

CHIEF EXECUTIVE POLICY



PUBLIC INTEREST DISCLOSURE POLICY

Policy No.	CE21	Adoption Date:	ELT Meeting 6 August 2024
Directorate:	Performance & Innovation	Department:	Governance
Revision Date:	August 2028		
Tony Peterson <i>Acting Chief Executive Officer</i>			
GOOD GOVERNANCE FRAMEWORK – OVERARCHING PRINCIPLES			
Supporting Pillar:	Pillar 4. Structure, Systems & Policies		
Link to Pillar:	Ensure Council has the structures, systems and policies to detect, receive, assess and manage disclosures relating to improper conduct or detrimental action.		

1. PURPOSE

- 1.1. The purpose of the *Public Interest Disclosure Policy (CE21)* (the Policy) is to ensure Council as an agency which can receive public interest disclosures, has a clear approach to receive, assess and support any persons who make a disclosure.
- 1.2. This Policy has been developed to ensure Council meets its legal obligations required under the *Public Interest Disclosures Act 2012*.

2. SCOPE

- 2.1. The scope of this Policy applies to all permanent or temporary South Gippsland Shire Council employees, casual employees and volunteers.

3. POLICY PRINCIPLES

Policy Statement

- 3.1. The *Public Interest Disclosures Act 2012* (the Act) aims to:
 - 3.1.1. Encourage and assist people to report improper conduct and detrimental action taken in reprisal for a public interest disclosure;
 - 3.1.2. Provide certain protections for people who make a disclosure or those who may suffer detrimental action in reprisal for a disclosure; and
 - 3.1.3. Ensure that certain information about a disclosure is kept confidential – the identity of the person making the disclosure and the content of that disclosure.





Public Interest Disclosure Coordinator/s

- 3.2. In accordance with Independent Broad-based Anti-Corruption Commission (IBAC) guidelines, Council has appointed Council officers as Public Interest Disclosure Coordinators as outline in Council's S7 Delegation (Local Government Act 2020).
- 3.3. Council officers delegated as Public Interest Disclosure Coordinators will:
 - 3.3.1. Impartially assess disclosures to determine whether it appears to be a public interest disclosure;
 - 3.3.2. Coordinate the filing, reporting, notification and implementation of Council responsibilities as per Council procedures and templates;
 - 3.3.3. Liaise with IBAC or agencies as appropriate;
 - 3.3.4. Arrange for any appropriate welfare support for the person making a disclosure;
 - 3.3.5. Provide progress updates to the discloser on the matter;
 - 3.3.6. 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 and
 - 3.3.7. Liaise with the Chief Executive Officer regarding a disclosure, where appropriate.

Making a Disclosure

- 3.4. Any person can make a disclosure to Council if they believe a Councillor, Council officer or Council contractor have engaged in improper conduct or detrimental action.
- 3.5. Disclosures can be received verbally, written or anonymously and should be addressed to Council's Public Interest Disclosure Coordinator.

Assessment Of Disclosures

- 3.6. Public Interest Disclosure Coordinators will assess any disclosure received either by verbal, written or anonymous in accordance with the guideline's issued by IBAC. At the time of adoption of this Policy the current guidelines issued IBAC are *Guidelines for handling public interest disclosures* issued January 2020.

Confidentiality and Protection Against Detrimental Action

- 3.7. Council will take all reasonable steps in accordance with the Act to:
 - 3.7.1. Protect the confidentiality of any person making or subject to a public interest disclosure and
 - 3.7.2. Prevent detrimental action from occurring.





4. RISK ASSESSMENT

People

- 4.1. A failure to comply with legislation or to implement measures outlined in the Policy may reduce or discourage a person from making a disclosure to Council.

Reputational

- 4.2. A failure to comply with legislation or to implement measures outlined in the Policy may reduce the standing of the Council with the community.

Financial

- 4.3. A failure to comply with legislation or to implement measures outlined in the Policy may place Council at risk of fraudulent activities occurring in the workplace.

Governance

- 4.4. A failure to comply with legislation or to implement measures outlined in the Policy may undermine good governance and decision making at Council.

Safety

- 4.5. A failure to comply with legislation or to implement measures outlined in the Policy may reduce or put at risk the physical and mental safety of a person making or subject to a disclosure.

5. IMPLEMENTATION STATEMENT

Human Rights Charter

- 5.1. This Policy has considered the *Charter of Human Rights and Responsibilities Act 2006*.

Gender Equality

- 5.2. This Policy has considered the *Gender Equality Act 2020* in its development.

Roles and Responsibilities - Public Interest Disclosure Coordinator/s

- 5.3. Ensure that any disclosures are managed in accordance with the Policy and the Act.

Roles and Responsibilities - Directors, Leaders and Supervisors

- 5.4. Ensure that any disclosures made to them are provide to Council's Public interest Disclosure Coordinator/s.

Roles and Responsibilities - Directors, Leaders, Supervisors and Employees

- 5.5. Ensure that any disclosures made to them are provided to Council's Public interest Disclosure Coordinator/s.

Roles and Responsibilities – Governance Department

- 5.6. Ensure that implementation of the Policy occur, and appropriate training is provided to Public Interest Disclosure Coordinators and Council staff.





6. MONITORING, EVALUATION AND REVIEW

- 6.1. The responsibility and implementation of the Policy rests with the Governance Department.
- 6.2. This Policy will be reviewed and adopted by the Executive Leadership Team on a four-year cycle.
- 6.3. Policies may be reviewed earlier than a four-year cycle if legislative provisions, Industry or organisation requirements change.

7. REFERENCE DOCUMENTS

Legislative Provisions	Charter of Human Rights and Responsibilities Act 2006 Gender Equality Act 2020 Local Government Act 1989 Local Government Act 2020 Public Interest Disclosures Act 2012
Council Supporting Documents	Public Interest Disclosure - Evaluation Form – CM9 D12302222 Public Interest Disclosure – Welfare Management Record Form – CM9 D12302322
Related External Documents	Guidelines for handling public interest disclosures issued IBAC January 2020

8. DEFINITIONS

Discloser	Is any person who wants to make a disclosure about conduct by a Councillor, Council staff or Council contractor.
Detrimental Action	Is any action taken, threaten to take or allow another person to take detrimental action against another person in reprisal for making a public interest disclosure. Detrimental action includes: • action causing injury, loss or damage; • intimidation or harassment; and • discrimination, disadvantage or adverse treatment in relation to a person's employment, career, profession, trade or business, including the taking of disciplinary action.





Improper Conduct	Includes: • Corrupt Conduct • Conduct of a public officer or public body engaged in their capacity as a public officer or a public body that constitutes: • a criminal offence. • serious professional misconduct. • dishonest performance of public functions. • an intentional or reckless breach of public trust. • an 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. • a substantial mismanagement of public resources . • a substantial risk to health or safety of one or more persons. • a substantial risk to the environment. • Conduct of any person that: • adversely affects the honest performance by a public officer or public body of their public functions. • 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 the below which that that the person or associate would not have otherwise obtained. • a licence, permit, approval, authority or other entitlement under any Act or subordinate instrument. • an appointment to a statutory office or as a member of the board of any public body under any Act or subordinate instrument. • a financial benefit or real or personal property. • any other direct or indirect monetary or proprietary gain. • Conduct of any person that could constitute a conspiracy or attempt to engage in any of the conduct referred to above.
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9. REVISION HISTORY

Version	Approved By	Approval Date	Sections Modified	CM9 Ref#
1.0	ELT Meeting	6 August 2024	Updated template and removed duplicate information contained within IBAC guidelines.	D6340324

