



Public Interest Disclosure Policy

Public Interest Disclosure Act 2010

1. POLICY STATEMENT

Townsville City Council is committed to fostering an ethical transparent culture, the promotion of the public interest and encourages and values the disclosures of suspected wrongdoing in Council. Council will ensure that public interest disclosures are assessed and investigated properly.

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

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.

By complying with the Act, Council will:

- Promote the public interest by facilitating public interest disclosures (PIDs) of wrongdoing
- Ensure that PIDs are properly assessed and where appropriate, properly investigated and dealt with
- Ensure appropriate consideration is given the interests of persons who are the subject of a PID
- Ensure protection from reprisal is afforded to persons making PIDs.

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

Disability – means the same as the meaning in the *Disability Services Act 2006*.

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.

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Proper Authority – means an organisation or person that can receive a Public Interest Disclosure.

Public interest disclosure (PID) – 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 Officer – means the same as section 7 of the *Public Interest Disclosure Act 2010*

PID Coordinator – means the Council officer designated by the Chief Executive Officer who is responsible for the management and conduct of investigations into public interest disclosures.

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

In accordance with section 28 of the PID Act, the Council will implement policies and procedures to ensure that:

- Any Public Officer who makes a PID is given appropriate support
- PIDs made to Council are properly assessed, and where appropriate, properly investigated and dealt with
- Appropriate action is taken in relation to any wrongdoing which is the subject of a PID
- A management program for PIDs made to Council, consistent with the standards issued by the Qld Ombudsman, is developed and implemented
- Public Officers who make PIDs are offered protection from reprisal by Council or other public officers of Council.

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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

Under the *Public Interest Disclosures Act 2010*, only some kinds of information are public interest disclosures. The information disclosed must be public interest information.

Any person, including a public sector employee, can make a public interest disclosure about:

- Danger to the health or safety of a person with a disability;
- Danger to the environment cause but the commission of an offence;
- Reprisal after making a public interest disclosure.

The public sector officer can also disclose public interest information including:

- corrupt conduct
- maladministration that adversely affects someone's interest in a substantial and specific way;
- negligent or improper management of public resources;
- an act which endangers public health or safety; or
- an act which endangers the environment.

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

6.3 ASSESSMENT PROCESS

A Discloser can make a PID in any way, including anonymously, either verbally or in writing.

Upon receipt of an allegation of Reportable Conduct the PID Coordinator will complete the Public Interest Disclosure Assessment Guide to determine if the matter amounts to a PID.

The disclosure must include the following elements:

- An appropriate disclosure
- Of public interest information
- Made to a proper authority

Townsville City Council is a proper authority for the purposes of this policy.

The PID Coordinator may decide to refer the PID to another proper authority because:

- The PID concerns wrongdoing by that agency or an employee of that agency
- The new agency has the power to investigate or remedy the matter.

6.4 INVESTIGATION PROCESS

All disclosures made under the Act will be investigated by the PID Coordinator or their nominee in accordance with the Public Interest Disclosure Standard 2/2019.

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A risk assessment will be conducted to assess the likelihood of the Discloser or other third parties suffering reprisal action as a result of having made the disclosure.

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

6.5 COMMUNICATION

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 regarding the assessment process, during the investigation and where possible the outcome of the investigation and action taken.

The Subject Officer/s will receive communication from the PID Coordinator outlining the PID process and where possible the outcome of investigation and action taken.

6.6 PROTECTION OF THE DISCLOSER

Under the PID Act the Discloser will be protected from Reprisal. However, a Discloser is not protected 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 Coordinator will discuss with them whether and how council will proceed with the matter, 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.

6.7 RECORDING AND REPORTING

Council must establish and keep proper record keeping practices in relation to all Reportable Conduct in accordance with *Public Interest Disclosure Standards 3/2019*.

7. LEGAL PARAMETERS

Local Government Act 2009

Local Government Regulations 2012

Anti-discrimination Act 1991

Criminal Code Act 1899

Crime and Corruption Act 2001

Industrial Relations Act 1999

Judicial Review Act 1991

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Public Sector Ethics Act 1994
Work Health and Safety Act 2011

8. ASSOCIATED DOCUMENTS

Prevention of Workplace Harassment (Bullying) Administrative Directive

Complaints Management Policy

Public Interest Disclosure Procedure

Public Interest Disclosure Assessment Guide

Public Interest Disclosure Standard No. 1/2019

Public Interest Disclosure Standard No. 2/2019

Public Interest Disclosure Standard No. 3/2019

Public Interest Disclosure Risk Assessment

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