

	<b>CENTRAL HIGHLANDS REGIONAL COUNCIL POLICY</b>	
	Public Interest Disclosure (Whistle Blower)	<b>POLICY REF NO</b> CHRCP: 0039

## 1.0 Policy Purpose

1.1 Objective of this policy is to demonstrate Council’s commitment to receiving, assessing and responding to any Public Interest Disclosures (PIDs) under the *Public Interest Disclosure Act 2010* (PID Act). It aims to:

- 1.1.1 Promote the public interest by facilitation PIDs of wrongdoing in Council;
- 1.1.2 Encourage internal reporting of wrongdoings as defined in the PID Act;
- 1.1.3 Ensure that PIDs are properly assessed, and when appropriate, properly investigated and dealt with;
- 1.1.4 Protect the rights of persons who are the subject of a PID;
- 1.1.5 Manage the risk of reprisal associated with a public interest disclosure; and
- 1.1.6 Ensure the PID process is managed in accordance with the PID Act and appropriate confidentiality is maintained.

## 2.0 Policy Statement

2.1 Council is committed to implementing and promoting, in the public interest, a management program to facilitate the detection and prevention of wrongdoing.

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

- 2.2.1 Substantial and specific danger to the health or safety of a person with a disability.
- 2.2.2 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.
- 2.2.3 Reprisal because of a belief that a person has made or intends to make a disclosure.

2.3 In addition, public sector officers can make a disclosure about the following public interest matters:

- 2.3.1 Corrupt conduct by another person.
- 2.3.2 Maladministration that adversely affects someone’s interests in a substantial and specific way.
- 2.3.3 A substantial misuse of public resources.
- 2.3.4 A substantial and specific danger to public health or safety.
- 2.3.5 A substantial and specific danger to the environment.

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### 3.0 Why make a PID?

3.1 Employees, public officers and others who are prepared to speak up about public sector misconduct, wastage of public funds, suspected unlawful activity or danger to health, safety or the environment can be the most important sources of information to identify and address problems in public sector administration. Council supports the disclosure of information about wrongdoing because:

- 3.1.1 Implementing systems for reporting and dealing with wrongdoing contributes to the integrity of the public sector.
- 3.1.2 The outcomes of PIDs can include improvements to systems that prevent fraud and other economic loss.
- 3.1.3 The community's trust in public administration is strengthened by having strong processes in place for reporting wrongdoing.

### 4.0 Who receives the Public Interest Disclosure?

- 4.1 The Chief Executive Officer receives all Public Interest Disclosures. In the case of a Public Interest Disclosure in relation to the Chief Executive, the Mayor would receive the complaint.
- 4.2 The Chief Executive Officer may delegate the management and processing of Public Interest Disclosures to others.

### 5.0 How can a Public Interest Disclosure be made?

- 5.1 The disclosure can be made verbally, electronically or in writing. Where possible, the disclosure should be addressed 'Confidential for the attention of the Chief Executive Officer'. Council will accept disclosures addressed to other employees, Councillors and the Mayor.
- 5.2 A written disclosure can be posted to PO Box 21, Emerald Qld 4720 or emailed to [enquiries@chrc.qld.gov.au](mailto:enquiries@chrc.qld.gov.au)
- 5.3 Verbal disclosures can be made via Council's independently managed confidential disclosure line by telephoning 1300 149 295. More information on how the disclosure line works, frequently asked questions and who else may be contacted in relation to making disclosures, please visit <https://www.talkintegrity.com/chrc/>
- 5.4 Further information about how to make a Public Interest Disclosure and other complaints is available on Council's website: <https://www.chrc.qld.gov.au/about-council/contact-council/>

### 6.0 What should be contained in the disclosure

- 6.1 The member of the public, employee or Councillor should include the following in the disclosure:
  - 6.1.1 Their name and contact details (unless they are making an anonymous disclosure).
  - 6.1.2 The nature of the disclosure.
  - 6.1.3 The person who is undertaking the disclosure activity (employee/s or Councillor/s).
  - 6.1.4 Correspondence or other supporting documentation.
  - 6.1.5 Details of the disclosure activity including times, dates, amounts, resources, action and locations that might assist any investigation.
- 6.2 A person may make a Public Interest Disclosure whether or not the person is able to identify a particular person to whom the information disclosed relates. The disclosure may relate to events that:
  - 6.2.1 Have happen or may have happened;
  - 6.2.2 Are or may be happening; or

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6.2.3 Will or may happen.

## 7.0 Confidentiality, Anonymity and Protection

7.1 Council encourages the reporting of Public Interest Disclosures and is committed to protecting and supporting those making disclosures. Any person making a disclosure should feel confident and comfortable about the report and shall be protected from being victimised as a result of making the report.

7.2 The discloser must be protected in a number of ways including, but not limited to the following:

7.2.1 Ensuring confidentiality in the investigation.

7.2.2 Protecting, as far as legal possible, the discloser's identity.

7.2.3 Offering a staff member leave of absence while a matter is investigated.

7.2.4 Relocation of staff or changes to reporting lines if necessary.

7.3 Upon receipt of an allegation of fraud and/or corruption, appropriate support for the discloser must be considered to safeguard against potential acts of reprisal. Others associated with the discloser (including those who may be suspected of being a discloser) should also be considered at this time. Protective measures implemented (including those above) must be proportionate to the risk of reprisal and the potential consequences of reprisal.

7.4 To the extent practicable, the identity of a discloser MUST NOT be revealed. In the case that the identity of the discloser may be apparent or necessary in investigating the allegations, this should be discussed firstly with the discloser. The officer responsible for the investigation will advise all involved parties of the legal provisions for protection and legal consequences attached, as well as Council disciplinary action applicable.

7.5 To ensure the confidentiality of disclosers, Council will accept reports in any manner, including anonymously. Reports from anonymous sources will be considered for investigation providing sufficient information has been received.

7.6 In addition to protecting the discloser, the identity of the Subject Officer must also be protected.

## 8.0 Definitions

**Confidential information** includes –

Information about the identity, occupation, residential or work address or whereabouts of a person-

- who makes a Public Interest Disclosure; or
- against whom a Public Interest Disclosure has been made; and
- Information disclosed by a Public Interest Disclosure;
- Information about an individual's personal affairs; and
- Information that, if disclosed, may cause detriment to a person.

**Corrupt Conduct** has the same meaning as in the *Crime and Corruption Act 2001* (as amended).

**Discloser** means a person reporting a Public Interest Disclosure.

**EBA** means Enterprise Bargaining Agreement.

**Employee** means a member of staff who is employed on a permanent, part-time, fixed term or casual basis under award and EBA conditions. It also includes the Chief Executive Officer, senior executive employees and other staff engaged under contracts of employment. An employee, for the purposes of the *Public Interest Disclosure Act 2010*, does not include unpaid volunteers or contract for service contractors.

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**Proper Authority** – as defined in s.5 of the *Public Interest Disclosure Act 2010*.

**Public Interest Disclosure** (refers s.11, *Public Interest Disclosure Act 2010*) – A public Interest Disclosure can be made by a person who honestly believes, on reasonable grounds, that wrongdoing has occurred or who has information that tends to show that wrongdoing has occurred. In order to be considered a Public Interest Disclosure, the matter must meet one of the following:

Disclosure Description	Proper person to make the disclosure
A substantial and specific danger to the health or safety of a person with a disability	Member of the public Council employee or Councillor
A substantial and specific danger to the environment caused by Council operations	Member of the public Council employee or Councillor
Corrupt conduct occurring in the cause of Council operations	Council employee or Councillor
Maladministration that adversely affects a person's interests in a substantial and specific way	Council employee or Councillor
A substantial misuse of public resources occurring in the cause of Council operations	Council employee or Councillor

A general request for service is not a Public Interest Disclosure. An administrative action complaint (s. 268.2 of the *Local Government Act 2009*) is not classed as a Public Interest Disclosure unless assessment of the complaint indicates that it has the attributes of a Public Interest Disclosure.

Members of the public may make disclosures about other matters (corrupt conduct, maladministration, etc.) and while it may still be a matter of public importance, is not considered a Public Interest Disclosure. E.g.:

*Corrupt Conduct* – commit an offence under the *Local Government Act 2009* or undertake fraud (stealing and misappropriation of finances).

*Maladministration* – inefficient, dishonest administration or mismanagement of council that leads to wastage, financial loss or an inability to service the community.

*Misuse of Public Resources* – Using Council resources for personal gain or incurring unfair wear and tear on machinery due to careless operations.

**Public Officer** means an employee, member or officer of the entity.

**Reprisal** means where a person causes or attempts to cause determent because they believe (whether or not this is actually the case) as person:

Has or intends to make a Public Interest Disclosure; or  
Has or intends to participate in proceedings under the *Public Interest Disclosure Act 2010*.

The determent may be an action (or threats of action) that results in:

- Personal Injury or prejudice to safety;
- Property damage or loss;

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- Intimidation or harassment;
- Adverse discrimination, disadvantage or adverse treatment about career, profession, employment, trade or business;
- Financial loss; or
- Damage to reputation, including, for example, personal, professional or business reputation.

**Subject Officer** means the person about who a Public Interest Disclosure is made.

**Substantial** means of a significant or considerable degree. It must be more than trivial or minimal and have some weight or importance.

<b>Strategic Link</b>	Section <a href="#">12</a> , <a href="#">13</a> , <a href="#">15</a> , <a href="#">17</a> <a href="#">Chapter 3 Part 2</a> , <a href="#">Chapter 4 Part 1</a> <i>Public Interest Disclosure Act 2010</i> 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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<b>Document Number</b>	946986
<b>Record Keeping</b>	Council website, the Vine
<b>Related Documents</b>	Fraud and corruption control policy Fraud risk assessment / investigation – Monitoring, evaluation and reporting procedure

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