

# Public Interest Disclosure Policy

*Public Interest Disclosure Act 2010*

## 1. POLICY STATEMENT

Townsville City Council is committed to the promotion of the public interest and encourages and supports public interest disclosures of wrongdoing in council. Council will ensure that public interest disclosures are assessed and investigated properly.

## 2. PRINCIPLES

Council aims to conduct its business with integrity, honesty and fairness and to comply with all relevant laws, regulations, codes and corporate standards.

The reporting of public interest disclosures is encouraged.

The council is committed to investigating all public interest disclosures in a confidential manner and taking action as appropriate. Anyone making a disclosure will be provided protection from reprisal as outlined under the *Public Interest Disclosure Act 2010*.

## 3. SCOPE

This policy applies to councillors, workers and members of the public.

## 4. RESPONSIBILITY

Managers are responsible for ensuring this policy is understood and adhered to by all councillors and workers.

## 5. DEFINITIONS

**Discloser** – means a person who makes a public interest disclosure in accordance with the Act. A discloser may or may not wish to remain anonymous.

**Manager** – includes persons appointed to positions with the title, Team Manager, General Manager, Principal, Director and Chief.

**Public interest disclosure** – means a disclosure of public interest information covering unlawful, negligent or improper conduct, or substantial misuse of public resources, or information about a substantial or specific danger to public health or safety or the environment.

**Public Interest Disclosures Investigation Officer** – means the council officer designated by the Chief Executive Officer who is responsible for the management and conduct of investigations into public interest disclosures.

**Electronic version current uncontrolled copy valid only at time of printing.**

Document No. - 1040

Authorised by – Chief Financial Officer

Document Maintained by – Legal Services

Version No.4

Initial Date of Adoption (Version 1) – 28.06.11

Current Version Reviewed – 09.05.18

Next Review Date – 09.05.20

**Reportable conduct** – means conduct by a person or persons connected with council which is:

- dishonest;
- fraudulent;
- corrupt;
- illegal (including theft, drug sale/use, violence or threatened violence and criminal damage against property);
- a breach of legislation or local laws;
- unethical (either a breach of council's Code of Conduct or generally);
- serious improper conduct;
- unsafe work practices;
- conduct which may cause financial or non-financial loss to the council or be otherwise detrimental to the interests of the council;
- gross mismanagement;
- serious or substantial waste; or
- repeated instance of breach of administrative procedures

**Reprisal** – means an act or omission that occurs when a person attempts to cause, or causes detriment to anybody because of a belief that a person intends to or has made a public interest disclosure.

**Subject Officer** - means the person about whom the public interest disclosure is made.

**Workers** – includes employees, contractors, volunteers and all others who perform work on behalf of council.

## 6. POLICY

### 6.1 DISCLOSURE OF REPORTABLE CONDUCT

Council encourages disclosure of reportable conduct.

Council will not tolerate intimidation, harassment or victimisation, assault or any other inappropriate conduct directed towards a person because of a suspicion or belief that the person may or has made a public interest disclosure. Council will deal with any such occurrences under appropriate disciplinary and/or harassment procedures in line with the requirements of the Act.

Council recognises that a discloser has a right of protection under the Act and that the council may be vicariously liable if it does not take action to prevent and deter reprisal.

If workers maliciously make an alleged public interest disclosure which they know to be untrue their actions will be regarded as corrupt conduct and will be dealt with under appropriate disciplinary procedures.

### 6.2 TYPES OF REPORTABLE CONDUCT

The disclosure of reportable conduct includes:

- corrupt conduct
- maladministration;
- negligent or improper management of public funds;
- an act which endangers public health or safety or the environment.

**Electronic version current uncontrolled copy valid only at time of printing.**

Document No. - 1040

Authorised by – Chief Financial Officer

Document Maintained by – Legal Services

Version No.4

Initial Date of Adoption (Version 1) – 28.06.11

Current Version Reviewed – 09.05.18

Next Review Date – 09.05.20

The disclosure may concern the conduct of any Councillor, workers or anyone contracting to supply goods or services to council.

### 6.3 DISCLOSURE PROCESS

Council will develop and implement procedures for dealing with public interest disclosures under the Act. These procedures will:

- provide clear identification of who is covered by the procedure;
- encourage the reporting of wrongdoing;
- establish a clear reporting system, preferably with multiple pathways, for workers to make a public interest disclosure internally, together with information on how to make an external public interest disclosure;
- provide for the assessment of the risks of reprisal;
- provide a means for complying with the confidentiality requirements of the Act;
- provide for the rights of review, both internal and external;
- provide a description of the roles responsibilities of key workers in the council's management of public interest disclosures and in the support and protection of disclosers; and
- provide an outline of the rights of subject officers.

### 6.4 INVESTIGATION PROCESS

To ensure the integrity of the investigation process for public interest disclosures, the council will at all times during the investigation of public interest disclosures:

- preserve confidentiality;
- follow approved processes to manage public interest disclosures and to protect workers from reprisals;
- deal decisively with reprisal and possible reprisal;
- record disclosures;
- verify disclosures;
- provide training to workers in the management of public interest disclosures; and
- provide reasonable information to the discloser on the results of the investigation

All disclosures made under the Act will be investigated by the Executive Manager Corporate Governance or their nominee.

### 6.5 ACTION TAKEN ON THE DISCLOSURE AND THE RESULTS

The council is committed to making the practice of corporate compliance and ethical conduct an integral part of its culture. To further encourage this, the council will provide the Discloser with feedback on the outcome of the investigation and action taken.

### 6.6 PROTECTION OF THE DISCLOSURE

A Discloser is not protected under the Act if the disclosure involves any wrongdoing on the part of the Discloser.

The council recognises that the Discloser may not wish to be identified during the course of an investigation. In such circumstances, the council will do everything possible to protect their identity and will not disclose it without their consent except as required by law. If it proves impossible to resolve the matter without revealing the identity of the Discloser, the Public Interest Disclosures Investigations Officer will discuss with them whether and how council will proceed with the matter,

**Electronic version current uncontrolled copy valid only at time of printing.**

Document No. - 1040

Authorised by – Chief Financial Officer

Document Maintained by – Legal Services

Version No.4

Initial Date of Adoption (Version 1) – 28.06.11

Current Version Reviewed – 09.05.18

Next Review Date – 09.05.20

which may include relocating them to another position within council or a leave of absence during the investigation.

The Chief Executive Officer may intervene directly to protect the Discloser and take immediate action to deal with suspected reprisal.

## **7. LEGAL PARAMETERS**

*Local Government Act 2009*

*Local Government Regulations 2012*

*Anti-discrimination Act 1991*

*Crime and Corruption Act 2001*

*Industrial Relations Act 1999*

*Judicial Review Act 1991*

*Public Interest Disclosure Act 2010*

*Public Sector Ethics Act 1994*

*Work Health and Safety Act 2011*

## **8. ASSOCIATED DOCUMENTS**

AS 8004-2003 - Whistleblower Protection Programs for Entities

Code of Conduct

Prevention of Workplace Harassment (Bullying Administrative Directive)

Complaints Management Policy

Public Interest Disclosure Procedure

Public Interest Disclosure Assessment Guide

**Electronic version current uncontrolled copy valid only at time of printing.**

Document No. - 1040

Authorised by – Chief Financial Officer

Document Maintained by – Legal Services

Version No.4

Initial Date of Adoption (Version 1) – 28.06.11

Current Version Reviewed – 09.05.18

Next Review Date – 09.05.20