

## Public Interest Disclosure Policy

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| <b>Responsible officer:</b> | Director Corporate and Organisational Development |
| <b>Key Result Area:</b>     | Governance and Decision Making                    |
| <b>Document type:</b>       | Policy and Procedure                              |
| <b>Reference:</b>           | 10/01/0004  |
| <b>Approved by:</b>         | Council   |
| <b>Date approved:</b>       | 23 August 2023                                    |
| <b>Date of next review:</b> | August 2024                                       |

### Scope

The Public Interest Disclosures Policy applies to disclosures which are made in relation to Towong Shire Council or its employees under the *Public Interest Disclosures Act 2012 (the Act)*.

This policy applies to all persons representing Council, including Council staff, Councillors and volunteers.

### Policy Statement

Council is committed to the aims and objectives of the Act. It does not tolerate improper conduct by employees, officers or members, nor the taking of reprisals against those who come forward to disclose such conduct.

Council recognises the value of transparency and accountability in its administrative and management practices and supports the making of disclosures that reveal corrupt conduct, conduct involving a substantial mismanagement of public resources, or conduct involving a substantial risk to public health and safety or the environment.

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 who is the subject of the disclosure.

## Objectives

The objective of this policy is to support the Council in implementation of the Act, which has the following purpose:

- a) To encourage and facilitate disclosures of:
  - i. improper conduct by public officers, public bodies and other persons;
  - ii. detrimental action taken in reprisal for a person making a disclosure under the Act;
- b) to provide protection for:
  - i. persons who make those disclosures; and
  - ii. persons who may suffer reprisals in relation to those disclosures;
- c) to ensure that those disclosures are properly assessed, and where necessary, investigated; and
- d) to provide for the confidentiality of the content of those disclosures and the identity of persons who make those disclosures.

## Approach

### Who can make a disclosure?

Disclosures can be made by individuals or a group of people who believe, on reasonable grounds, that the Council, a Councillor, a Council employee or Council volunteer has engaged in, is engaging in or proposes to engage in improper conduct or detrimental behaviour can make a disclosure.

### Form of disclosure?

A disclosure can be made orally, by post, electronically, or delivered to the office of the Protected Disclosure Coordinator. A disclosure can also be made anonymously.

### Making a disclosure

Disclosures concerning a Council officer or employee are to be made to the Public Interest Disclosure Coordinator. The Public Interest Disclosures Coordinator is the Director Corporate and Organisational Development of the Council. If the public interest disclosure is in relation to the Director Corporate and Organisational Development, the Public Interest Disclosures Coordinator is the Chief Executive Officer.

Director Corporate and Organisational Development  
 T: (02) 6071 5100  
 E: [dcod@towong.vic.gov.au](mailto:dcod@towong.vic.gov.au)

All correspondence, phone calls and emails from internal or external disclosers will be referred to the Public Interest Disclosure Coordinator.

Where a person is contemplating making a disclosure and is concerned about approaching the Public Interest Disclosure Coordinator in the workplace, he or she can call the relevant officer and request a meeting in a discreet location away from the workplace.

Any disclosures relating to Councillors must be made directly to the Independent Broad-Based Anti-Corruption Commission (IBAC) or to the Victorian Ombudsman.

### **Alternative contact persons**

A disclosure about improper conduct or detrimental action by Councillors or Council employees may also be made directly to:

a) the Independent Broad-Based Anti-Corruption Commission Victoria (IBAC)

Ph 1300 735 135

[www.ibac.vic.gov.au](http://www.ibac.vic.gov.au);

b) the Victorian Ombudsman

Ph (03) 9613 6222

[ombudsman.vic.gov.au](http://ombudsman.vic.gov.au);

c) the Victorian Inspectorate

Ph 1800 518 197

[vicinspectorate.vic.gov.au](http://vicinspectorate.vic.gov.au).

### **Deployment**

This policy will be deployed in accordance with the *"Guidelines for handling public interest disclosures"* as published by The Independent Broad-Based Anti-corruption Commission of Victoria (IBAC). The current version can be found at:

<https://www.ibac.vic.gov.au/publications-and-resources/article/guidelines-for-making-and-handling-protected-disclosures>

### **Human Rights**

The policy gives regard to relevant legislation, principles of natural justice and procedural fairness, community values and Council's resource capacity. It is considered that this policy supports the rights identified in the *Charter of Human Rights and Responsibilities Act (2006)*.

### **Definitions**

| <b>Term</b>                            | <b>Definition</b>  |
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| Detrimental action                     | Includes harassment or discrimination, or other adverse action taken against the discloser in reprisal for having reported the alleged improper conduct.   |
| Disclosure                             | A Public Interest Disclosure   |
| Improper conduct                       | Must be either criminal conduct or other conduct specified under the Act. Examples include serious professional misconduct, intentional or reckless breach of public trust and conduct adversely affecting the honest performance of a public officer. |
| Public Interest Disclosure Coordinator | The officer who is appointed by the CEO, who is the Director Corporate and Organisational Development  |

**Results**

The deployment of this policy together with the results achieved will be reviewed at least annually.



**Authorised by:**

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**Juliana Phelps**  
Chief Executive Officer