



Public Interest Disclosures Policy

PUBLIC INTEREST DISCLOSURES POLICY

CONTENTS

- 1. **PURPOSE..... 3**
- 2. **SCOPE..... 3**
- 3. **POLICY STATEMENT..... 3**
- 4. **PROCEDURES..... 5**
- 5. **RESPONSIBILITIES..... 5**
- 6. **DEFINITIONS OF TERMS OR ABBREVIATIONS USED 5**
- 7. **RELATED LEGISLATION AND DOCUMENTS 6**
- 8. **HUMAN RIGHTS STATEMENT OF COMPATABILITY..... 6**
- 9. **POLICY OWNER 6**
- 10. **FEEDBACK 6**
- 11. **DOCUMENT INFORMATION 7**

PUBLIC INTEREST DISCLOSURES POLICY

1. PURPOSE

- 1.1 The purpose of this policy is to ensure that Golden Plains Shire Council, as a public body subject to the Public Interest Disclosures Act 2012 (VIC) [the Act] upholds the requirements of the Act.



- 1.2 This policy affirms the Council's commitment to the aims and objectives of the Act. Council recognises the value of transparency and accountability in its administrative and management practices. Council does not tolerate improper conduct by our organisation, our staff, or Councillors, nor the taking of reprisals against this who come forward to disclose improper conduct. Council recognises the courage it takes to come forward and make a disclosure under the Act and encourages those who have legitimate concerns to raise them and to receive the protections available to them as disclosers under the Act.

2. SCOPE

- 2.1 This policy applies to every staff member and Councillor of Golden Plains Shire Council. Each of these individuals and the Council, as an organisation, are subject to the Act.
- 2.2 This policy applies to disclosures made to Council before the date of this policy, whether the disclosure is referred to as a 'protected disclosure' (before 1 January 2020) or as a public interest disclosure (from 1 January 2020).

3. POLICY STATEMENT

- 3.1 Golden Plains Shire Council, its staff and Councillors must, and are expected to, conduct Council functions and actions and use Council powers with integrity and professionalism. It is within this framework and against this background that the Council expects its staff and Councillors not to engage in any improper conduct, as defined in section 4 of the Act, nor to engage in any detrimental actions against those who come forward to report improper conduct or against those who cooperate or intend to cooperate with an investigation of a disclosure of improper conduct.
- 3.2 All members of the public, as well as Council staff and Councillors, are encouraged to make disclosures about improper conduct or detrimental action under the Act whether it is suspected to have occurred, is occurring or will occur.
- 3.3 **What can disclosures be made about?**
- 3.3.1 Under the Act, disclosures can be made about improper conduct engaged in by the Council, its staff and Councillors (as well as other public bodies and public officers). Disclosures may also be made about detrimental action taken (or suspected may be taken or will be taken) in reprisal against a

PUBLIC INTEREST DISCLOSURES POLICY

person connected with making a disclosure under the Act.

3.3.2 The Act provides definitions of improper conduct and detrimental action. For more information about these definitions, see the Council's Public Interest Disclosures Procedures (PID Procedures).

3.3.3 For more information about Council's PID Procedures, including how to obtain a copy, see 4.1 below.

3.4 Who can make a disclosure?

3.4.1 Any individual (or group of individuals) may make a disclosure under the Act. Companies and businesses may not make disclosures. A member of the public, or an officer of another public body or an employee or Councillor of Golden Plains Shire Council may all make disclosures under the Act.

3.4.2 In addition, the Act requires the Council's Chief Executive Officer (the CEO) to notify the Independent Broad-based Anti-corruption Commission (the IBAC) of any matter which they suspect on reasonable grounds amounts to corrupt conduct that has occurred, or is occurring.

3.4.3 The Council's PID Procedures set out how to make a disclosure and the obligations for the Council's CEO to notify the IBAC of a mandatory disclosure.

3.5 The Council's role

3.5.1 If the Council receives a disclosure made in accordance with the requirements of the Act, and which are described in the PID Procedures, it will notify the disclosure to the IBAC for assessment.

3.5.2 The Act governs how the Council must interact with the IBAC or any other investigating entity to which the IBAC has referred the disclosure. For more information about how the IBAC addresses disclosures, see www.ibac.vic.gov.au.

3.5.3 The Council is required to comply with strict confidentiality obligations including to protect the identity of a discloser and persons connected with a disclosure (including any subjects of allegations). It is a criminal offence under the Act to disclose information which could lead to the identification of persons connected with a public interest disclosure, and of information connected with that disclosure. Penalties include significant fines and/or imprisonment.

3.5.4 The Council is committed, and required by the Act, to proactively ensure that it protects the welfare of disclosers and people connected with a disclosure. These obligations may differ depending on whether those individuals are members of the public or employees or Councillors. Detailed information about how the Council handles welfare management of relevant individuals under the Act is set out in the Council's PID Procedures.

3.5.5 The Council has appointed a Public Interest Disclosure Coordinator (PDC), the Director Corporate Services, to handle enquiries about its obligations under the Act. The PDC can be contacted as outlined in 4.1 below if you wish to obtain further information about Council's protected disclosures policy or procedures, or if you wish to arrange a confidential meeting to discuss any matters of concern.

PUBLIC INTEREST DISCLOSURES POLICY

4. PROCEDURES

4.1 PID Procedures are established under s58 of the Act. The PID Procedures are required to be easily accessible to the public and all staff and Councillors of the Council and are available at www.goldenplains.vic.gov.au, by inspection during normal office hours at the Council’s Customer Hubs at 2 Pope Street, Bannockburn or at The Well, 19 Heales Street, Smythesdale. Hard copies may also be obtained by contacting the Council in one of the following ways:

Protected Disclosure Coordinator (PDC)

Director Corporate Services
 Golden Plains Shire Council
 Post: PO Box 111 Bannockburn VIC 3331
 Email: enquiries@gplains.vic.gov.au
 Ph: (03) 5220 7111 (via Customer Experience)
 Fax: (03) 5220 7100

5. RESPONSIBILITIES

Compliance, monitoring and review

- 5.1 The policy owner is the PDC. The PDC is responsible for ensuring this policy:
 - 5.1.1 complies with relevant legislation and guidelines, aligns with the PID Procedures, other government and Council Policies, and the Council’s values;
 - 5.1.2 is implemented and monitored to ensure it is understood by all Councillors and staff and as part of continually strengthening the Council’s integrity framework; and
 - 5.1.3 is reviewed annually to evaluate its continuing effectiveness.

Reporting

5.2 The policy owner is responsible for reporting, where required by the policy.

Records Management

5.3 Council must maintain all records relevant to administering this policy in accordance with the Public Records Act 1973.

6. DEFINITIONS OF TERMS OR ABBREVIATIONS USED

Term	Definition
Council	Golden Plains Shire Council
Disclosure	Means a public interest disclosure, as defined in section 9 of the Public Interest Disclosures Act 2012
Staff	Staff includes all employees, contractors and volunteers of Golden Plains Shire Council

PUBLIC INTEREST DISCLOSURES POLICY

Term	Definition
improper conduct	Has the meaning provided by section 4 of the Public Interest Disclosures Act 2012
detrimental action	Includes (a) action causing injury, loss or damage; (b) intimidation or harassment; (c) discrimination, disadvantage or adverse treatment in relation to a person's employment, career, profession, trade or business, including the taking of disciplinary action.

7. RELATED LEGISLATION AND DOCUMENTS

Legislation

Charter of Human Rights and Responsibilities Act 2006 (Vic)

Protected Interest Disclosure Act 2012 (VIC)

Protected Interest Disclosures Regulations 2019

8. HUMAN RIGHTS STATEMENT OF COMPATABILITY

- 8.1 It is considered that this policy does not impact negatively on any rights identified in the Charter of Human Rights and Responsibilities Act 2006 (Vic.).

9. POLICY OWNER

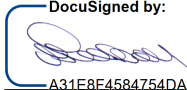
- 9.1 The PDC is the policyowner.
- 9.2 The policy owner is the individual who is given the responsibility to review, edit and maintain this policy and associated procedure. The policy owner is also the point of contact for any questions regarding this policy.

10. FEEDBACK

- 10.1 You may provide feedback about this document by emailing enquiries@qplains.vic.gov.au

PUBLIC INTEREST DISCLOSURES POLICY

11. DOCUMENT INFORMATION

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FILE LOCATION:	Sharepoint>Strategy and Policy
NOTES:	<p>Policy documents are amended from time to time, therefore you should not rely on a printed copy being the current version. Please consult Council's Policy page on the Golden Plains Shire Council website to ensure that the version you are using is up to date.</p> <p>Available at:</p> <p>https://www.goldenplains.vic.gov.au/residents/my-council/about-council/council-policies</p>