



Public Interest Disclosures Policy

Department/Unit	<u>People, Communications & Governance</u>	First Implemented	November 2002	Review Date	<u>June 2026</u>
Origin	<u>Executive Manager People, Governance & Risk</u>	Reviewed	<u>April 2024</u>	Version	<u>6</u>
Authorising Officer	<u>Endorsement by Council</u>	Effective From	<u>25 June 2024</u>	TRIM Reference	E513/2

- Deleted: 31 December 2023
- Deleted: Corporate & Organisational Development
- Deleted: 19 February 2020
- Deleted: 5
- Deleted: Public Interest Disclosure Officer
- Deleted: Endorsed by Council 16 December 2021
- Deleted: 1 January 2022

Purpose/Objective

The purpose of this policy is to ensure that Council is compliant with its obligations under the *Public Interest Disclosures Act 2012* (PID Act) and the *Independent Broad-based Anti-Corruption Commission Act 2011* (IBAC Act); and that there is an effective process for managing the receipt of public interest disclosures, their assessment and notification.

- Deleted: ¶ To ensure
- Deleted: fully
- Deleted: To ensure

Policy Statement

Council recognises the value of transparency and accountability in its administrative and management practices and supports the making of Public Interest Disclosures that reveal corrupt or improper conduct. Council is committed to the aims and objectives of the PID Act and will not tolerate improper conduct by its people, nor the taking of reprisals against those who come forward to disclose such conduct.

- Deleted: Council will not tolerate improper conduct by its people, nor the taking of reprisals against those who come forward to disclose such conduct.¶

Council will:

- ▶ maintain and promote awareness of its procedures for people to make public interest disclosures;
- ▶ take all reasonable steps to protect people who make such disclosures from any detrimental action in reprisal for making the disclosure;
- ▶ afford natural justice to the person or body who is the subject of the disclosure; and
- ▶ ensure that information connected to a Public Interest Disclosure, including the identity of a discloser and the contents of that disclosure, are kept strictly confidential.

The ancillary procedures outline the way in which any individual, including members of the public, staff, Councillors, volunteers, and contractors can disclose information which enables the prevention of fraud and corruption.

Council supports a workplace culture where the making of disclosures is valued by the organisation, and the right of any individual to make a disclosure is taken seriously.

Moved (insertion) [1]

Definitions

Term	Definition
PID Act	<i>Public Interest Disclosures Act 2012</i>
Council	Mansfield Shire Council
Councillors	Mansfield Shire Council elected representatives
Contractors	A person who <u>provides a service specifically to Mansfield Shire Council and is not directly employed by Council</u> ,
CEO	Chief Executive Officer
PID	Public Interest Disclosure,
IBAC	The Independent Broad-based Anti-Corruption Commission

Deleted: Council will take all reasonable steps to protect people who make such disclosures from any detrimental action in reprisal for making the disclosure. It will also afford natural justice to the person or body who is the subject of the disclosure.¶
An essential element of this protection is to ensure that information connected to a Public Interest Disclosure, including the identity of a discloser and the contents of that disclosure, are kept strictly confidential.¶

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Moved up [1]: Mansfield Shire Council supports a workplace culture where the making of disclosures is valued by the organisation, and the right of any individual to make a disclosure is taken seriously.

Deleted: This Policy applies to disclosures of improper conduct or detrimental action by Mansfield Shire Council employees, Councillors and contractors, made in accordance with the PID Act.¶

Deleted: Managers are responsible for ensuring their staff comply with the principles, practices and any associated procedures of this policy. Management, employees, contractors and volunteers are to be familiar with, and competent in, the application of this Policy, and are accountable for the delivery of this policy within their areas of responsibility.¶

Deleted: Employees and Councillors are encouraged to report known or suspected incidences of corrupt or improper conduct in accordance with these procedures, whether such conduct or action has taken place, is suspected to have taken place, or is still occurring.¶

The individual managers will oversee adherence to the Public Interest Disclosures Policy, with any associated procedures implemented by the Governance Unit in consultation with the Public Interest Disclosures Officer (PIDO) and CEO.¶

Council's Coordinator Governance and Risk is appointed as the Council's PIDO. The PIDO is responsible for:¶

Ensuring the Public Interest Disclosure procedures are available to its employees, staff, officers and Councillors;¶

Receiving and assessing each disclosure;¶

Co-ordinating Council's reporting system; and¶

In ensuring Council carries out its responsibilities under the PID Act, any regulations made pursuant to the PID Act, and any guidelines issued by the IBAC.¶

The PIDO is also Council's chief liaison with the IBAC.¶

Deleted: Governance Unit

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Scope

Council can only deal with disclosures of improper conduct or detrimental action which concern Council, its employees, and contractors.

The conduct or action being disclosed may be one which has taken place, is still occurring, or is believed is intended to be taken or engaged in.

Disclosures about improper conduct or detrimental action by Council's Councillors must be made to the IBAC or to the Victorian Ombudsman. Those disclosures may not be made to Council.

Responsibilities

Overall responsibility for the application of this Policy is held by the Chief Executive Officer.

All Council employees, contractors and Councillors are responsible for adhering to and implementing this policy and related procedure.

The People, Communications & Governance Directorate is the owner of this Policy. Any reviews of this Policy must be made in consultation with the appointed Public Interest Disclosures Officers.

Council Staff and Councillors

Employees and Councillors are encouraged to report known or suspected incidents of Improper Conduct or Detrimental Action in accordance with this policy and related procedure.

Employees and Councillors have an important role to play in supporting those who have made a Disclosure. They must refrain from any activity that is, or could be perceived to be, victimisation

or harassment of a person who makes a Disclosure. They should also protect and maintain the confidentiality of a person they know or suspect to have made a Disclosure.

Direct and Indirect Supervisors and Managers

A direct or indirect manager or supervisor who receives a disclosure will:

- ▶ make arrangements for a disclosure to be made privately and discreetly;
- ▶ receive any disclosure made verbally or in writing from internal or external sources;
- ▶ commit to writing any disclosure made orally;
- ▶ immediately advise the PID Officer of the disclosure;
- ▶ advise the discloser that the disclosure has been escalated to the PID Officer;
- ▶ Allocate a support person for the discloser in dealing with the PID Officer; and
- ▶ take all necessary steps to ensure the identity of the discloser and the identity of the person who is the subject of the disclosure are kept confidential.

PID Officers

The PID Officers will:

- ▶ Ensure these procedures are available to Councillors, Council employees, contractors and the general public;
- ▶ make arrangements for a disclosure to be made privately and discreetly;
- ▶ receive any disclosure made verbally or in writing from internal or external sources and notify the CEO;
- ▶ commit to writing any disclosure made orally;
- ▶ impartially assess any allegation and determine whether it may be a Public Interest Disclosure;
- ▶ refer all PID's to IBAC in consultation with the CEO;
- ▶ keep the discloser advised of any progress concerning the disclosure, including when the disclosure is notified to IBAC for assessment;
- ▶ receive all phone calls, emails and letters from members of the public or employees seeking to make a disclosure;
- ▶ arrange appropriate welfare support for the discloser, including appointing a Welfare Manager to support the discloser and to protect such person from any reprisals;
- ▶ manage the confidential filing and reporting system used by Council;
- ▶ collate and publish statistics on disclosures made as required by the *Local Government Act 2020*;
- ▶ take all necessary steps to ensure the identity of the discloser and the identity of the person who is the subject of the disclosure are kept confidential; and
- ▶ be Council's liaison with IBAC in regard to the Act.

There are two PID Officer's appointed by Mansfield Shire Council:

Title: Executive Manager People, Communications & Governance	Title: Coordinator Communications, Governance & Risk
Postal: Private Bag 100, Mansfield VIC 3724	Postal: Private Bag 100, Mansfield VIC 3724
Phone: 5775 8555	Phone: 5775 8555
Email: governance@mansfield.vic.gov.au	Email: governance@mansfield.vic.gov.au

Principal Officer

The CEO, as the head of Council, is a principal officer as per section 57 of the IBAC Act and must notify IBAC if they have reasonable grounds to suspect corruption.

Principal officers are not required to search out corrupt conduct but must report suspicion of conduct that:

- ▶ could be corrupt conduct as defined in section 4 of the IBAC Act;
- ▶ could be an indictable offence or a prescribed common-law offence committed in Victoria; and
- ▶ would lead a reasonable person to suspect that corrupt conduct has occurred or is occurring (reasonable suspicion).

References / Related Policies

- ▶ Mansfield Shire Public Interest Disclosures Procedures
- ▶ Public Interest Disclosures Act 2012
- ▶ Independent Broad-based Anti-Corruption Commission Act 2011
- ▶ Freedom of Information Act 1982
- ▶ Privacy and Data Protection Act 2014
- ▶ Public Interest Disclosures Regulations 2013
- ▶ [IBAC Guidelines for making and handling public Interest disclosures \(January 2020\)](#)
- ▶ [IBAC Guidelines for public Interest disclosure welfare management \(January 2020\)](#)
- ▶ Mansfield Shire Council Staff Code of Conduct
- ▶ Mansfield Shire Councillor Code of Conduct

Deleted: 2021

Deleted: <#>Ombudsman Act 1973¶ Victorian Inspectorate Act 2011¶

Deleted: IBAC – December 2019

Deleted: IBAC – December 2019

Deleted: and Councillor Charter 2017

Gender Impact Assessment

The Public Interest Disclosures Policy has had a Gender Impact Assessment (GIA) completed and is compliant with the obligations and objectives of the Victorian Gender Equality Act 2020.

Deleted: Human Rights Review and Statement¶
 This Public Interest Disclosure Policy has been assessed against the Charter of Human Rights and Responsibilities Act 2006 and practical steps have been taken to ensure the Policy does not unreasonably limit or restrict any human rights.¶
 The Public Interest Disclosure Policy will be reviewed at least every four years, or more frequently if there are changes to legislation or internal processes that impact the policy. ¶

Deleted: 15 February 2022

Implementation

This Policy is effective from [25 June 2024](#).

Review Date

This Policy is to be reviewed by June 2026.

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Authorisation to Implement Policy

Signed: _____ Witnessed: _____
Councillor Chief Executive Officer

Approval dated: 25 June 2024

Deleted: 21 December 2021

Mansfield Shire Council reserves the right to review, vary or revoke this Policy at any time.

DRAFT