

DOCUMENT TYPE:	Council policy
DOCUMENT STATUS:	Approved
POLICY OWNER POSITION:	Director Corporate
INTERNAL COMMITTEE ENDORSEMENT:	Not applicable
APPROVED BY:	Council
DATE ADOPTED:	26/03/2024
VERSION NUMBER:	2
REVIEW DATE:	26/03/2028
DATE RESCINDED:	
RELATED STRATEGIC DOCUMENTS, POLICIES OR PROCEDURES:	Public Interest Disclosure Procedure Councillor Code of Conduct Staff Code of Conduct Privacy Policy
RELATED LEGISLATION:	Public Interest Disclosure Act 2012 (Vic) Independent Broad-based Anti-corruption Commission Act 2011 (Vic) Integrity and Accountability Legislation Amendment (Public Interest Disclosures, Oversight and Independence) Act 2019 (Vic)
EVIDENCE OF APPROVAL:	 _____ Signed by Chief Executive Officer
FILE LOCATION:	K:\EXECUTIVE\Strategies policies and procedures\Policies – adopted PDF and Word\POL Public Interest Disclosure Policy v2.docx

Policy documents are amended from time to time, therefore you should not rely on a printed copy being the current version. Please consult the policies on the Loddon Shire website (Council Policies) or Intranet (Organisational Policies) to ensure that the version you are using is up to date.

This document is available in alternative formats (e.g. larger font) if requested.

ACKNOWLEDGEMENT OF COUNTRY

Loddon Shire Council acknowledges the Traditional Custodians of the land comprising the Loddon Shire Council area. Council would like to pay respect to their Elders both past and present.

1 PURPOSE

The purpose of this policy is to encourage and facilitate the making of disclosures of improper conduct by public officers and public bodies, including the Council, its staff, volunteers, contractors and Councillors.

2 SCOPE

This policy applies to all staff, volunteers, contractors and Councillors of Loddon Shire Council. Any member of the public may refer to this policy when considering or making a public interest disclosure.

3 POLICY

Council is committed to the aims and objectives of the Public Interest Disclosures Act 2012 (the Act). It recognises the value of transparency and accountability in its administrative and management practices, and supports the making of disclosures that reveal improper conduct.

It does not tolerate improper conduct by the organisation, its staff, volunteers, contractors or Councillors, nor the taking of reprisals against those who come forward to disclose such conduct.

4 WHAT CAN PUBLIC INTEREST DISCLOSURES BE MADE ABOUT

Public Interest Disclosures (disclosures) may be made about “improper conduct” on the part of a public body or its staff, volunteers, contractors, and Councillors where the public body is a Council.

Disclosures may also be made about “detrimental action” taken (or suspected may be taken) in reprisal against a person in connection with a disclosure made about improper conduct.

The conduct or action being disclosed may have taken place, still be occurring, or is believed will occur or be engaged in.

If the Council believes a disclosure may be a public interest disclosure made in accordance with the Act, it will take appropriate action as set out in legislation and Council’s Public Interest Disclosure Procedure.

5 DEFINITIONS OF TERMS AND ABBREVIATIONS USED

Term	As defined in the Public Interest Disclosure Act 2012
Improper conduct (section 4)	<p>(1) For the purposes of this Act, improper conduct means—</p> <ul style="list-style-type: none"> (a) corrupt conduct; or (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— <ul style="list-style-type: none"> (i) a criminal offence; or (ii) serious professional misconduct; or (iii) dishonest performance of public functions; or (iv) an intentional or reckless breach of public trust; or (v) 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; or (vi) a substantial mismanagement of public resources; or (vii) a substantial risk to the health or safety of one or more persons; or (viii) a substantial risk to the environment; or (c) conduct of any person that— <ul style="list-style-type: none"> (i) adversely affects the honest performance by a public officer or public body of their functions as a public officer or public body; or (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— <ul style="list-style-type: none"> (A) a licence, permit, approval, authority or other entitlement under any Act or subordinate instrument; or (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 (C) a financial benefit or real or personal property; or (D) any other direct or indirect monetary or proprietary gain— <p style="margin-left: 40px;">that the person or associate would not have otherwise obtained; or</p>

Term	As defined in the Public Interest Disclosure Act 2012
	<p>(d) 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>
Detrimental action (section 43)	<p>(1) For the purposes of this Act and subject to subsections (2) and (3), a person takes detrimental action against another person in reprisal for a public interest disclosure if—</p> <p>(a) the person takes or threatens to take detrimental action against the other person because, or in the belief that—</p> <p>(i) the other person or anyone else has made, or intends to make, the disclosure; or</p> <p>(ii) the other person or anyone else has cooperated, or intends to cooperate, with an investigation of the disclosure; or</p> <p>(b) for either of those reasons, the person incites or permits someone else to take or threaten to take detrimental action against the other person.</p>

6 WHO CAN MAKE A DISCLOSURE

Any individual natural person (e.g. not an organisation or company) may make a disclosure under the Act. The individual could be a person within the organisation, or any member of the public externally. Individuals may also make a joint disclosure.

Disclosures may be made in a number of ways set out in the Act, including anonymously, in writing or verbally. You need not identify the person or body about whom the disclosure is made in order to make a disclosure under the Act.

7 HOW TO MAKE A DISCLOSURE

As required under the Act, Council has established a procedure to facilitate and encourage the making of disclosures under the Act, and how Council handles any such disclosures received by it (refer to the Public Interest Disclosure Procedure). Council's Public Interest Disclosure Procedure is available at <http://www.loddon.vic.gov.au/About-us/Our-Council/Governance/Protected-disclosure> or by inspection during normal office hours of Council at 37-41 High Street, Wedderburn VIC 3518.

Council's Public Interest Disclosure Procedure contains detailed information about who can receive disclosures, for example, Council, IBAC and the Ombudsman, and how you can go about making such disclosures to us or to those bodies.

If you are not able to access an online copy or would like a copy sent to you, please contact us by any of the methods below so we can provide you a copy of our Public Interest Disclosure Procedure.

By post	41 High Street, Wedderburn VIC 3518 or PO Box 21, Wedderburn VIC 3518
Telephone	(03) 5494 1200
Email	pdc@loddon.vic.gov.au

8 CONFIDENTIALITY

Council takes its obligations under the Act seriously. This includes the requirement to protect the identity of the discloser and the matters disclosed by a discloser. Maintaining confidentiality in relation to public interest disclosure matters is crucial, among other things, in ensuring reprisals are not made against a discloser.

It is a criminal offence under the Act to disclose information connected with a disclosure made in accordance with the Act, including the identity of the discloser. The penalties for breaching confidentiality obligations include financial penalties and imprisonment.

9 FOR MORE INFORMATION

Council has appointed the Director Corporate, as its Public Interest Disclosure Coordinator to handle enquiries about its obligations under the Act. You may contact the Public Interest Disclosure Coordinator if you wish to obtain further information about Council's policy or procedure, or if you wish to arrange a confidential meeting to discuss any matters of concern.

The contact details of the Public Interest Disclosure Coordinator are:

Michelle Stedman
Director Corporate and Public Interest Disclosure Coordinator
Loddon Shire Council
PO Box 21, Wedderburn VIC 3518

Telephone: (03) 5494 1200
Email: pdc@loddon.vic.gov.au

You can also find out more information about our general complaints handling process from <http://www.loddon.vic.gov.au/About-us/Complaints> or by contacting us by:

Phone: (03) 5494 1200
Email: loddon@loddon.vic.gov.au
Post: Loddon Shire Council, PO Box 21, Wedderburn VIC 3518

10 STATEMENTS

It is considered that this policy does not impact negatively on any rights identified in the Charter of Human Rights Act.

Loddon Shire Council is committed to consultation and cooperation between management and staff. The Council will formally involve elected Health and Safety Representatives in any workplace change that may affect the health and safety of any of its employees.

A Gender Impact Assessment of this policy has been undertaken with no negative gendered impacts identified.

11 REVIEW

The Director Corporate will review this policy for any necessary amendments no later than 4 years after adoption of this current version.