

POLICY LOCATION	Corporate Services	POLICY TITLE	Public Interest Disclosures Policy
POLICY NUMBER	171	DATE ADOPTED	8 September 2021
REVISION NUMBER	3	REVISION DATE	September 2025

Purpose

The purpose of this Policy is to confirm Council’s organisational commitment to the objectives and purposes of the *Public Interest Disclosures Act 2012 (Act)* which are to:

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

Scope

This Policy applies to:

- Councillors;
- Council staff (full time, part time, temporary or casual); and
- Consultants, contractors and other persons engaged by or providing services to Council.

In accordance with Council’s legislative obligations under the Act, Council has established Public Interest Disclosures Procedures (**Procedures**) which provide the internal mechanism for reporting disclosures of improper conduct or detrimental action to Council’s appointed Public Interest Disclosure Coordinator. Disclosures may be made by individuals who wish to remain anonymous and may be made verbally or in writing.

All disclosures will be managed in accordance with the Act, the guidelines issued by the Independent Broad-based Anti-corruption Commission (**IBAC**), this Policy and the Procedures.

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 section 4 of the *Independent Broad-based Anti-corruption Commission Act 2011*); or
- conduct that constitutes:
 - a criminal offence;
 - serious professional misconduct;
 - dishonest performance of public functions;
 - an intentional or reckless breach of public trust;
 - 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;
 - a substantial mismanagement of public resources;
 - a substantial risk to the health or safety of one or more persons;
 - a substantial risk to the environment;
- conduct of any person that:
 - adversely affects the honest performance by a public officer or public body of their functions as a public officer or public body; or
 - 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;
- conduct of any person that could constitute a conspiracy.

NOTE: conduct that is trivial does not constitute improper conduct for the purposes of the Act.

“Independent broad-based anti-corruption commission (IBAC)” means Victoria’s anticorruption body responsible for identifying and preventing corruption in the public sector;

“Public Interest Disclosure Coordinator” means the officer appointed to be the Public Interest Disclosure Coordinator being responsible for receiving and managing public interest disclosures.

Policy Statement

Council is committed to transparency and accountability and promotes a culture where the making of public interest disclosures is supported. All persons are encouraged to raise any matter of concern, including known or suspected instances of corruption, improper conduct or detrimental action in accordance with Council’s Procedures.

In circumstances where a disclosure is made, Council will take all necessary steps to protect persons from detrimental action in reprisal for making the 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;
 - 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.

Procedures

Council's Chief Executive Officer is responsible for establishing Procedures which:

- facilitate the making of disclosures;
- explain the handing of disclosures;
- outline the notification of disclosures to IBAC; and
- confirm the protection of persons from detrimental action.

References

- *Charter of Human Rights and Responsibilities Act 2006*
- *Local Government Act 2020*
- *Public Interest Disclosures Act 2012*
- Buloke Shire Council Public Interest Disclosures Procedures
- Buloke Shire Council Code of Conduct for Councillors
- Buloke Shire Council Code of Conduct for Council Staff