



PUBLIC INTEREST DISCLOSURES GUIDELINES

PUBLIC INTEREST DISCLOSURES ACT 2012

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CEO Approved
(Signature) 
Acting CEO Bryan Sword

CORPORATE GUIDELINES

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1. GUIDELINE OBJECTIVE

The main objective of this Guideline is to provide an understanding of an approach to make and assess disclosures of improper conduct as it relates to Council.

The *Public Interest Disclosures Act 2012* (the Act) provides protection from detrimental action to any person affected by a public interest disclosure whether it is a person who makes a disclosure, a witness, or a person who is the subject of an investigation.

2. GUIDELINE DEFINITIONS

There are numerous definitions that provide substance and context to this Guideline.

<p>Assessable disclosure means—</p>	<ul style="list-style-type: none"> a) a disclosure that, under section 21(2), must be notified to the IBAC, the Victorian Inspectorate or the Integrity and Oversight Committee; b) disclosure that, under section 21(3), may be notified to the IBAC, the Victorian Inspectorate or the Integrity and Oversight Committee; c) disclosure that, under section 36(2), must be notified to the IBAC, the Victorian Inspectorate or the Integrity and Oversight Committee; d) disclosure made to the IBAC in accordance with Division 2 of Part 2; e) disclosure made to the Victorian Inspectorate under section 14(b); f) disclosure made to the Integrity and Oversight Committee under section 14(a); g) police complaint disclosure that, under section 22, must be notified to the IBAC; h) police complaint disclosure made to the IBAC. <p>Disclosures can be about matters that have occurred, be underway, or yet to be undertaken.</p>
<p>Corrupt Conduct</p>	<p>has the meaning given by section 3A of the Independent Broad-based Anti-corruption Commission Act 2011...such as:</p> <ul style="list-style-type: none"> • taking or offering bribes • dishonestly using influence • committing fraud, theft or embezzlement • misusing information or material acquired at work • conspiring or attempting to engage in the above corrupt activity <p>Corruption can occur through improper or unlawful actions or inactions of public officers or the Council, and actions of private individuals who try to improperly influence Council functions or decisions.</p>



Council	has the same meaning as it has in section 3(1) of the Local Government Act 1989.
Councillor	has the same meaning as it has in section 3(1) of the Local Government Act 1989.
Detrimental action includes—	a) action causing injury, loss or damage; b) intimidation or harassment; c) discrimination, disadvantage or adverse treatment in relation to a person's employment, career, profession, trade or business, including the taking of disciplinary action;
Discloser	is any person who wants to make a disclosure about conduct by a Councillor or member of Council staff.
IBAC means	the Independent Broad-based Anti-corruption Commission established under Section 6 of the Independent Broad-based Anti-corruption Commission Act 2011.
Improper conduct	<p>“(1) For the purposes of this Act, improper conduct means —</p> <p>(a) corrupt conduct; or</p> <p>(b) conduct of a public officer or public body engaged in by the public officer or public body in their capacity as a public officer or a public body that constitutes—</p> <p>(i) a criminal offence; or</p> <p>(ii) serious professional misconduct; or</p> <p>(iii) dishonest performance of public functions; or</p> <p>(iv) intentional or reckless breach of public trust; or</p> <p>(v) intentional or reckless misuse of information or material acquired in the course of the performance of the functions of the public officer or public body; or</p> <p>(vi) substantial mismanagement of public resources; or</p> <p>(vii) a substantial risk to the health or safety of one or more persons; or</p> <p>(viii) substantial risk to the environment; or</p> <p>(c) conduct of any person that —</p> <p>(i) adversely affects the honest performance by a public officer or public body of their functions as a public officer or public body; or</p> <p>(ii) is intended to adversely affect the effective performance or exercise by a public officer or public body of the functions or powers of the public officer or public body and results in the person, or an associate of the person, obtaining —</p> <p>a. a licence, permit, approval, authority or other entitlement under any Act or subordinate instrument;</p> <p>b. an appointment to a statutory office or as a member of the board of any public body under any Act or subordinate instrument; or</p> <p>c. financial benefit or real or personal property; or</p> <p>d. Any other direct or indirect monetary or proprietary gain —</p> <p>i. that the person or associate would not have otherwise obtained; or</p> <p>ii. conduct of any person that could constitute a conspiracy or attempt to engage in any of the conduct referred to in paragraph (a), (b) or (c).</p> <p>(2) Despite subsection (1), conduct that is trivial does not constitute improper conduct for the purposes of this Act.”</p>
Investigating entity means —	(a) the IBAC; (b) the Chief Commissioner of Police; (c) the Ombudsman; (d) the Victorian Inspectorate



Misconduct	In public office, this is broadly defined – unlawful conduct, fails to meet the ethical or professional standards required, and examples include misuse of power to adversely impact/harm others, and failure to disclose. It does not require financial or personal gain.
Ombudsman	means the person appointed as the Ombudsman under section 3 of the Ombudsman Act 1973
Public interest disclosure means —	a) a disclosure made in accordance with the Act; or b) complaint made in accordance with section 86L(2A) of the Police Regulation Act 1958.
Public interest disclosure complaint means —	a) a disclosure that has been determined under section 26 to be a public interest disclosure complaint; or b) a disclosure that has been determined under section 31 to be a public interest disclosure complaint;
Public body means—	a) a public body within the meaning of section 6 of the Independent Broad-based Anti-corruption Commission Act 2011; or b) the IBAC; or c) the Victorian Inspectorate d) any other body or entity prescribed for the purposes of this definition.
Public officer means—	a) a public officer within the meaning of section 6 of the Independent Broad-based Anti-corruption Commission Act 2011; or b) an IBAC Officer; c) A Victorian Inspectorate Officer; or d) A Public Interest Monitor; or e) any other person prescribed for the purposes of this definition
Public sector means—	the sector comprising all public bodies and public officers.
Victorian Inspectorate	has the same meaning as it has in section 3(1) of the Victorian Inspectorate Act 2011.

3. GUIDELINE PRINCIPLES

3.1 Roles and Responsibilities

1. **Coordinator Public Interest Disclosures (CPID)**

Two Senior Officers are the Public Interest Disclosure Coordinators (CPID) for Council. The Manager People & Culture provides the primary focus for assessment and carriage of any Public Interest Disclosure (PID). The Chief Executive Officer is also the CPID in PID matters in which they manage.

The Coordinator Public Interest Disclosures will:

- a. impartially assess disclosures to determine whether it appears to be a public interest disclosure.
- b. coordinate the filing, reporting, notification and implementation of Council responsibilities.
- c. liaise with Independent Broad-based Anti-corruption Commission (IBAC) or other required departments or agencies as appropriate and act as their contact point for PID matters.
- d. arrange for any appropriate welfare support for the person making a disclosure.
- e. provide progress updates to the discloser on the matter.
- f. take all necessary steps to ensure the identity of the person making a disclosure



- and the identity of the person who is the subject of the disclosure are kept confidential.
- g. where the PID is managed by the Manager People & Culture, liaise with the Chief Executive Officer regarding a disclosure, where appropriate.

Disclosures made through email or letter, may involve the Corporate Information Management Team Leader, whose role it is to immediately forward the potential Public Interest Disclosure to the CPID.

Welfare of a person making a public interest disclosure will be undertaken by the Coordinator undertaking the assessment, as a separate process. Appropriate delegation between the CPID's on this aspect may take place.

This Guideline is applicable to staff, volunteers, Councillors and Administrators. It may also be applicable in regards to actions of contractors in their dealings with Council staff.

If the Council receives a disclosure about an employee, officer or member of another public body, the CPID will advise the person making the disclosure (where known) of the correct person or body to whom the disclosure must be made.

3.2 Confidentiality of Disclosure

1. Disclosure of information under the Act

The *Public Interest Disclosures Act 2012* (the Act) requires any person who receives information due to the handling or investigation of an assessable disclosure, not to disclose that information, except in certain limited circumstances. These circumstances include:

- a. where exercising the functions of the Council under the Act.
- b. when making a report or recommendation under the Act.
- c. when publishing any statistics in the annual report of the Council.

The Act prohibits the:

- d. inclusion of particulars in any report or recommendation that is likely to lead to the identification of the person making a disclosure.
- e. disclosure of particulars in an annual report and other reports to Parliament that might lead to the identification of a person against whom a disclosure is made.

A breach of the Act constitutes a criminal offence.

2. Information that may be Disclosed

Particular circumstances where information may be disclosed include:

- a. where the disclosure is made in accordance with the consent of the disclosing person to the disclosure of their identity.
- b. where IBAC or the Victorian Inspectorate has determined that the assessable disclosure is not a public interest disclosure and the person or body subsequently discloses the information.



- c. an investigating entity publishes a report to Parliament, made in accordance with its confidentiality requirements.
- d. for the purposes of a proceeding for an offence against a relevant Act.
- e. for the purpose of obtaining legal advice.
- f. to an interpreter relevant to the issue.
- g. to a parent or guardian of a person who is under 18 years of age.
- h. to an independent person, for the purposes of enabling a person who is suffering a disability to understand an obligation under the Act.

A confidential electronic folder has been established and is accessible only by the CPID, all files under this are managed in accordance with the same confidentiality.

Protections do not apply if the discloser provides information knowing it to be false or misleading, or falsely claims a matter that is the subject of a protected disclosure.

3.3 Making a Protected Interest Disclosure (refer to Assessment Process Flowchart in Attachment 1)

1. Criteria of a Protected Interest Disclosure

To be assessed as a PID by Council, a disclosure must meet the following criteria:

- a. a natural person has to make the disclosure (that is, an individual person/s rather than a corporation).
- b. the disclosure has been made verbally (in private), or in writing, or by email, to one of the Council's CPID.
- c. the disclosure relates to conduct of the Council or public officer acting in their official capacity.
- d. the alleged conduct is either improper conduct or detrimental action taken against a person in reprisal for making a disclosure.
- e. the person making the disclosure has reasonable grounds for believing the alleged conduct has occurred.

If one or more of the above elements are not satisfied, the person has not made an assessable disclosure.

2. Characteristics of a Protected Interest Disclosure

Other characteristics of a *Disclosures include*:

- a. may be anonymous.
- b. are not normally based on information already in the public domain.
- c. need to be made on reasonable grounds.
- d. are to be made in private - only the person you are disclosing to, is to be made aware of the disclosure.
- e. Disclosures are to be made to the Council CPID or IBAC. Noting that:
 - i. Where a person seeks to make a disclosure about a Councillor, that disclosure must be made direct to IBAC.
- f. can only receive disclosures that relate to the conduct of its own officers or employees.
- g. can only receive disclosures that relate to the conduct of a person/s whose actions relate to a Council officer or employee.
- h. The Victorian Ombudsman can be contacted for complaints about administration actions of Council.



3.4 What can IBAC take complaints about?

IBAC can take complaints about Victorian public sector officers or bodies allegedly:

- a. taking or offering bribes
- b. dishonestly using influence
- c. committing fraud, theft or embezzlement
- d. misusing information or material acquired at work
- e. conspiring or attempting to engage in the above corrupt activity

Corruption can occur through:

- f. improper or unlawful actions by public sector officers or bodies
- g. inactions of public sector officers or bodies
- h. actions of private individuals who try to improperly influence public sector functions or decisions.

3.5 Misconduct in public office

Misconduct in public office is broadly defined. It can be any conduct by a public sector employee which is unlawful or fails to meet the ethical or professional standards required in the performance of duties or the exercise of powers entrusted to them.

Examples of misconduct in public office might include:

- a. misuse of power to harm, oppress or disadvantage a person or provide an unfair advantage for one over another
- b. failure to disclose a conflict of interest

Unlike most examples of corruption, misconduct in public office does not require financial or personal gain on the part of the public officer.

3.6 Assessing a Disclosure

Where Council receives information relating to the conduct of an employee, member or officer of the Council, it will assess whether the disclosure meets the criteria of the Act to be a public interest disclosure.

Where it is determined that the disclosure falls under the Act, the following actions will be taken:

- a. Establish contact with the discloser, if they are known
- b. Advise the CEO of the Disclosure where appropriate
- c. Establish a confidential file on the disclosure
- d. Advise IBAC of the disclosure within 28 days of receipt
- e. Advise the discloser within 28 days of notifying IBAC

Where Council determines that the disclosure is not an assessable disclosure under the Act, it will advise the person making the disclosure and either:

- a. Refer the discloser to IBAC or,
- b. Advise the discloser that the matter will be addressed by the Council through its complaints processes.

3.7 Notifying IBAC

When IBAC are notified **and** the matter has been assessed as a public interest disclosure complaint, the matter cannot be withdrawn.



3.8 Preventing Detrimental Action

It is an offence for a person to take detrimental action against a person who has made a public interest disclosure.

Section 3 of the Act defines detrimental action as including:

- a. action causing injury, loss or damage
- b. intimidation or harassment, and
- c. discrimination, disadvantage or adverse treatment in relation to a person's employment, career, profession, trade or business, including the taking of disciplinary action.

Actions demonstrating detrimental action may include:

1. A public body demotes, transfers, isolates in the workplace, or changes the duties of a person making a disclosure, or threatening to or is believed to be making a disclosure.
2. A person threatens, abuses or carries out other forms of harassment directly or indirectly against the person making a disclosure, his or her family or friends.
3. A public body discriminates against the person making a disclosure or his or her family and associates in subsequent applications for jobs, permits or tenders.
4. 'Undue pressure' is applied to someone believed to be actually or potentially cooperating with an investigation.

3.9 Protection from reprisals

Preserving the confidentiality of the identity of a discloser will assist in minimising the risk of reprisals.

Persons making such disclosures will be advised that it is in their own interests to keep disclosures confidential by only discussing related matters with authorised persons within the Council, ie the CPID or the Chief Executive Officer, or officers of IBAC's office, or other persons, as authorised by law.

Council's CPID is responsible for ensuring persons making a disclosure are protected from direct and indirect detrimental action, and that the culture of Council's workplace is supportive of disclosures being made.

A person making a disclosure may be employed by the Council or may be a member of the public.

Council is obligated to protect both internal and external persons making disclosures from detrimental action taken in reprisal for the making of the disclosure.

The management of persons making disclosures will be dependent on the circumstances.

1. Disclosures made by a Council employee/ officer

Council employees making disclosures may be at risk of suffering reprisals in the workplace.

The Coordinator Public Interest Disclosures will foster a supportive work environment and respond to any reports of intimidation or harassment against the person making the disclosure.

2. Disclosure made by a member of the public

Reprisals may also be taken against external persons making disclosures.



The Coordinator Public Interest Disclosures manages this matter for a non Council person or people making a disclosure.

3.10 Support and Welfare of a person making a Public Interest Disclosure

The CPID will be engaged to manage the welfare of the person making the disclosure as a separate process to the investigation.

The level of support provided to the person may require approval of the Chief Executive Officer and will be documented. A copy of any agreed support reached will be provided to the person.

The Coordinator Public Interest Disclosures will:

- a. discuss the issue of reasonable expectations with the person making a disclosure.
- b. examine the immediate welfare and protection needs of a person making a disclosure and seek to foster a supportive work environment.
- c. advise the person making a disclosure of the protections available to them.
- d. listen and respond to any concerns of harassment, intimidation, or victimisation in reprisal for making a disclosure.
- e. keep records of the case management of the person making the disclosure, including all contact and follow up action.
- f. endeavour to ensure that the expectations of the person making a disclosure are realistic.
- g. not will not divulge any details relating to the disclosed matter to any person other than the CEO, where appropriate.
- h. Ensure that all meetings the CPID and the person making a disclosure will be conducted discreetly to protect the confidentiality of the person.

3.11 Occurrence of detrimental action

If a person making a disclosure reports an incident of harassment, discrimination or adverse treatment that would amount to detrimental action apparently taken in reprisal for the making of the disclosure, the Coordinator Public Interest Disclosures will record the details and advise the person making the disclosure of their rights under the Act. The CPID will also inform the CEO, and inform IBAC where the nature of the action is serious and may amount to a criminal offence.

Where detrimental action is reported, the allegation will be assessed as a new disclosure under the Act.

Council will be extremely cautious about conducting enquiries or gathering information concerning an allegation of detrimental action, as a criminal offence may have been committed and any informal investigation may compromise the integrity of evidence.

The following has been taken from the *Public Interest Disclosures Act 2012*:

Protection of public officers

(1) The Act provides for protection where:

- (a) a public officer of a receiving entity discloses—
 - (i) information to another public officer of that entity in the course of handling a disclosure; or
 - (ii) information in the course of notifying a disclosure to the IBAC; or
 - (iii) information to the IBAC; and
- (b) the disclosure of the information is made in good faith; and



- (c) the disclosure is made in accordance with—
 - (i) this Act and the regulations made under this Act; and
 - (ii) the guidelines issued by the IBAC; and
 - (iii) the procedures of the receiving entity.
- (2) By disclosing the information, the public officer does not—
 - (a) commit an offence under section 95 of the **Constitution Act 1975** or a provision of any other Act that imposes a duty to maintain confidentiality with respect to a matter or any other restriction on the disclosure of information; or
 - (b) breach an obligation by way of oath or rule of law or practice or under an agreement requiring him or her to maintain confidentiality or otherwise restricting the disclosure of information with respect to a matter.
- (3) the public officer is not subject to any civil or criminal liability or any liability arising by way of administrative process (including disciplinary action) for disclosing the information.
 - (a) In this section, “*public officer of a receiving entity*” means an employee, member or officer of the receiving entity; or
“*receiving entity*” means an entity to which a disclosure may be made under Division 2 of Part 2.

3.12 Management of the Person/s against whom the disclosure is made

1. Natural Justice

The Council will ensure that natural justice is adhered to in the receipt and management of a disclosure.

Employers, Officers or members of the Council who are the subject of a disclosure will be provided with notification, in writing, of the disclosure, where that notification does not compromise the identity of the person making the disclosure or the investigation into the disclosure.

2. Confidentiality

The Council will ensure the confidentiality of the identity of the person against whom a disclosure has been made.

3. Protection against reprisal

Council's CPID's will take responsibility for ensuring a person against whom a disclosure has been made, is protected from direct or indirect detrimental action, by monitoring the welfare of the person against whom a disclosure has been made.

3.13 IBAC Action

1. Assessment of disclosure and determination by the IBAC

The following applies if—

- a. a disclosure is made in accordance with Division 2 of Part 2 of the Act, directly to the IBAC; or
- b. disclosure is notified to the IBAC under section 21 or 22; or
- c. police complaint disclosure is made directly to the IBAC.
 - i. The IBAC must assess whether, in its view, the disclosure is a public interest disclosure.
 - ii. Following an assessment under subsection (2), the IBAC must—



- if the IBAC is of the view that the disclosure is a public interest disclosure—determine that the disclosure is a public interest disclosure complaint; or
- in any other case—determine that the disclosure is not a public interest disclosure complaint.

Note:

1. The protections under the Act apply to a disclosure whether or not the IBAC has determined that the disclosure is a public interest disclosure complaint.
2. A determination must be made within a reasonable time after the disclosure is made, or notified, to the IBAC.

2. Advice to notifying entity

- a. If a disclosure has been notified to the IBAC by an entity under section 21 or 22 of the PID Act, it must advise the entity of the IBAC's determination.
- b. The advice must be in writing and be given within a reasonable time after the determination is made.

3. Determination by IBAC

If the IBAC determines that a disclosure is a public interest disclosure complaint, it must advise the person who made the disclosure that:

- a. it has determined that the disclosure is a public interest disclosure complaint; and
- b. regardless of whether the IBAC has determined that the disclosure is a public interest disclosure complaint, the protections under the Act. apply

The advice must be in writing and be given within a reasonable time after the determination has been made.

If the IBAC determines that a disclosure is not a public interest disclosure complaint, it must advise the person who made the disclosure.

The advice must be in writing and be given within a reasonable time after the determination is made.

4. Advice regarding alternative procedures for dealing with disclosure

If the IBAC determines that a disclosure is not a public interest disclosure complaint but is of the view that the matter which is the subject of the disclosure may be able to be dealt with by another entity, the IBAC may advise the person who made the disclosure that:

- (a) the matter which is the subject of the disclosure may be able to be dealt with by that entity other than as a public interest disclosure complaint; and
- (b) if the person wishes to pursue the matter, the person should make a complaint directly to that entity.

3.15 Reporting to external entities

The Council, through the Coordinator Public Interest Disclosures, will respond to any requests for statistical information from IBAC relating to the number and type of disclosures received.

The Council will include in its Annual Report information about how to access the procedures established by the Council; and the number of disclosures notified to IBAC during the financial year.



4. RISK ASSESSMENT

The risks to Council if these guidelines are not effectively followed are:

1. Non-compliance with relevant legislation
2. That improper conduct is not reported to Council which may result in the continuance of improper conduct
3. People making disclosures are not provided with adequate support or protection in line with relevant legislation
4. People who are the subject of disclosures are not afforded natural justice or provided adequate support in the assessment and investigation of disclosures
5. Organisational reputational damage
6. Fines and sanctions for relevant Council officers through not complying with relevant legislation.

A risk assessment is conducted for each PID received to assess welfare issues and confidentiality.

5. ROLES AND RESPONSIBILITIES STATEMENT

1. These guidelines will be made readily available to the public, Councillors or Administrators, and members of Council staff, and be available on Councils internal and external website.
2. Training will also be provided to Council officers authorised to receive and assess potential protected disclosures.

6. REFERENCE DOCUMENTS

The reference documents for these guidelines are The *Public Interest Disclosures Act 2012*, and guides such as those internet shortcuts below, obtained from the IBAC.

IBAC can be contacted direct on 1300 735 135 or via info@ibac.vic.gov.au

This document will be updated for continuous improvement purposes as any new information or advice becomes available from the IBAC, to ensure it more completely reflects the essential elements of the new Act.

This document is to be read in conjunction with Council's *Fraud and Corrupt Conduct Policy (C19)*.

https://www.ibac.vic.gov.au/docs/default-source/education-resources/information-sheet-key-changes-for-pid-integrity-and-accountability-legislation-amendment.pdf?sfvrsn=9939ec2_8

https://www.ibac.vic.gov.au/docs/default-source/education-resources/information-sheet-frequently-asked-questions-on-pid-changes.pdf?sfvrsn=d1880c22_8

https://www.ibac.vic.gov.au/docs/default-source/education-resources/information-sheet---public-interest-disclosure-procedures-key-issues-to-consider.pdf?sfvrsn=dad8202a_2

https://www.ibac.vic.gov.au/docs/default-source/education-resources/information-sheet---public-interest-disclosure-procedures-key-issues-to-consider.pdf?sfvrsn=dad8202a_2



POLICY OWNERSHIP		
Directorate	Chief Executive Office – People & Culture	
SUPPORTING INFORMATION		
Legislative Provisions	Independent Broad-based Anti-corruption Commission Act 2011 Independent Broad-based Anti-corruption Commission Regulations 2013 Public Interest Disclosures Act 2012 Public Interest Disclosures Regulations 2019	
Council Supporting Documents	Councillor Code of Conduct (C14) Fraud and Corrupt Conduct Policy (C19) Human Rights Policy (C52) Local Law No.3 2010 – Meeting Procedure and Common Seal	
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1.0	25 July 2013	Reviewed
1.1	7 April 2014	Reviewed
1.2	8 August 2015	Reviewed
2.0	9 January 2020	Guideline (policy) updated in line with Legislation/ Regulation changes to the <i>Public Interest Disclosures Act 2012</i> . This Guideline replaces Council's Protected Disclosure Guidelines and complies with the Independent Broad-based Anti-corruption Commission Public Interest Disclosures Act 2012.



Attachment 1 – Disclosures Flowchart

ASSESSMENT PROCESS

PHASE 1

RECEIPT OF DISCLOSURE

It is made by an individual or group of individuals
 Made verbally (in private) to CPID or CEO or made in writing or email (not by fax)
 Made to the correct body (i.e. the Council)
 Made about a Council officer/employee acting in their official capacity



The disclosure may be a public interest disclosure under the Public Interest Disclosures Act 2012
 Public Interest Disclosure handling procedures apply

PHASE 2

ASSESSMENT OF DISCLOSURE

Does the information show/tend to show there is improper conduct &/or detrimental action?
 Does the discloser believe on reasonable grounds that the information shows/tends to show there is improper conduct &/or detrimental action?



If YES, it is a public interest disclosure and Public Interest Disclosures handling procedures apply



If NO, it is probably not a public interest disclosure.
 Matter to be dealt with by alternative mechanisms by the organisation

PHASE 3

NOTIFICATIONS

The disclosure has been determined to be a possible public interest disclosure.



Inform IBAC in writing, within 28 days of receiving the disclosure.
 Summarise the disclosure
 Attach supporting documentation
 Provide IBAC with details of Council's contact person
 Inform disclosure of notification to IBAC, within 28 days of that notification.

Where a disclosure is deemed not to be a possible public interest disclosure



Inform the discloser within 28 days of the assessment, and determine alternate suitable process to handle the matter if appropriate, and in writing.

