



STATUTORY POLICY
MOUNT ISA CITY COUNCIL
Public Interest Disclosure Policy

RESOLUTION NO. **OM35/03/18** VERSION **V2**

APPLIES TO STATUTORY POLICIES ONLY

This an official copy of the **Public Interest Disclosure Policy**, made in accordance with the provisions of the *Local Government Act 2009*, *Local Government Regulation 2012*, *Public Interest Disclosure Act 2010*, and and current Council Policies.

Statutory Policies comply with a legislative requirement; the **Public Interest Disclosure Policy** is approved by the Mount Isa City Council for the operations and procedures of Council.

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 Sharon Ibardolaza
Chief Executive Officer

DOCUMENT VERSION CONTROL				
Governance/Policies/Statutory 14991			POLICY TYPE	Statutory (Council)
VERSION	DATE	RESOLUTION NO.	DETAILS	
V1	15.05.2013	OM23/05/13 Adopted	Responsible Officer Chief Executive Officer Description Document Creation – New Document	
V2	30.05.2018	OM35/03/18	Responsible Officer Chief Executive Officer Description Document Modification – Review and update and creation of procedure and other forms	
			REVIEW DUE	05.2020 <i>Review by Council</i>



1. PURPOSE

1.1 The purpose of this policy is:

- (a) To acknowledge Council's obligations as a Public Sector Entity as defined in the *Public Interest Disclosure Act 2010* ("PID Act").
- (b) To establish Council's commitment to the promotion and proper management of Public Interest Disclosures.
- (c) To communicate the rights and obligations, and to outline a framework, within which provides for the correct process for Councillors and employees of Mount Isa City Council (Council) to make appropriate disclosures.

2. COMMENCEMENT

2.1 This Policy will commence on and from 30 May 2018. It replaces all other policies or arrangements governing Public Interest Disclosures (whether written or not).

3. SCOPE

3.1 This policy applies to all Councillors, Council employees and members of the public.

4. PUBLIC INTEREST DISCLOSURE BY ANY PERSON

4.1 As detailed in s12 of the PID ACT, a Public Interest Disclosure can be made by any person, to a proper authority, who has information about;

- a) a substantial and specific danger to the health or safety of a person with a disability; or
- b) the commission of an offence against a provision mentioned in Schedule 2 of the PID Act, if the commission of the offence is or would be a substantial and specific danger to the environment; or
- c) a contravention of a condition imposed under a provision mentioned in Schedule 2 of the PID Act, if the contravention is or would be a substantial and specific danger to the environment; or
- d) the conduct of another person that could, if proved, be a reprisal.

5. PUBLIC INTEREST DISCLOSURE BY A PUBLIC OFFICER

5.1 As detailed in s13 of the PID Act, a Public Interest Disclosure can be made by a public officer, to a proper authority, who has information about;

- a) The conduct of another person that could, if proved, be-
 - i. corrupt conduct; or
 - ii. maladministration that adversely affects a person's interests in a substantial and specific way; or
- b) a substantial misuse of public resources (other than an alleged misuse based on mere disagreement over policy that may properly be adopted about amounts, purposes or priorities of expenditure); or
- c) a substantial and specific danger to the environment.

6. MAKING A DISCLOSURE

6.1 Disclosures can be made to Council in a variety of ways including;

- a) in person at the Council's administration building at 23 West Street, Mount Isa QLD;
- b) by telephone to 07) 4747 3200;
- c) by email to complaints@mountisa.qld.gov.au ; or
- d) in writing, addressed to the CEO at PO Box 815, Mount Isa QLD 4825.

7. ANONYMOUS DISCLOSURES

7.1 Disclosers do not have to identify themselves if they provide their information to a proper authority.

Disclosing anonymously can make it difficult to investigate the issue, to seek clarification or more information, or to provide the discloser with feedback.

- 7.2 If Council receives an anonymous disclosure about a wrongdoing, we will assess whether or not the information is a PID. If the information is assessed as a PID, Council will investigate the matter.

8. COUNCILS COMMITMENT

- 8.1 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 cases of maladministration, official misconduct and the misuse of public resources or contraventions giving rise to dangers to public health and safety, the environment or to persons with disabilities.
- 8.2 In accordance with the objectives of the PID Act, it is Council policy to:
- promote the public interest by facilitating Public Interest Disclosures of wrongdoing in the public sector; and
 - ensure that Public Interest Disclosures are properly made, assessed, and when appropriate, properly investigated and dealt with; and
 - ensure that appropriate consideration is given to the interests of persons who are the subject of a Public Interest Disclosure; and
 - afford protection from reprisals to persons making Public Interest Disclosures.
- 8.3 These outcomes (including information regarding how a PID may be made) are achieved via the Public Interest Disclosure Management Plan and Procedure which is to be developed and implemented by the Chief Executive Officer in accordance with s28(1) of the PID Act and this Policy.
- 8.4 Council recognises the sensitivities which can be associated with Public Interest Disclosures and the need to maintain public confidence in its process for managing Public Interest Disclosures.

To that end Council will:

- ensure that Public Interest Disclosures are managed appropriately in accordance with the requirements of PID Act
- maintain confidentiality of Public Interest Disclosures received, as per s65 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 Public Interest Disclosure, as per s66 of PID Act
- prosecute and/or take disciplinary action against any Councillor or Council employee who takes or attempts to take a reprisal action (refer to s40 and s41 of PID Act)
- ensure that the proper records of Public Interest Disclosures received (as per s29 of PID Act) are maintained, and that the confidentiality of all records created during the investigation and reporting of Public Interest Disclosures is preserved (as per s65 of PID Act).

9. DEFINITIONS

- 9.1 **Public Interest Disclosures** - are broadly defined in the PID Act as being all information disclosed to a proper authority about a public interest matter referred pursuant to sections 12 and 13 of the PID Act.
- 9.2 A Public Interest Disclosure can be made by any person (pursuant to s12 of the PID Act) about—
- a substantial and specific danger to the health or safety of a person with a disability; or

- b) the commission of an offence against a provision mentioned in schedule 2* PID Act, if the commission of the offence is or would be a substantial and specific danger to the environment; or
- c) a contravention of a condition imposed under a provision mentioned in schedule 2* PID Act, if the contravention is or would be a substantial and specific danger to the environment; or
- d) the conduct of another person that could, if proved, be a reprisal.

9.3 Alternatively by a public officer (pursuant to s13) about—

- a) the conduct of another person that could, if proved, be—
 - i. official misconduct; or
 - ii. maladministration that adversely affects a person's interests in a substantial and specific way; or
- b) a substantial misuse of public resources (other than an alleged misuse based on mere disagreement over policy that may properly be adopted about amounts, purposes or priorities of expenditure); or
- c) a substantial and specific danger to public health or safety; or
- d) a substantial and specific danger to the environment.

9.4 Public Interest Disclosures under s12 and s13 of the PID Act must:

- a) be made to a **proper authority** (as defined in s5 of the PID Act); and
- b) be information about the conduct of another person or another matter if—
 - i. the person honestly believes on reasonable grounds that the information tends to show the conduct or other matter; or
 - ii. the information tends to show the conduct or other matter, regardless of whether the person honestly believes the information tends to show the conduct or other matter.

9.5 **Proper authority** - includes a public sector entity as defined by s6 of the PID Act** if the information the subject of the disclosure relates to the conduct of the entity, or the public sector entity has power to investigate or remedy.

9.6 **Public Officers** - of local governments include both Councillors and employees (including casual employees and persons engaged under a contract of employment).

10. VARIATIONS

10.1 Mount Isa City Council reserves the right to vary, replace or terminate this policy at any time.

Associated Legislation and Procedures

- *Public Interest Disclosure Act 2010*
- Public Interest Disclosure Management Plan
- Public Interest Disclosure Procedure
- Mount Isa City Council Corporate Plan 2015-2020