

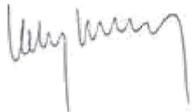
# Public Interest Disclosure Policy

Date of Adoption	25 June 2019
Date of Last Review	N/A
Date of Next Review	25 June 2021
Responsible Officer	Manager Risk & Compliance

**DOCUMENT CONTROL**

Version	Date	Author	Owner	Reason for Update	Review
1.0	25/06/2019	Manager, Risk & Compliance	Director, City Operations	Policy Release to establish authority of existing Protected Disclosure Framework and supersede Whistleblower Hotline Policy	25/06/2021
1.1	29/07/2019	Manager, Risk & Compliance	Director, City Operations	Add reference to Performance Management Policy	25/06/2021
1.2	27/11/2019	Manager, Risk and Compliance	Director, City Operations	Minor change, due to legislative amendment, renaming the Act and changing to definition of improper conduct	25/06/2021

**DOCUMENT APPROVAL**

Date	Signed Approval	Name	Approval Authority
27/11/2019		Ms Kelly Grigsby	Chief Executive Officer

## WYNDHAM CITY COUNCIL – PUBLIC INTEREST DISCLOSURE POLICY

### PURPOSE

This policy recognises the importance of the management of improper conduct and/or detrimental action in corporate governance. It establishes the governance structures necessary to support the making and handling of disclosures of improper conduct and/or detrimental action. It requires the provision of legislated protections, confidentiality and appropriate welfare support for disclosers.

### SCOPE

This policy applies to all people elected to, employed by, and working within Wyndham City Council. This includes Councillors, Advisory Committees, Staff and Volunteers.

### POLICY STATEMENT

Wyndham City Council does not tolerate improper conduct by its people or reprisals against those who come forward to disclose such conduct or participate in its investigation.

We are an entity authorised to receive disclosures under the *Public Interest Disclosure Act 2012* and are required to comply with its obligations. Compliance breaches of these obligations can incur civil and criminal penalties. The Act aims to facilitate the making of disclosures of suspected improper conduct and provides protection to those who make disclosures. Disclosers have a variety of reporting avenues available to them, this includes reporting anonymously via the Whistleblower Hotline or to IBAC directly. External entities making disclosures on the conduct of Council and any disclosures involving Councillors must be referred to IBAC directly. Council's Public Interest Disclosure Coordinators will ensure that we handle disclosures consistently and in accordance with our obligations and ensure the welfare of the discloser is considered. Note, the CEO is required report any other suspected corruption directly to IBAC, ensuring they receive notice of any known corrupt conduct.

This policy should be read in conjunction with the Fraud and Corruption Control Policy.

### OBJECTIVES

1. Wyndham City Council will seek to balance public value creation and public value preservation in line with community expectations and integrity standards.
2. Wyndham City Council will foster a constructive culture which values integrity and takes proportionate action in circumstances where conduct is not appropriate.
3. Wyndham City Council will embed fraud and corruption control management practices at all levels of the organisation to deliver procedural fairness and facilitate natural justice.
4. Wyndham City Council will require our people to act with integrity in the performance of their roles and promptly report conduct which is improper and/or detrimental action.

### GOVERNANCE

Council	Endorse and supports Wyndham City Council's Public Interest Disclosure Policy.
Audit and Risk Management Committee	Review the Wyndham City Council's Public Interest Disclosure Policy and recommend the Council endorse it as part of our system of integrity.

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<p>Integrity and Ethics Committee</p>	<p>Decide the management approach for improper conduct disclosures, excluding those determined by the Public Interest Disclosure Coordinator(s) to be an assessable disclosure. Decision options include dismiss, investigate or refer allegations to appropriate integrity agencies.</p>
<p>Executive Leadership Team</p>	<p>Review the Wyndham City Council’s Public Interest Disclosure Policy and recommend its referral to the Audit and Risk Management Committee and Council for endorsement.</p>
<p>Chief Executive Officer</p>	<p>Notify IBAC of all suspected corrupt conduct as Principal Officer of Wyndham City Council as mandated by the Independent Broad-based Anti-Corruption Commission Act 2011. This conduct must be corrupt conduct as defined by the act; be an indictable offence or a prescribed common-law offence committed in Victoria; and lead a reasonable person to suspect that corrupt conduct has occurred or is occurring.</p> <p>Eligible to receive disclosures about improper conduct and/or detrimental action. Required to refer potential public interest disclosures to the Public Interest Disclosure Coordinator and maintaining confidentiality about such situations.</p>
<p>Public Interest Disclosure Coordinator(s)</p>	<p>This role is held by the Director City Operations and Manager Risk and Compliance. They will ensure that appropriate communication, information, advice and support in relation to disclosure management are provided internally and externally. They are required to ensure that Wyndham City Council maintains secure information management systems for the receipt, storage, assessment and notification of potential public interest disclosures. They are eligible to receive disclosures directly from internal and external people and indirectly via Wyndham City Council staff authorised to receive disclosures. They must review disclosures and refer those deemed an Assessable Disclosure directly to IBAC. If it is not an Assessable Disclosure, or IBAC have determined it is not a Public Interest Disclosure, then they will facilitate the internal process via the Integrity and Ethics Committee.</p>
<p>Risk and Compliance Team</p>	<p>Continuously improve the fraud and corruption control management system, building the capability of our people to manage improper conduct risks and their occurrence. Conducting investigations as required to support timely appropriate response and ensuring appropriate welfare support is available.</p>
<p>Directors, Managers, Coordinators and Team Leads</p>	<p>Responsible for acting as a reporting channel for their staff and referring any potential public interest disclosures to the Public Interest Disclosure Coordinator(s) and maintaining confidentiality about such situations.</p>

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All people

All people covered by the scope of this policy are accountable for managing risks within their area of responsibility. Responsible for acting in line with the Council values and the Code of Conduct. Required to report actual or suspected improper conduct and/or detrimental action, where there is sufficient information or reasonable belief to support such disclosures.

### DEFINITIONS

**Improper conduct** – at its lowest threshold level, is either criminal or serious enough to result in a person’s dismissal. It may include:

- corrupt conduct;
- criminal offences;
- serious professional misconduct;
- dishonest performance of public functions;
- intentional or reckless breach of public trust;
- intentional or reckless use of information;
- substantial mismanagement of public resources;
- substantial risk to health or safety of a person;
- substantial risk to the environment;
- conduct of any person that adversely affects the honest by a public of their functions; and
- conduct of any person that is intended to adversely affect the effective performance by a public officer of their functions for the benefit of the other person.

**Detrimental action** – is taken or threatened to be taken against another person in reprisal for making or cooperating with a public interest disclosure. This includes action causing injury, loss or damage; intimidation or harassment; and discrimination, disadvantage or adverse treatment in relation to a person's employment, career, profession, trade or business, including the taking of disciplinary action.

**Disclosure** – is a report about improper conduct or detrimental action of Wyndham City Council or its officer(s) made by an individual or group. The conduct may have occurred in the past, is currently occurring or may happen in future. It is not a disclosure if the complaint or allegation is already in the public domain.

**Assessable Disclosure** – is a disclosure which has been assessed by the Public Interest Disclosure Coordinator, subject to mandatory reporting to IBAC, which satisfies one of two tests:

1. the information shows or tends to show that there is improper conduct or detrimental action; or
2. the discloser believes on reasonable grounds that the information shows or tends to show that there is improper conduct or detrimental action.

They will consider the seriousness of the conduct in terms of consequences and identify that there is a link between the conduct and the official function of Wyndham City Council or its officer(s).

**Public Interest Disclosure** – has been assessed by IBAC and meets the following criteria:

- it has been made by an individual or group of people;
- it is made verbally (in private) or in writing to a person authorised to receive a disclosure; and
- there is information or reasonable grounds for the discloser to believe that there is information, which shows or tends to show improper conduct or detrimental action.

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**Protections for Disclosers** – apply from when the disclosure is made, regardless of whether the matter is referred to IBAC, and includes the subsequent provision of any further information.

These include:

- a person is not subject to civil / criminal liability or administrative action;
- a person is not committing an offence against any legal Act which imposes obligations of confidentiality or restrictions on information disclosure;
- a person is not breaching any other confidentiality obligation made by oath, rule or law or practice; and
- a person cannot be held liable for defamation in relation to information provided.

These protections do not apply where a discloser has knowingly provided false or misleading information.

### REFERENCES

External reference material:

- [AS 8001-2008 Fraud and Corruption Control](#)
- [Independent Broad-based Anti-corruption Commission Act 2011](#)
- Public Interest Disclosure Act 2012
- IBAC [Guidelines](#)

Wyndham City Council reference material:

- Code of Conduct ([Councillor](#) & [Staff](#))
- [Fraud and Corruption Control Management System](#)
- [Performance Management Policy](#)

### POLICY REVIEW & APPROVAL

- Council is required to endorse this Public Interest Disclosure Policy following recommendation for endorsement from the Audit and Risk Management Committee.
- The Public Interest Disclosure Policy will be reviewed and approved in the first six months of each new Council Term as a minimum, though it can be reviewed earlier if needed.
- The Manager, Risk and Compliance is responsible for managing the review process.

### FURTHER INFORMATION

Manager Risk & Compliance