

# Public Interest Disclosure Policy

*Public Interest Disclosure Act 2010*

## 1. Policy Statement

Townsville City Council (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. In pursuit of this, Council values the disclosure of information about suspected wrongdoing in the public sector so that it can be properly assessed and, if necessary, appropriately investigated. Council will provide support to an employee or others who make disclosures about matters in the public interest.

The Council is committed to investigating all public interest disclosures (PID) in a confidential manner and taking action as appropriate. Anyone making a PID will be provided protection from reprisal as outlined under the *Public Interest Disclosure Act 2010* (PID Act). This policy and the supporting procedures set out the framework for the management and process for making public interest disclosures at Townsville City Council as required by the 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 PID 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; and,
- ensure protection from reprisal is afforded to persons making PIDs.

## 3. Scope

This policy applies to Councillors, Employees and members of the public who make a disclosure in accordance with the PID Act and should be read in conjunction with council's Public Interest Disclosure Procedure.

## 4. Responsibility

Managers are responsible for ensuring this policy is understood and adhered to by all Councillors and Employees.

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## 5. Definitions

**Corrupt conduct** - as defined in section 15 of the *Crime and Corruption Act 2001*.

**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 PID Act.

**Employee** - of an entity, includes a person engaged by the entity under a contract of service.

**Manager** - an individual responsible for overseeing and coordinating specific functions, departments, teams or projects within Townsville City Council.

**PID Coordinator** - means the Council officer designated by the Chief Executive Officer who is responsible for the document and management of PID.

**Proper Authority** - means a public sector entity to which a person may make a disclosure that relates to:

- the conduct of the entity or any of its public officers; or
- anything the entity has a power to investigate or remedy; or
- the conduct of another person that could, if proved, be a reprisal that relates to a previous disclosure made by the person to Council.

**Public Officer** - A public officer, of a public sector entity, is an employee, member or officer of the entity. **Reasonable belief** - means a view which is objectively fair or sensible.

**Reprisal** - as defined in section 40 of the PID Act.

**Subject officer** - an Employee who is the subject of allegations of wrongdoing made in a disclosure.

## 6. Policy

In accordance with section 28 of the PID Act, Council will implement 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 Queensland Ombudsman, is developed and implemented; and
- Public Officers who make PIDs are offered protection from reprisal by Council or other public officers of Council.

This policy should be read in conjunction with Council's Public Interest Disclosure Procedure.

Council's Public Interest Disclosure Policy and Procedure are available on Council's internal intranet and for public viewing at [www.townsville.qld.gov.au/about-council/contact-council/public-interest-disclosures](http://www.townsville.qld.gov.au/about-council/contact-council/public-interest-disclosures). The Public Interest Disclosure Policy and Procedure will be reviewed and updated as required to ensure it meets the requirements of the PID Act and the standards issued by the Queensland Ombudsman.

### 6.1 Public Interest Disclosure

Under the PID Act, any person can make a disclosure about a:

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- **substantial** and **specific** danger to the health or safety of a person with a **disability**; or
- the commission of an offence, or contravention of a condition imposed under a provision of legislation mentioned in Schedule 2 of the PID Act, if the offence or contravention would be a substantial and specific danger to the environment; or
- **reprisal** because of a belief that a person has made, or intends to make a disclosure.

In addition, a Public Officer can make a disclosure about the following public interest matters:

- corrupt conduct; or
- **maladministration** that adversely affects a person's interests in a substantial and specific way; or
- a substantial misuse of public resources; or
- a substantial and specific danger to public health or safety; or
- substantial and specific danger to the environment.

## 6.2 Disclosure Must Be Appropriate

The information being disclosed must be information which:

- the person making the disclosure honestly believes on reasonable grounds that the information tends to show the conduct mentioned in section 6.1; or
- there is evidence which tends to show a matter in section 6.1.

A Discloser can have either a '**reasonable belief**' that wrongdoing has occurred, or provide evidence which tends to show the wrongdoing has occurred.

A disclosure amounts to a PID and is covered by the PID Act even if the:

- Discloser reports the information as part of their duties - such as an auditor reporting a fraud or an occupational health and safety officer reporting a safety breach;
- disclosure is made anonymously - the Discloser is not required to give their name or any identifying information;
- Discloser has not identified the material as a PID - it is up to Council to assess information received and decide if it is a PID; and
- disclosure is unsubstantiated following investigation - the Discloser is protected when the information they provide is assessed as a PID, whether or not it is subsequently investigated or found to be substantiated.

## 6.3 Disclosure Must Be to a Proper Authority

The information must be information in respect of which Council is a proper authority as defined in section 5.

## 6.4 Making a Public Interest Disclosure

A Discloser can make a PID in any way, including anonymously, either verbally or in writing. To assist in the assessment, and any subsequent investigation of a PID, a Discloser is requested to:

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- provide contact details (this could be an email address that is created for the purpose of making the disclosure or a telephone number);
- provide as much information as possible about the suspected wrongdoing, including:
  - who was involved ;
  - what happened;
  - when it happened;
  - where it happened;
  - whether there were any witnesses, and if so who they are;
  - any evidence that supports the PID, and where the evidence is located; and
  - any further information that could help investigate the PID;
- provide this information in writing.

<b>A PID can be made in the following methods: Method:</b>	<b>Contact:</b>
<b>Anonymously</b>	By Completing the Public Interest Disclosure Form at <a href="http://www.townsville.qld.gov.au/about-council/contact-council/public-interest-disclosures">www.townsville.qld.gov.au/about-council/contact-council/public-interest-disclosures</a>
<b>In Person</b>	Level 1, 103 Walker Street, Townsville
<b>By Phone</b>	<ul style="list-style-type: none"> <li>• Chief Executive Officer - 4727 9205</li> <li>• PID Coordinator - 4727 9371</li> </ul>
<b>By E-mail</b>	<a href="mailto:Group-PublicInterestDisclosure@townsville.qld.gov.au">Group-PublicInterestDisclosure@townsville.qld.gov.au</a>
<b>In writing</b>	CONFIDENTIAL PID - CEO Townsville City Council PO Box 1268 Townsville QLD 4810

## 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.

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## 6.6. 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

*Anti-discrimination Act 1991*

*Crime and Corruption Act 2001*

*Criminal Code Act 1899*

*Industrial Relations Act 1999*

*Judicial Review Act 1991*

*Local Government Act 2009*

*Local Government Regulation 2012*

*Public Interest Disclosure Act 2010*

*Public Sector Ethics Act 1994*

*Work Health and Safety Act 2011*

## 8. Associated Documents

Public Interest Disclosure Procedure

Public Interest Disclosure Standard No. 1/2019

Public Interest Disclosure Standard No. 2/2019

Public Interest Disclosure Standard No. 3/2019

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