



<b>Policy Title</b>	Protected Disclosure Policy		
<b>Responsible Directorate</b>	Corporate Services		
<b>Policy No</b>	171	<b>Date approved</b>	July 2018
<b>Revision No</b>	2	<b>Revision Date</b>	July 2021

## Purpose

Buloke Shire Council (Council) supports the purposes of the *Protected Disclosure Act 2012 (Act)*. The main purposes of the Act are:

- To encourage and assist people to make a disclosure of improper conduct and detrimental action by public officers and public bodies;
- To provide certain protections for people who make a disclosure, or those who may suffer detrimental action in reprisal for a disclosure; and
- To ensure that certain information about a disclosure is kept confidential – the identity of the person making the disclosure, and the content of that disclosure.

## Scope

This policy covers any disclosures about Council or Councillors, officers or employees of Council.

The procedures associated with this policy establish a system for reporting disclosures of improper conduct or detrimental action by the Council or its Councillors, officers or employees. The system enables such disclosures to be made to the Protected Disclosure Coordinator. Disclosures may be made by individuals who wish to remain anonymous; they may be made verbally or in writing.

All disclosures will be managed pursuant to the requirements of the Act, the *Protected Disclosure Regulations 2013* and the guidelines issued by the Independent Broad-based Anti-corruption Commission (IBAC).

## Definitions

In this policy –

**“Disclosure”** means the act or process of revealing or making known certain information.

**“Improper Conduct”** means:

- Corrupt Conduct (as defined in the *Independent Broad-based Anti-corruption Commission Act 2011*). This means certain forms of conduct that would, if proved beyond reasonable doubt at trial, constitute a relevant offence. Relevant offences are Victorian statutory indictable offences or the common law offences of attempt to pervert the course of justice, pervert the course of justice or bribery of a public official, and
- Specified conduct that is not corrupt conduct, including:
  - a substantial mismanagement of public resources;
  - a substantial risk to public health or safety;
  - a substantial risk to the environment;
  - adversely affecting honest performance, dishonest performance, knowingly or recklessly breaching public trust, misuse of information;

that if proved would constitute a criminal offence or reasonable grounds for dismissal.

**“Independent broad-based anti-corruption commission (IBAC)”** IBAC is Victoria’s first anti-corruption body with responsibility for identifying and preventing serious corrupt conduct across the whole public sector, including members of Parliament, the judiciary and state and local government.

**“Protected Disclosure Coordinator”** The Protected Disclosure Coordinator has a central role in distributing information or assistance in the internal reporting system.

**“Specified conduct”** means conduct that is not corrupt conduct, including:

**“Welfare Manager”** The Welfare Manager is responsible for looking after the general welfare of any persons making protected disclosures, or for those who may be the subject of a protected disclosure.

## Policy Statement

Council is committed to transparency and accountability in all its practice and support concerning the making of disclosures that reveal:

- Corrupt conduct (as defined in the *Independent Broad-based Anti-corruption Commission Act 2011*).
- Specified conduct that is not corrupt conduct but that, if proved, would constitute a criminal offence or reasonable grounds for dismissal and which includes conduct involving a substantial mismanagement of public resources, a substantial risk to public health or safety or a substantial risk to the environment or conduct adversely affecting honest performance, dishonest performance, knowingly or recklessly breaching public trust or misuse of information

Council will take all reasonable steps to protect persons from detrimental action in reprisal for a protected disclosure. A person takes detrimental action against a person in reprisal if:

- the person takes or threatens to take detrimental action against the other person because or in the belief that:
  - the other person or anyone else has made, or intends to make, the disclosure; or
  - the other person or anyone else has cooperated, or intends to cooperate, with an investigation of the disclosure; or
- for either of those reasons, the person incites or permits someone else to take or threaten to take detrimental action against the other person.

## Guidelines

Council delegates to the Chief Executive Officer the authority to settle and publish procedures required under section 58 of the Act. In particular, Council must establish procedures:

- to facilitate the making of those disclosures;
- for the handing of those disclosures and the notification of those disclosures to the IBAC; and
- for the protection of persons from detrimental action in contravention of section 45 of the Act taken by Council or Councillors, officers or employees of Council.

## References

### Legislation

This Policy was developed in accord with the following legislation:

- *Protected Disclosure Act 2012*
- *Protected Disclosure Regulations 2013*
- *Charter of Human Rights and Responsibilities Act 2006*
- *Local Government Act 1989*

### Documents

This Policy is implemented in conjunction with the following documents:

- Code of Conduct for Councillors
- Code of Conduct for Staff