

# G.18 Public Interest Disclosure Policy

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- CEO Chief Executive Officer
- MCCS Manager Corporate & Community Services
- MES Manager Engineering Services
- MFS Manager Financial Services

## 1 OBJECTIVE

The objectives of this policy are:

- To create a positive reporting environment that encourages the making of Public Interest Disclosures;
- To provide processes that ensure Public Interest Disclosures are dealt with in a thorough and timely manner;
- To provide appropriate support and protection to Council Officers or members of the public to make a Public Interest Disclosure;
- To ensure Council fulfills its responsibility under the *Public Interest Disclosure Act 2010 (PID Act)*; and
- To ensure that the Discloser is kept informed throughout the process.

## 2 SCOPE

This policy applies to all Councillors, Officers of Council and any person making a Public Interest Disclosure with respect to Council or its Councillors or employees. This policy should be read in conjunction with Council's Public Interest Disclosure Procedure and the Public Interest Disclosure Management Plan.

## 3 STATEMENT

By virtue of their office or position, Council recognises the important role Councillors, Council employees and members of the public can play in the identification of cases of maladministration, official misconduct and the misuse of public resources or contraventions giving rise to dangers to public health and safety, the environment or to persons with disabilities.

In accordance with the objectives of the *PID Act*, it is Council policy to:

- promote the public interest by facilitating Public Interest Disclosures of wrongdoing in the public sector; and
- ensure that Public Interest Disclosures are properly made, assessed, and when appropriate, properly investigated and dealt with; and
- ensure that appropriate consideration is given to the interests of persons who are the subject of a Public Interest Disclosure; and
- afford protection from reprisals to persons making Public Interest Disclosures.

These outcomes (including information regarding how a PID may be made) are achieved via a Public Interest Disclosure Management Procedure which has been developed and implemented by the Chief Executive Officer in accordance with Section 28(1) of the *PID Act* and this Policy.

Council recognises the sensitivities which can be associated with Public Interest Disclosures and the need to maintain public confidence in its process for managing Public Interest Disclosures. To that end Council will:

- ensure that Public Interest Disclosures are managed appropriately in accordance with the requirements of the *PID Act*;
- maintain confidentiality of Public Interest Disclosures received;
- prosecute any person who provides a false or misleading statement or information to Council with the intention of it being processed as a Public Interest Disclosure;
- prosecute and/or take disciplinary action against any Councillor or Council employee who takes or attempts to take a reprisal action; and

- ensure that the proper records of Public Interest Disclosures received are maintained, and that the confidentiality of all records created during the investigation and reporting of Public Interest Disclosures is preserved.

## 4 DEFINITIONS

### 4.1 PUBLIC INTEREST DISCLOSURE

A Public Interest Disclosure (PID) shall mean a disclosure of information to a proper authority in accordance with the *PID Act*, and includes all information and help given by the Discloser to the proper authority.

The *PID Act* distinguishes between disclosures made by:

- A public officer; and
- Anyone else.

#### **Public Interest Disclosures made by public officers must concern:**

- The conduct of another person that could, if proved, be:
  - Official misconduct; or
  - Maladministration that adversely affects a person's interests in a substantial and specific way; or
- A substantial misuse of public resources (other than alleged misuse based on mere disagreements over policy that may properly be adopted about priorities or expenditure); or
- A substantial and specific danger to public health or safety; or
- A substantial and specific danger to the environment.

#### **Public Interest Disclosures made by any person must concern:**

- A substantial and specific danger to the health or safety of a person with a disability as defined in the *Disability Services Act 1992*; or
- A substantial and specific danger to the environment; or
- A reprisal taken against anybody as a result of a Public Interest Disclosure.

#### **A person has information about the conduct of another person or another matter if either:**

- The person honestly believes on reasonable grounds that the information tends to show the conduct or other matter; or
- The information tends to show the conduct or other matters regardless of whether the person honestly believes the information tends to show the conduct or other matter.

#### **The disclosure is still a Public Interest Disclosure and covered by the *PID Act* if it includes:**

- Disclosures made to the media (with the exception of special circumstances outlined in Part 4, section 20 of the *PID Act*);
- Those made frivolously or vexatiously;
- Those which primarily question the relative merits of government or agency policy; and
- Those that are made substantially to avoid disciplinary action.

Disclosures that are willfully false constitute an offence under the *PID Act*.

## 4.2 REPORTABLE CONDUCT

Reportable Conduct shall mean any conduct by a person 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 Codes 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 Council;
- Gross mismanagement;
- Serious or substantial waste;
- Repeated instance of breach of administrative procedures; or
- Environmental dangers.

## 4.3 REPRISAL

A reprisal is an occurrence 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.

## 4.4 COUNCIL OFFICERS / EMPLOYEES

All persons employed at Quilpie Shire Council on a permanent, temporary, volunteer or casual basis and may include persons engage under a contract of service.

## 4.5 CORRUPTION

A dishonest activity in which a Quilpie Shire Council employee, Councillor, volunteer, consultant or contractor acts contrary to the interest of Council and abuses his / her position of trust in order to achieve some personal gain or advantage for themselves or for another person or organisation.

# 5 RELATED POLICIES | LEGISLATION | OTHER DOCUMENTS

*Local Government Act 2009*

*Local Government Regulation 2012*

*Public Sector Ethics Act 1994*

*Public Interest Disclosure Act 2010*

*Crime and Corruption Act 2001*

*Criminal Code Act 1899*

*Information Privacy Act 2009*

IX #	Details
91137	GA.18-A Public Interest Disclosure Management Plan
91131	GA.18-B Public Interest Disclosure Procedure
91099	G.04 Quilpie Shire Council Councillor Code of Conduct Policy
94362	Quilpie Shire Council Staff Code of Conduct