that disclosure or its content.
- Printed material will be kept in files clearly identified as containing PID material and display a warning of the criminal penalties that apply to unauthorised access or disclosure of information relating to a PID. The welfare manager will not divulge information relating to the disclosed matter except to the PID Coordinator or investigating entity. Cenitex will not email documents relevant to a PID matter and ensure that all telephone calls and meetings between relevant persons are in private.
- Care must be taken when emailing information relevant to a PID matter and all phone calls and meetings must be conducted in private. Additionally, hard copy documents for transmission should be placed in two successive windowless envelopes which are sealed and marked 'private and confidential' and 'to be opened by addressee only', and personally delivered wherever possible.
- Appropriately responding to FOI Requests: Under the *Freedom of Information Act 1982 (Vic)* (FOI Act), Cenitex is generally required to give access to documents in its possession, but documents that relate to a PID or that are likely to lead to the identification of the person who made a PID are exempted from this requirement. Cenitex will contact IBAC before providing any document originating from IBAC or relating to a PID in response to an FOI request.

Exceptions to maintaining confidentiality

It is an offence to disclose information connected with a PID, subject to the following exceptions:

- where disclosure is required in order for Cenitex, investigating entity, or other relevant entity to exercise its functions under the PID Act
- where disclosure is in accordance with an investigative entity's direction or authorisation
- where disclosure is necessary to take lawful action to respond to the conduct the subject of the disclosure (e.g., disciplinary process or action)
- where IBAC or Integrity Oversight Victoria has determined that the disclosure is not a PID
- when an investigative entity has published a report to Parliament in accordance with its confidentiality obligations
- where the disclosure is for the purpose of obtaining legal advice about matters specified in the PID Act
- where the disclosure is to enable compliance with the PID Act:
 - where a person does not have a sufficient knowledge of the English language, to an interpreter
 - where a person is a minor, to a parent or guardian
 - where a person is suffering a disability and is not able to understand, to an independent person
 - in disciplinary actions or legal proceedings for certain offences in the PID Act or other specified Acts
- where the disclosure is for the purposes of a workers compensation claim or an application to the Fair Work Commission.

How to make a disclosure

The entities to whom a PID may be made are listed in section 1.4 of IBAC's [Guidelines on handling Public Interest Disclosures](#). Cenitex is a public body that cannot receive a PID. If Cenitex receives a complaint, report or allegation of improper conduct or detrimental action, the discloser will not be given the protections under the PID Act. Disclosures about Cenitex should be made to IBAC.

A disclosure must be made in accordance with the procedures set out the PID Act, and with any procedures established by the receiving entity. A disclosure may be made orally or in writing and may be made anonymously. Written disclosures to IBAC can be made via its online form (available [here](#)).

After a disclosure is notified to IBAC, IBAC will determine whether it is a PID. A disclosure will not be treated as a PID if, within 28 days of the disclosure, the discloser gives a written statement to the entity that received the disclosure that the disclosure is not a PID.

If IBAC determines the disclosure is a PIC

If IBAC determines the disclosure is a PIC, it will advise the discloser in writing of the determination and the action it will take, unless one of the adverse circumstances set out in section 59(4) of the *Independent Broad-based Anti-corruption Act 2011 (Vic)* (**IBAC Act**) apply (such as where notification would put a person's safety at risk). This will include advising the discloser whether IBAC has decided to investigate or refer the complaint or take no further action, and that the discloser has rights, protections and obligations under the PID Act that apply to the discloser.

Once IBAC has determined that a disclosure is a PIC, the discloser cannot withdraw that disclosure.

If IBAC determines the disclosure is not a PIC

If IBAC determines that a disclosure is not a PIC, it will advise the discloser in writing of that determination. The rights, protections and obligations of a person who has made a PID under the PID Act will still apply. IBAC will also inform the discloser if it thinks that the disclosure could be dealt with by another entity, even if it is not a PID.

Other information

If IBAC or another investigative entity is investigating a PID, it may contact Cenitex or the person who is the subject of the disclosure. Disclosure of information to IBAC (or other relevant investigative entity) does not breach the confidentiality requirements under the PID Act. Where Cenitex is advised of the discloser's identity, it will manage the welfare of that person, including by protecting them from detrimental action.

An investigative entity must generally inform the discloser of the outcome of its investigation, including any action it has taken and recommendations it has made. The investigative entity may provide written information to Cenitex about the commencement, conduct or result of an investigation, including any actions taken and any recommendation made that any action or further action be taken to Cenitex.

However, the investigative entity must not provide any information that is likely to lead to the identification of a discloser. IBAC does not have to provide any information about the results of an investigation or other action taken in relation to an investigation where this might result in any of the possible adverse outcomes specified in section 163(4) of the IBAC Act (such as where providing the information would put a person's safety at risk).

Cenitex is committed to protecting persons who make a PID from detrimental action taken in reprisal for such disclosures. Cenitex is also committed to protecting the welfare of people who have cooperated or intend to cooperate with an investigation of a PID complaint, and persons who are the subject of allegations in a disclosure.

As Cenitex cannot receive disclosures, it may not know that a person has made a disclosure. Because of confidentiality obligations, a person who has made a PID must not discuss the matter with anyone else except IBAC (or other investigative entity to which IBAC has referred the disclosure). Therefore, Cenitex will only know that a person should be protected under the PID Act if it is informed of the disclosure by IBAC or other relevant investigative entity (or where information has been disclosed to Cenitex under one of the exceptions to non-disclosure in sections 53(2) or 54 of the PID Act).

Once Cenitex is aware of a discloser's identity (and other relevant information about the disclosure), it will keep this information confidential, and look after the welfare of any relevant persons in accordance with its obligations under the PID Act, including by ensuring that disclosers and cooperators are protected from detrimental action against them in reprisal for the disclosure. Cenitex will ensure its workplace culture supports disclosers and persons who cooperate with an investigation, including by supporting persons (even if they are external to the organisation).

Special legal responsibilities apply to persons within Cenitex, and persons who are clients or users of Cenitex's services:

- such persons must ensure the health and wellbeing of employees of a public sector body under occupational health and safety laws, the *Charter of Human Rights and Responsibilities Act 2006 (Vic)*, the *Public Administration Act 2004 (Vic)*, and Victorian Public Sector Codes of Conduct
- other legal requirements may also apply to decisions or conduct affects a customer, client or other user of Cenitex's services.

For internal persons, Cenitex will ensure a supportive work environment and respond appropriately to any reports of intimidation or harassment. For external persons, Cenitex will take reasonable steps to provide appropriate support. Cenitex will discuss reasonable expectations with all persons receiving welfare management in connection with a PID.

Support for disclosers and cooperators

Cenitex will support disclosers and cooperators by:

- keeping them informed, by:
 - confirming that the disclosure has been received
 - outlining the legal or administrative protections available to the person
 - describing any action that is proposed to be taken in relation to the disclosure, and, if action has been taken, providing details about the results of that action
- providing active support, including by providing the person with assurance that they have done the right thing and that Cenitex appreciates this, making a clear offer of support, and assuring them that all reasonable steps will be taken to protect them and that Cenitex will keep them informed
- managing expectations through early discussion about the outcomes they want, whether their expectations are realistic, and what Cenitex can do
- maintaining confidentiality by:
 - protecting the identity of the discloser or cooperator
 - reminding the discloser or cooperator not to reveal information that would allow them to be identified
 - ensuring that files relating to the disclosure are accessible only to those who are involved in managing disclosures
- proactively assessing the risk of detrimental action being taken in reprisal (rather than reactively waiting for a problem to arise and a complaint to be made by the discloser or cooperator), that is, actively monitor the workplace, anticipating problems and dealing with them before they develop as far as is possible.
- protecting the discloser or cooperator by examining the immediate welfare and protection needs of the person and fostering a supportive work environment, including by:
 - listening and responding to any concerns the person may have about harassment, intimidation or victimisation in reprisal for making a PID
 - assessing whether the concerns the person may have about harassment, intimidation or victimisation might be due to causes other than disclosure under the PID Act
- preventing the spread of gossip and rumours about an investigation into the disclosure (where Cenitex is aware of the investigation)
- keeping contemporaneous records of all aspects of the case management of the person, including all contact and follow-up action.

Appointment of a welfare manager

Consistently with IBAC's guidance, the following questions will be considered in deciding if a welfare manager needs to be appointed:

- Are there any real risks of detrimental action against the person, taking into account their particular circumstances?
- Can Cenitex ensure that it will take the person seriously and treat them with respect?
- Can Cenitex ensure that it will give the person effective support? (This includes keeping them informed of the status of their disclosure.)
- Can Cenitex protect the person from suffering repercussions by dealing with the matter discreetly and confidentially?
- Can Cenitex respond swiftly and fairly to any allegations the person has, in fact, suffered retribution?

If the answer to the first question is 'yes', IBAC recommends the appointment of a dedicated welfare officer. If the answer to the first question is 'no', and Cenitex can meet the needs set out in the remainder of the question, there may be no need for welfare manager. Usually, a welfare manager will only be needed where a disclosure proceeds to investigation, but each case will be assessed on its own merits.

A welfare manager must not divulge any details relating to a disclosed matter to any person other than the PID Coordinator or Cenitex's CEO. However, information relating to a PID (or the identity of the person who made the PID) may be disclosed to a health practitioner, trade union or an employee assistance program in order to assist the person who made the PID to seek advice or support.

Usually, the welfare manager will, in addition to providing general welfare support:

- Advise the person of their rights under the PID Act.
- Listen and respond to any concerns the person may have about harassment, intimidation or victimisation in reprisal for their actions.
- Ensure that all meetings between the welfare manager and the person are conducted discreetly to protect the person from being identified as being involved in the disclosure and that the person knows that they can access the Cenitex Employee Assistance Program.
- Discuss the issue of reasonable expectations with the discloser or cooperator.

Welfare of subjects of a disclosure

Until a PIC is resolved (either by dismissing or investigating it), the information about the person who is the subject of the PID is only an allegation. Therefore, Cenitex will also meet the welfare needs of that person.

Cenitex will decide, on a case-by-case basis, whether the person who is the subject of a disclosure is informed about the allegation made against them depending on the circumstances. It is possible the subject may never be told about the disclosure if it is not determined to be a protected PID, or a decision is made to dismiss the matter.

The PID Act restricts the release of information about the content of disclosures or which would be likely to identify a discloser. However, Cenitex may give information about the disclosure to the subject of the disclosure in some circumstances, such as:

- if it is directed or authorised to do so by the investigative entity investigating the PID
- for the purpose of taking action with respect to the alleged conduct, including disciplinary action.

However, these PID Act exceptions do not allow Cenitex to reveal information that would be likely to identify the discloser.

Investigating entities may also inform the subject of the PID for the purposes of conducting that investigation or taking action as a result of the investigation.

Public Interest Disclosure Coordinator

Cenitex's Public Interest Disclosure Coordinator (**PID Coordinator**) has a key role in how ensuring that the welfare of any persons connected with a PID is properly managed. The PID Coordinator provides general advice about the PID Act and about integrity agencies including IBAC, and:

- ensures that Cenitex carries out its responsibilities under the PID Act and associated regulations and guidelines
- is our chief liaison with IBAC about the PID Act
- will take all necessary steps to ensure information received or obtained in connection with a disclosure is confidential, including the identities of the discloser or other persons connected with the disclosure
- arranges necessary and appropriate welfare support for the discloser, including by appointing a welfare manager to support the discloser and to protect them from reprisals
- collates statistics that Cenitex is required to report under the PID Act.

Cenitex's PID Coordinator is the Executive Director, Strategic Corporate Services (PO Box 2750, Melbourne VIC 3000, Ph: (03) 9063 5005).

The subject of a disclosure may have a welfare manager appointed by Cenitex or be referred to Cenitex's EAP program. Alternatively, the PID Coordinator will provide support and advice to the subject of a disclosure, particularly in relation to their rights and obligations under the PID Act and other related matters. Cenitex will consider each matter on a case-by-case basis, taking into account the information it has been provided by the investigative entity and the person's particular circumstances.

Confidentiality

Cenitex will take all reasonable steps to ensure the confidentiality of a person who is the subject of a PID. Where the disclosure is dismissed or investigations do not substantiate the allegations, confidentiality will be maintained in relation to the subject's identity, as well as the fact of the investigation and any results.

Natural
Justice

The subject of an allegation must be afforded natural justice before a decision is made about their conduct. Natural justice means the person has the right to:

- be informed about the substance of the allegations against them
- have the opportunity to answer the allegations before a final decision is made
- be informed about the substance of any adverse comment that may be included in any report arising from an investigation
- have his/her defence set out fairly in any report.

If the matter has been investigated, the investigating entity is responsible for carrying out this consultation.

If the
allegations
are wrong or
unsubstanti-
ated

If someone has been the subject of wrong or unsubstantiated allegations, Cenitex and the investigating entity will ensure there are no adverse consequences for the person arising out of the disclosure or its investigation, particularly where information has been publicly disclosed that has identified the person, or such information has become well known within Cenitex.

If detrimental
action is
reported

If any person reports potential detrimental action taken in reprisal for a disclosure, the welfare manager or PID Coordinator must record details of the incident and advise the person of their rights under the PID Act to make a disclosure to IBAC.

An employee who has made a PID, and who reasonably believes that detrimental action is being, will be, or has been taken against them, can request a transfer of employment. The transfer may be permanent or temporary, and post-transfer service will be treated as continuous with pre-transfer service.

A public body service Head may transfer the employee on terms and conditions of employment that are no less favourable overall, provided:

- the employee requests/consents to the transfer
- the public body service Head reasonably suspects that detrimental action will be, is being, or has been taken against that employee
- the public body service Head considers that the transfer will avoid, reduce or eliminate the risk of detrimental action against the employee
- the Head of the public service body or entity to which the employee will be transferred consents to the transfer.

If the discloser is implicated in the relevant improper conduct or detrimental action

Where a discloser is implicated in the improper conduct disclosed and an investigative entity has provided the necessary information to Cenitex, Cenitex will protect the discloser from detrimental action in accordance with the PID Act. However, under the PID Act, a person's liability for their own conduct is not affected by having disclosed that conduct under the Act, i.e., a discloser is not protected from reasonable consequences flowing from their involvement in improper conduct.

Managing a discloser's welfare may become complicated when the discloser is implicated in misconduct, whether or not that misconduct is related to the disclosure. Taking disciplinary or other action against a person who has made a PID may also create the perception that the action is in reprisal for the disclosure. Accordingly:

- Cenitex's CEO will make the final decision after considering the advice of the PID Coordinator or welfare manager about whether disciplinary or other action will be taken against a discloser.
- Where disciplinary or other action relates to conduct that is the subject of the disclosure, the disciplinary or other action will only be taken after the disclosure has been appropriately dealt with. In all cases where disciplinary or other action is being considered, any such action will not be taken without Cenitex ensuring that:
 - the fact that a person has made a PID is not a reason for Cenitex taking action against the employee
 - there are good and sufficient grounds that would fully justify action against any other person in the same circumstances
 - there are good and sufficient grounds that justify exercising any discretion to institute disciplinary or other action.

Cenitex will take care to thoroughly document the process if any action is taken against the discloser, including why any disciplinary or other action is taken, and explain why the action does not constitute reprisal against the discloser. The discloser will be informed of any such proposed action and any mitigating factors that have been taken into account and will be afforded natural justice. Communications with the discloser will be in plain English and reasonable support will be offered where appropriate.

Roles and Responsibilities

Procedures Owner	Cenitex Public Interest Disclosure Coordinator
Division	Strategic Corporate Services
Business Unit	Strategy, Governance, Risk and Communications
Approver	Executive Director, Strategic Corporate Services

Related documents and information

Legislation	<u>Public Interest Disclosures Act 2012</u>
Regulations	<u>Public Interest Disclosure Process IBAC</u> <u>Report Corruption or Misconduct IBAC</u>
Other	<u>Public Interest Disclosure Cenitex</u> <u>How to Report Fraud and Corruption Cenitex</u>

Version	Version 2.0
Version update	<p>Updates made in the review of these Procedures:</p> <ul style="list-style-type: none"> reflect changes to the wording set out in the IBAC Guidelines on PIDs and Welfare Management, both of which were substantively updated in June 2025 (e.g., the change in wording from 'procedural fairness' to 'natural justice'); remove content that relates to more historical matters (for example, PIDs formerly being called 'protected disclosures'); ensure consistent terminology in the document; and correct minor typographical errors. <p>These Procedures supersede the Public Interest Disclosure procedure that was approved by Cenitex Public Interest Disclosure Coordinator on 11 August 2023.</p>
Owner	Public Interest Disclosure Coordinator
Approved by	Executive Director, Strategic Corporate Services
Date approved	20 January 2026
Review schedule	Biennial
Next review	20 January 2028