

POLICY



Date adopted: 30/05/2017
File no: 128717-1
Minute number: 148/2017

Policy title: **MANAGEMENT OF PUBLIC INTEREST DISCLOSURES - PUBLIC INTEREST DISCLOSURE ACT**

Directorate: ORGANISATIONAL SERVICES

Branch: CORPORATE GOVERNANCE

Policy objective: The objective of the policy is to:

1. Promote the public interest by facilitating Public Interest Disclosures (PID) of wrongdoing within Council.
2. Ensure that PIDs are properly assessed and, when determined as meeting the requirements of the *Public Interest Disclosure Act 2010 (Act)*, properly investigated and dealt with.
3. Ensure that appropriate consideration is given to the interests of persons who are the subject of a PID.
4. Afford protection from reprisals to persons making PIDs.
5. Ensure that the PID process is managed in accordance with the Act and appropriate confidentiality is maintained.

Policy scope:

1. This policy establishes procedures for:
 - (a) persons wishing to make a PID to Council in accordance with the *Public Interest Disclosure Act 2010*
 - (b) the receipt, assessment and management of a PID
 - (c) assisting public officers (i.e. discloser and subject officer) affected by a PID.
2. The procedures aim to promote the public interest by facilitating the detection and prevention of:
 - (a) unlawful, negligent or improper public sector conduct; or
 - (b) maladministration; or
 - (c) danger to public health or safety or the environment.

Definitions:

Term	Definition
PID Coordinator	The Integrity and Information Program Leader (via this policy) has been delegated the authority to accept a PID on behalf of the Chief Executive Officer.
Proper authority	Section 5 of the <i>Public Interest Disclosure Act 2010</i> defines a proper authority as: (a) a public sector entity (includes Council); or (b) a member of the Legislative Assembly.
Public Interest Disclosure (PID)	A public interest disclosure is a disclosure under chapter 2, part 1, section 11 of the <i>Public Interest Disclosure Act 2010</i> and includes all information and help given by the discloser to a proper authority for the disclosure.
Public officer	A public officer of a public sector entity is an employee member or officer of the entity. For Council this includes councillor, employees and contracted employees.
Public sector entity	Is defined in section 6 of the <i>Public Interest Disclosure Act 2010</i> and includes a local government.

Policy statement:

Council's organisational commitment to the management and reporting of PIDs will be demonstrated by:

- (a) Making the PID Policy and information on how to report a PID a publicly available document and published on Council's Internet site.
- (b) Appointing a PID Coordinator who will be given the appropriate authority and resources to support them in that role.
- (c) Providing training to all staff in relation to the *Public Interest Disclosure Act 2010* and how to make a PID as part of Council's ongoing Code of Conduct and fraud training.
- (d) Providing specialist training in relation to PIDs to assist relevant officers (all managers, line managers and the PID Coordinator) with receiving, assessing and managing PIDs, disclosers or workplace issues involving PIDs.
- (e) Ensuring the process is followed to prevent frivolous and vexatious complaints at the expense of Council resources.

Procedure:

The following procedure is to be undertaken for this policy:

1. The Public Interest Disclosure Management Program forms part of this policy and sets out the associated procedures in relation to the following:
 - (a) who can make a PID
 - (b) how a PID is made
 - (c) who is responsible for receiving and managing PIDs
 - (d) PID reporting.
2. If a PID is substantiated, Council will ensure that appropriate actions and penalties are implemented and the investigation outcomes reported to the appropriate authorities.

Related policies/legislation/other documents:

DOC ID	DOCUMENT TYPE	DOCUMENT NAME
	Legislation	<i>Public Interest Disclosure Act 2010</i>
	Legislation	<i>Public Sector Ethics Act 1994</i>
	Legislation	<i>Local Government Act 2009</i>
	Legislation	<i>Crime and Corruption Act 2001</i>
	Standard	Public Interest Disclosure Standard
<u>7205127</u>	Management Program	Public Interest Disclosure Management Program
<u>8373140</u>	Delegation of Authority	Reporting Public Interest Disclosures
<u>8373134</u>	Administrative	Reporting Public Interest Disclosures Administrative Procedure