

Who can receive public interest disclosures?

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Amendment Register

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Introduction

1 Purpose

- (1) To assist disclosers to make a public interest disclosure when it is not about the conduct of Council, members of Council staff, or councillors.

2 Limitations

- (2) This information does not replace the PID Act and should not be relied on as a replacement for legal advice.

Who can receive a public interest disclosure?

3 Other persons or bodies which may receive disclosures

- (3) Unless required to be made to another entity under section 14 or 17 of the PID Act, a public interest disclosure may be made to:
 - (a) the IBAC; or
 - (b) the Ombudsman; or
 - (c) the Victorian Inspectorate.
- (4) Unless required to be made to another entity under section 14 or 17 of the PID Act, a public interest disclosure may be made to a public service body within the meaning of section (4)(1) of the *Public Administration Act 2004* if the disclosure relates to the conduct of the public service body or of a member, officer, or employee of the public service body.
- (5) Table 1 describes the entities and persons who may receive public interest disclosures.

4 Persons or bodies to which certain public interest disclosures must be made

- (6) Table 2 describes the persons and bodies to which certain public interest disclosures must be made as set out in sections 14 and 17 of the PID Act.

5 Misdirected disclosures

- (7) A public interest disclosure made to an entity (the receiving entity) that is not an entity to which the disclosure may or must be made is a misdirected disclosure if:
 - (a) the receiving entity is an entity to which a public interest disclosure may be made
 - (b) the person who made the disclosure honestly believed that the receiving entity was an appropriate entity to which to make the disclosure.

Table 1 Persons or bodies to which public interest disclosures may be made

A public interest disclosure may be made to:	Persons permitted to receive public interest disclosure on behalf of entity
IBAC	IBAC Officer
Ombudsman	Ombudsman officer
Victorian Inspectorate	Victorian Inspectorate Officer
Public service body within the meaning of section (4)(1) of the Public Administration Act 2004	The Head of the public service body within the meaning of the <i>Public Administration Act 2004</i> ; or a person identified as a person who may receive disclosures in the procedures established by the public service body under section 58; or in the case of a disclosure made by a person who is a member, officer, or employee of the public service body—a direct or indirect manager or supervisor of that person

Table 2 Persons or bodies to which certain public interest disclosures must be made

Disclosure is about:	Disclosure may only be made to:	Persons permitted to receive public interest disclosure on behalf of entity
Board of Inquiry member within the meaning of the Inquiries Act 2014	IBAC	IBAC Officer
Chief Examiner or an Examiner appointed under section 21 of the <i>Major Crime (Investigative Powers) Act 2004</i>	IBAC, or	IBAC Officer
	Victorian Inspectorate	Victorian Inspectorate Officer
Chief Commissioner of Police	IBAC	IBAC Officer
Chief Crown Prosecutor	IBAC	IBAC Officer
Commissioner within the meaning of the Inquiries Act 2014	IBAC	IBAC Officer
Councillor of a council	IBAC, or	IBAC Officer
	Ombudsman	Ombudsman officer
Director of Public Prosecutions	IBAC	IBAC Officer
Director, Police Integrity	IBAC	IBAC Officer
Electoral Commissioner	IBAC	IBAC Officer
Electorate officer employed under Part 4 of the Parliamentary Administration Act 2005	IBAC	IBAC Officer
Governor	IBAC	IBAC Officer
Health Complaints Commissioner	IBAC, or	IBAC Officer
	Ombudsman	Ombudsman officer
IBAC	Victorian Inspectorate	Victorian Inspectorate Officer
IBAC Officer	Victorian Inspectorate	Victorian Inspectorate Officer
Information Commissioner	IBAC, or	IBAC Officer
	Ombudsman	Ombudsman officer
Judicial Commission officer, other than a judicial member of the Board of the Judicial Commission	IBAC, or	IBAC Officer
	Victorian Inspectorate	Victorian Inspectorate Officer
Judicial employee employed under Division 3 of Part 6 of the Public Administration Act 2004	IBAC	IBAC Officer
judicial officer	IBAC, or	IBAC Officer
	Judicial Commission	Director of the Judicial Commission of Victoria
Legislative Assembly member	Speaker of the Legislative Assembly	Speaker of the Legislative Assembly
Legislative Council member	President of the Legislative Council	President of the Legislative Council

Disclosure is about:	Disclosure may only be made to:	Persons permitted to receive public interest disclosure on behalf of entity
Lieutenant-Governor or Administrator	IBAC	IBAC Officer
Minister of the Crown who is not a member of Parliament	IBAC	IBAC Officer
Ministerial officer employed under Division 1 of Part 6 of the Public Administration Act 2004	IBAC	IBAC Officer
Office of the Special Investigator	Victorian Inspectorate	Victorian Inspectorate Officer
Office of the Special Investigator officer	Victorian Inspectorate	Victorian Inspectorate Officer
Ombudsman officer	IBAC or	IBAC Officer
	Victorian Inspectorate	Victorian Inspectorate Officer
Parliamentary adviser employed under Division 2 of Part 6 of the Public Administration Act 2004	IBAC	IBAC Officer
Parliamentary officer within the meaning of section 4(1) of the Parliamentary Administration Act 2005	IBAC	IBAC Officer
Public Interest Monitor	Victorian Inspectorate	Victorian Inspectorate Officer
Solicitor-General	IBAC	IBAC Officer
VAGO officer	IBAC, or	IBAC Officer
	Victorian Inspectorate	Victorian Inspectorate Officer
VCAT member who is not a judicial officer	IBAC, or	IBAC Officer
	Judicial Commission	Director of the Judicial Commission of Victoria
Victoria Police member, other than the Chief Commissioner of Police for a matter other than the following matter	IBAC, or	IBAC Officer
	Victoria Police	A member of Victoria Police personnel with a rank, including an acting rank, of sergeant or above; or in the case of a disclosure made by a person who is a member of Victoria Police personnel—a direct or indirect manager or supervisor of that person

Disclosure is about:	Disclosure may only be made to:	Persons permitted to receive public interest disclosure on behalf of entity
Victoria Police member and conduct arising from, or out of, the use of Nicola Maree Gobbo as a human source	IBAC, or	IBAC Officer
	Victoria Police, or	A member of Victoria Police personnel with a rank, including an acting rank, of sergeant or above; or in the case of a disclosure made by a person who is a member of Victoria Police personnel—a direct or indirect manager or supervisor of that person
	Office of the Special Investigator	The Special Investigator; or an OSI officer identified as a person who may receive disclosures in the procedures established by the Office of the Special Investigator under section 58
Victorian Inspectorate	Integrity and Oversight Committee, or	A member of the Integrity and Oversight Committee
	a Presiding Officer	Speaker of the Legislative Assembly or President of the Legislative Council
Victorian Inspectorate Officer	Integrity and Oversight Committee, or	A member of the Integrity and Oversight Committee
	a Presiding Officer	Speaker of the Legislative Assembly or President of the Legislative Council

