

# Council Policy PUBLIC INTEREST DISCLOSURE

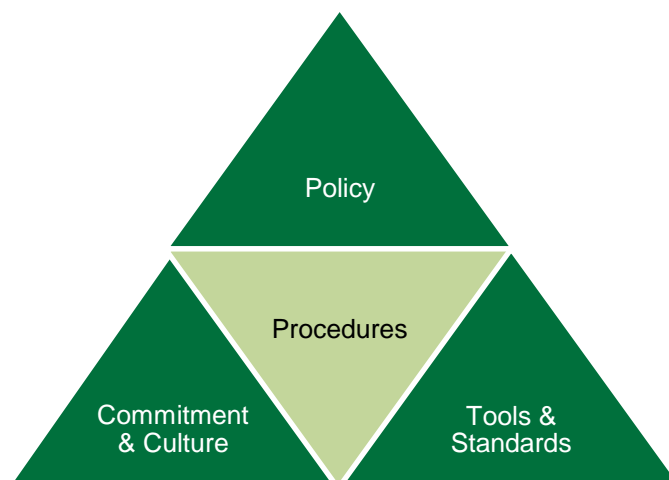
<b>Corporate Plan Reference:</b>	<i>'Excellence as a Council'</i>
<b>Endorsed by Council:</b>	15 September 2022
<b>Policy Author:</b>	Governance Manager, Executive Services

## POLICY STATEMENT

Noosa Shire Council (Council) is committed to fostering an ethical and transparent culture. Furthermore, Council is committed to the disclosure of information about suspected wrongdoing within Council so that it can be properly evaluated and, if necessary, appropriately investigated. Council will provide support to any employee or other person who makes a disclosure about matters in the public interest. This Policy confirms this commitment by ensuring practical and effective procedures are developed and embedded in the complaints and integrity framework of Council, which comply with the requirements of the Queensland *Public Interest Disclosure Act 2010* (PID Act).

Therefore, the Policy sets out Council's overall intention with respect to the management of public interest disclosures and is part of a broader governance framework which support legislative requirements, standards and provides organisational context.

This Policy should be read in conjunction with Council's [Public Interest Disclosure Procedures](#).



## PURPOSE

By complying with the PID Act, Council will:

- promote the public interest by facilitating public interest disclosures (PIDs) of wrongdoing
- ensure that PIDs are properly assessed and, where appropriate, properly investigated and dealt with
- ensure appropriate consideration is given to the interests of persons who are the subject of a PID, and

- ensure protection from reprisal is afforded to persons making PIDs.

Furthermore, this Policy has been prepared to comply with section 28 of the PID Act. Additionally, this Policy complies with the Public Interest Disclosure Standards issued by the Queensland Ombudsman as the oversight agency under the PID Act.

## SCOPE

This Policy applies to Councillors, all Council employees, volunteers and authorised non-Council employees (e.g., contractors) who conduct activities and functions on behalf of Council (collectively referred to in this document as “**employees**”).

## REVIEW

This Policy will be reviewed once per Council term (every four years) or in circumstances where a review is required.

## WHAT IS A PUBLIC INTEREST DISCLOSURE?

A Public Interest Disclosure (PID) is a disclosure of perceived wrongdoing by one or more people within Council concerning an action or activity that the discloser reasonably believes constitutes:

- Corrupt Conduct
- Maladministration that adversely affects a person’s interests in a substantial and specific way
- A substantial misuse of public resources
- A specific and substantial danger to public health and safety
- A specific and substantial danger to health or safety of a person with a disability
- A specific and substantial danger to the environment
- A reprisal because of a belief that a person has made or intends to make a disclosure.

Members of the public may also make a PID about:

- A substantial and specific danger to the health or safety of a person with a disability
- A substantial and specific danger to the environment (as set out in the PID Act)
- A reprisal action in relation to a PID.

A Discloser can have either a reasonable belief that wrongdoing has occurred or provide evidence which tends to show the wrongdoing has occurred.

A disclosure amounts to a PID and is covered by the PID Act even if the:

- Discloser reports the information as part of their duties, such as an auditor reporting a fraud or an occupational health and safety officer reporting a safety breach
- disclosure is made anonymously – the discloser is not required to give their name or any identifying information
- Discloser has not identified the material as a PID – it is up to the PID Coordinator to assess information received and decide if it is a PID
- disclosure is unsubstantiated following investigation – the discloser is protected when the information they provide is assessed as a PID, whether or not it is subsequently investigated or found to be substantiated.

## PUBLIC INTEREST DISCLOSURE PRINCIPLES

By complying with the relevant provisions of the PID Act, Council will commit to the following principles to effectively manage PIDs across Council.

Principle	Commitment
<b>Awareness</b>	<p>Council is committed to the promotion of public interest by facilitating PIDs of wrongdoing.</p> <p>Council will promote, educate, and make aware the public and Council employees on the importance of reporting and managing PIDs to reduce risk to Council.</p>
<b>Management &amp; Action</b>	<p>PIDs will be properly assessed and, where appropriate, properly investigated and dealt with by Council.</p> <p>Council will take appropriate action to deal with a PID and that while Disclosers are encouraged to provide their name, Council will act on all anonymous PIDs;</p>
<b>Support and Feedback</b>	<p>All Disclosers will receive feedback and be supported by our organisation through various mechanisms, including where required the formal appointment of a Support Person.</p> <p>Equally, appropriate consideration and support will be given to the interests of persons who are the subject of a PID.</p>
<b>Reprisal</b>	<p>Council will afford protection from reprisals to personal making a PID and will respond appropriately to any allegations of reprisal.</p>
<b>Confidentiality</b>	<p>All PIDs will be treated and kept confidential in accordance with section 65 of the PID Act and it is a criminal offence to breach confidentiality.</p>
<b>Rights of the Subject Officer(s)</b>	<p>Council will protect a Subject Officer’s rights by ensuring that the PID will be dealt with impartially, fairly, and reasonably in accordance with principles of natural justice.</p>
<b>False or misleading information</b>	<p>Any person providing false or misleading information through the PID process may face disciplinary action.</p>
<b>Record keeping and reporting</b>	<p>Council will ensure confidentiality is maintained and that reporting obligations are met, including reporting to Council’s Audit and Risk Committee and to the Queensland Ombudsman’s Office.</p>

## MAKING A PID

A discloser can make a PID in any way, including anonymously, either verbally or in writing. To assist in the assessment, and any subsequent investigation of a PID, disclosers are requested to:

- provide contact details (this could be an email address that is created for the purpose of making the disclosure or a telephone number),
- provide as much information as possible about the suspected wrongdoing, including:
  - who was involved
  - what happened

- when it happened
- where it happened
- whether there were any witnesses, and if so, who they are
- any evidence that supports the PID, and where the evidence is located
- any further information that could help investigate the PID.

To make a disclosure, please contact:

Governance Branch

By Phone: (07) 5329 6500  
By Email: [governance@noosa.qld.gov.au](mailto:governance@noosa.qld.gov.au)  
By Post: Governance Branch  
c/- Noosa Shire Council  
PO Box 141, Tewantin QLD 4565

Or alternatively:

Diana Stewart, Governance Manager

By Phone: (07) 5329 6228  
By Email: [diana.stewart@noosa.qld.gov.au](mailto:diana.stewart@noosa.qld.gov.au)  
By Post: Diana Stewart  
Governance Manager  
c/- Noosa Shire Council  
PO Box 141, Tewantin QLD 4565

All PIDs referred to the Council will be appropriately assessed and treated in strict confidence. If a person is aware of any activity or incident that they consider is wrongdoing or would impact adversely on the operation of the organisation, they are encouraged to speak up and let the appropriate person know.

In addition, a disclosure can be made to a journalist if the following conditions are met:

- a valid PID was initially made to a proper authority, such as Council, and
- the proper authority:
  - decided not to investigate or deal with the disclosure, or
  - investigated the disclosure but did not recommend taking any action, or
  - failed to notify the discloser within six months of making the disclosure whether or not the disclosure was to be investigated or otherwise dealt with.

A person who makes a disclosure to a journalist in these circumstances is protected under the PID Act. However, disclosers should be aware that journalists are not bound under the confidentiality provisions of section 65 of the PID Act.

## ROLES AND RESPONSIBILITIES

Council has designated the following roles and responsibilities for managing PIDs within Council, and made the appropriate delegations:

Role	Responsibilities	Council Officer
<b>PID Coordinator</b>	<ul style="list-style-type: none"> <li>Principal contact for PID issues within Council</li> <li>Document and manage implementation of PID management program</li> <li>Review and update PID procedure annually</li> <li>Maintain and update internal records of PIDs received</li> <li>Report data on PIDs to Queensland Ombudsman</li> <li>Assess PIDs received</li> <li>Provide acknowledgment of receipt of PID to discloser</li> <li>Undertake risk assessments in consultation with disclosers and other relevant officers</li> <li>Liaise with other agencies about referral of PIDs</li> <li>Allocate Investigator and Support Officer to PID matter</li> </ul>	Diana Stewart Governance Manager
<b>PID Support Officer</b>	<ul style="list-style-type: none"> <li>Provide advice and information to discloser on Council's PID procedure, including protections and confidentiality obligations</li> <li>Provide personal support and referral to other sources of advice or support as required</li> <li>Facilitate updates on progress of investigation, proactively contact discloser throughout PID management process</li> </ul>	Alexandra Nolan Governance Advisor  Jonci Wolff Governance Officer  <i>Note: other support staff / external specialists may be appointed to assist if required.</i>
<b>Investigator</b>	<ul style="list-style-type: none"> <li>Conduct investigation of information in PID in accordance with terms of reference</li> <li>Prepare report for delegated decision-maker</li> </ul>	An appropriate internal or external investigator will be appointed for each PID investigated depending upon the type of disclosure and other relevant considerations.
<b>Delegated Decision-Maker</b>	<ul style="list-style-type: none"> <li>Review investigation report and determine whether alleged wrongdoing is substantiated.</li> </ul>	Scott Waters Chief Executive Officer
<b>Management</b>	<ul style="list-style-type: none"> <li>Monitor the workplace for any reprisals against a discloser or subject officer and</li> </ul>	Directors, Managers, Coordinators and Supervisors

Role	Responsibilities	Council Officer
	<p>report such instances to the PID coordinator.</p> <ul style="list-style-type: none"> <li>• Not behave in a manner that causes, or attempts to conspire to cause, detriment to another person because they have made or may make a PID.</li> <li>• Promote the importance of this procedure and reporting of wrongdoing within Council.</li> <li>• Ensure staff are aware of their rights and responsibilities under the PID Act</li> </ul>	
<b>All Council Employees</b>	<ul style="list-style-type: none"> <li>• Ensure they are familiar with this Policy and associated Procedures.</li> <li>• Report reprisals.</li> <li>• Ensure that any PID made is based on honest belief and reasonable grounds.</li> <li>• Aware of appropriate support processes in place for disclosers and subject officers.</li> </ul>	Councillors and Council employees

**KEY TERMS**

Term	Meaning
<b>Confidential information</b>	As defined in <a href="#">section 65 of the PID Act</a> .
<b>Corrupt Conduct</b>	As defined in <a href="#">section 15 of the Crime and Corruption Act 2001</a> .
<b>Detriment</b>	As defined in <a href="#">schedule 4 of the PID Act</a> .
<b>Disability</b>	As defined in <a href="#">section 11 of the Disability Services Act 2006</a> .
<b>Discloser</b>	A person who makes a disclosure in accordance with the <a href="#">PID Act</a> .
<b>Investigation</b>	Any enquiry undertaken to establish whether the information provided in a PID can be substantiated, including a review or audit.
<b>Journalist</b>	As defined in <a href="#">section 20(4) of the PID Act</a> .
<b>Maladministration</b>	As defined in <a href="#">schedule 4 of the PID Act</a> .
<b>Natural justice</b>	<p>Natural justice, also referred to as ‘procedural fairness’ applies to any decision that can affect the rights, interests or expectations of individuals in a direct or immediate way. Natural justice is at law a safeguard applying to an individual whose rights or interests are being affected.</p> <p>The rules of natural justice, which have been developed to ensure that decision-making is fair and reasonable, are:</p> <ul style="list-style-type: none"> <li>• avoid bias,</li> <li>• give a fair hearing, and</li> <li>• act only on the basis of logically probative evidence.</li> </ul>

Term	Meaning
<b>Ombudsman’s Office</b>	Office of the Queensland Ombudsman
<b>Oversight agency</b>	As defined in <a href="#">section 58 of the PID Act</a> .
<b>Proper authority</b>	As defined in <a href="#">section 5 of the PID Act</a> .
<b>Reasonable belief</b>	A view which is objectively fair or sensible.
<b>Reprisal</b>	As defined in <a href="#">schedule 4 of the PID Act</a> .
<b>Subject Officer</b>	A Council employee who is the subject of allegations of wrongdoing made in a disclosure.
<b>Substantial and specific</b>	<p>Substantial means 'of a significant or considerable degree'. It must be more than trivial or minimal and have some weight or importance.</p> <p>Specific means 'precise or particular'. This refers to conduct or detriment that is able to be identified or particularised as opposed to broad or general concerns or criticisms.</p>
<b>Support</b>	<p>For the purposes of this Policy, support means actions such as, but not limited to:</p> <ul style="list-style-type: none"> <li>• providing moral and emotional support</li> <li>• advising disclosers about Council resources available to handle any concerns they have as a result of making their disclosure</li> <li>• appointing a PID Support Officer to assist the discloser through the process</li> <li>• referring the discloser to Council’s Employee Assistance Program or arranging for other professional counselling</li> <li>• generating support for the discloser in their work unit where appropriate</li> <li>• ensuring that any suspicions of victimisation or harassment are dealt with</li> <li>• maintaining contact with the discloser</li> <li>• negotiating with the discloser and their support officer a formal end to their involvement with the support program when it is agreed that they no longer need assistance.</li> </ul>

## RELEVANT LEGISLATION

*Anti-Discrimination Act 1991*  
*Crime and Corruption Act 2001*  
*Human Rights Act 2019*  
*Local Government Act 2009*  
*Ombudsman Act 2001*  
*Public Interest Disclosure Act 2010*  
*Public Records Act 2002*  
*Public Sector Ethics Act 1994*

## RELATED POLICIES & PROCEDURES

Administrative Action Complaints Process  
 Employee Code of Conduct  
 Councillor Code of Conduct  
 Public Interest Disclosure Procedures

Public Interest Disclosure Standard No. 1/2019  
Public Interest Disclosure Standard No. 2/2019  
Public Interest Disclosure Standard No. 3/2019

## HUMAN RIGHTS COMPATIBILITY STATEMENT

In developing this policy, the subject matter has been considered in accordance with the requirements of the Queensland *Human Rights Act 2019*. It is considered that the subject matter does not conflict with any human rights and supports a human rights approach to decision making by Council.

This policy should be read in conjunction with the *Human Rights Act 2019* (QLD) and Council's *Human Rights Policy*.

### Version control:

Version	Reason/ Trigger	Change (Y/N)	Endorsed/ Reviewed by	Date
1.0	New		Council	12/03/2015
1.1	Policy Review	Y	Council	17/08/2017
2.0	Review	Y	Council	15/09/2022