

# Policy



## STRATEGIC

# PUBLIC INTEREST DISCLOSURE

## Head of Power

*Public Interest Disclosure Act 2010*

### Key Supporting Council Document

Lockyer Valley Regional Council Corporate Plan 2022-2027

- Commit to open and accountable governance to ensure community confidence and trust in council and our democratic values.
- Compliant with relevant legislation.

## Definitions

PID Act	means the <i>Public Interest Disclosure Act 2010</i> .
Public Interest Disclosures (PID)	are broadly defined in the PID Act as being all information about suspected wrongdoing in the public sector disclosed to a Proper Authority under Chapter 2 of the PID Act.
Proper Authority	means a person or organisation that is authorised under the PID Act to receive disclosures.

## Policy Objective

The objectives of this policy are:

- a) To establish Council's commitment to:
  - a. supporting and encouraging the reporting of information about suspected wrongdoing in Council

- b. the promotion and proper management of Public Interest Disclosures (PIDs).
- b) To acknowledge Council's obligations as a Public Sector Entity as defined in the *Public Interest Disclosure Act 2010*.
- c) To implement the PID management program set out in Council's Public Interest Disclosure Procedure (PID Procedure) that provides for practical and effective procedures for reporting and managing PIDs which comply with the requirements of the PID Act.
- d) To ensure that Council fulfils its responsibilities under the PID Act.

## Policy Statement

Council is committed to fostering an ethical, transparent culture. In pursuit of this, Council values the disclosure of information about suspected wrongdoing in the public sector so that it can be properly assessed and, if necessary, appropriately investigated.

By virtue of their office or position, Council recognises the important role Councillors, Council employees and members of the public can play in the identification of suspected wrongdoing in the public sector. Council will provide support to any employee or other person who makes a disclosure about matters in the public interest.

In accordance with the objectives of the PID Act, Council will:

- promote the public interest by facilitating PIDs of wrongdoing
- ensure that PIDs are properly assessed and, where appropriate, properly investigated and dealt with
- ensure that appropriate consideration is given to the interests of persons who are the subject of a PID and
- afford protection from reprisals to persons making PIDs.

These outcomes (including information regarding how a PID may be made) are achieved through the implementation of the PID management program which is set out in Council's PID Procedure. This has been developed and implemented by the Chief Executive Officer. A Public Interest Disclosure Coordinator (PID Coordinator) is appointed by the Chief Executive Officer to be responsible for the implementation of Council's PID management program and any issues related to the management of PIDs. The Chief Executive Officer will implement effective systems to inform improvements to service delivery, business processes and internal controls raised in the management of PIDs. Council's PID Policy and Procedure will be evaluated and monitored regularly to ensure their effectiveness in the management of PIDs.

Council recognises the sensitivities which can be associated with PIDs and the need to maintain public confidence in its process for managing PIDs.

To that end Council will:

- ensure that PIDs are managed appropriately in accordance with the requirements of the PID Act and Council's PID management program
- maintain confidentiality of PIDs received (as per section 65 of the PID Act)
- prosecute any person who provides a false or misleading statement or information to Council with the intention of it being processed as a PID (as per section 66 of the PID Act)
- prosecute and/or take disciplinary action against any Councillor or Council employee who takes or attempts to take a reprisal action (refer section 40 & section 41 of the PID Act)

- ensure that proper records of PIDs received (as per section 29 of the PID Act) are maintained, and that the confidentiality of all records created during the investigation and reporting of PIDs are preserved (as per section 65 of the PID Act).

## Human Rights Compatibility Statement

Consideration has been given to the requirements of the *Human Rights Act 2019* in developing this policy, and in particular to the right to privacy and reputation. The subject matter of this policy supports a human rights approach to decision making by Council and is not incompatible with human rights as the right to privacy and reputation is only limited to the extent permitted by the *Human Rights Act 2019* to provide for natural justice or comply with lawful requirements.

## Relevant Legislation

*Crime and Corruption Act 2001*

*Local Government Act 2009*

*Public Interest Disclosure Act 2010*

*Public Records Act 2002*

*Public Sector Ethics Act 1994*

## Related Documents

Public Interest Disclosure Procedure – September 2020

Public Interest Disclosure Standard No. 1/2019

Public Interest Disclosure Standard No. 2/2019

Public Interest Disclosure Standard No. 3/2019