



Public Interest Disclosures 2022

Department/Unit	Corporate & Organisational Development	First Implemented	November 2002	Review Date	31 December 2023
Origin	Public Interest Disclosure Officer	Reviewed	19 February 2020	Version	5
Authorising Officer	Endorsed by Council 16 December 2021	Effective From	1 January 2022	TRIM Reference	E513/2

Purpose/Objective

The purpose of this policy is:

- To ensure Council is fully compliant with its obligations under the Public Interest Disclosures Act 2012 (PID Act) and the Independent Broad-based Anti-Corruption Commission Act 2011 (IBAC Act); and
- To ensure there is an effective process for managing the receipt of public interest disclosures, their assessment and notification.

Policy Statement

Council will not tolerate improper conduct by its people, nor the taking of reprisals against those who come forward to disclose such conduct.

Council recognises the value of transparency and accountability in its administrative and management practices and supports the making of Public Interest Disclosures that reveal corrupt or improper conduct. Council is committed to the aims and objectives of the PID Act.

The ancillary procedures outline the way in which any individual, including members of the public, staff and Councillors, can disclose information which enables the prevention of fraud and corruption.

Council will take all reasonable steps to protect people who make such disclosures from any detrimental action in reprisal for making the disclosure. It will also afford natural justice to the person or body who is the subject of the disclosure.

An essential element of this protection is to ensure that information connected to a Public Interest Disclosure, including the identity of a discloser and the contents of that disclosure, are kept strictly confidential.

Definitions

PID Act:	Public Interest Disclosures Act 2012
Council:	Mansfield Shire Council
Councillors:	Mansfield Shire Council elected representatives
Contractors:	A person who is self-employed and provides a service specifically to Mansfield Shire Council
CEO:	Chief Executive Officer
PIDO:	Public Interest Disclosures Officer
IBAC:	The Independent Broad-based Anti-Corruption Commission

Scope

Mansfield Shire Council supports a workplace culture where the making of disclosures is valued by the organisation, and the right of any individual to make a disclosure is taken seriously.

This Policy applies to disclosures of improper conduct or detrimental action by Mansfield Shire Council employees, Councillors and contractors, made in accordance with the PID Act.

Responsibilities

Overall responsibility for the application of this Policy is held by the Chief Executive Officer.

Managers are responsible for ensuring their staff comply with the principles, practices and any associated procedures of this policy. Management, employees, contractors and volunteers are to be familiar with, and competent in, the application of this Policy, and are accountable for the delivery of this policy within their areas of responsibility.

All Council employees, contractors and Councillors are responsible for adhering to and implementing this policy.

Employees and Councillors are encouraged to report known or suspected incidences of corrupt or improper conduct in accordance with these procedures, whether such conduct or action has taken place, is suspected to have taken place, or is still occurring.

The individual managers will oversee adherence to the Public Interest Disclosures Policy, with any associated procedures implemented by the Governance Unit in consultation with the Public Interest Disclosures Officer (PIDO) and CEO.

Council's Coordinator Governance and Risk is appointed as the Council's PIDO. The PIDO is responsible for:

- ▶ Ensuring the Public Interest Disclosure procedures are available to its employees, staff, officers and Councillors;
- ▶ Receiving and assessing each disclosure;

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- ▶ Co-ordinating Council's reporting system; and
- ▶ In ensuring Council carries out its responsibilities under the PID Act, any regulations made pursuant to the PID Act, and any guidelines issued by the IBAC.

The PIDO is also Council's chief liaison with the IBAC.

The Governance Unit is the owner of this Policy. Any reviews of this Policy must be made in consultation with the Public Interest Disclosures Officer who is the Governance and Risk Co-Ordinator.

References/Related Policies

- ▶ Mansfield Shire Public Interest Disclosures Procedures 2021
- ▶ Public Interest Disclosures Act 2012
- ▶ Independent Broad-based Anti-Corruption Commission Act 2011
- ▶ Ombudsman Act 1973
- ▶ Victorian Inspectorate Act 2011
- ▶ Freedom of Information Act 1982
- ▶ Privacy and Data Protection Act 2014
- ▶ Public Interest Disclosures Regulations 2013
- ▶ Guidelines for making and handling public Interest disclosures (IBAC – December 2019)
- ▶ Guidelines for public Interest disclosure welfare management (IBAC – December 2019)
- ▶ Mansfield Shire Council Staff Code of Conduct
- ▶ Mansfield Shire Councillor Code of Conduct and Councillor Charter 2017

Human Rights Review and Statement

This Public Interest Disclosure Policy has been assessed against the Charter of Human Rights and Responsibilities Act 2006 and practical steps have been taken to ensure the Policy does not unreasonably limit or restrict any human rights.

The Public Interest Disclosure Policy will be reviewed at least every four years, or more frequently if there are changes to legislation or internal processes that impact the policy.

Implementation

This Policy is effective from 15 February 2022.

Review Date

This Policy is to be reviewed by 31 March 2024.

Authorisation to Implement Policy

Signed:  _____

Councillor

Witnessed:  _____

Chief Executive Officer

Approval dated: 21 December 2021

Mansfield Shire Council reserves the right to review, vary or revoke this Policy at any time.