

Public Interest Disclosures Policy

<p>Purpose</p>	<p>The City of Darebin (Council) is a Nominated Agency under the <i>Public Interest Disclosures Act 2012</i> (the Act) with the power to receive Public Interest Disclosures in accordance with the Act.</p> <p>The Act provides for Council to appoint a Public Interest Disclosure Coordinator and a Public Interest Disclosure Officer and to set out clear policies and procedures for the receipt and referral of Public Interest Disclosures to the relevant authority for further investigation.</p> <p>This policy and Council’s Public Interest Disclosures Procedures are designed to provide clear guidance to the public, Council employees and Councillors regarding how a disclosure may be made, how confidentiality will be managed and how Council will process a disclosure and decide if it may be a Public Interest Disclosure that must be notified to the Independent Broad-based Anti-corruption Commission (IBAC) for further consideration.</p>
<p>Scope</p>	<p>The Act requires Council to establish internal processes that facilitate disclosures, effectively manage the receipt of information and provide protections for looking after all parties who may be involved.</p> <p>Under the Act, Council may receive disclosures regarding the improper conduct of Council or its officers or employees. Disclosures regarding Councillors must be made directly to the IBAC or the Victorian Ombudsman.</p> <p>This policy applies to Council officers who are accountable for complying with all relevant legislative and policy requirements.</p>
<p>Definitions and Abbreviations</p>	<p>Complainant/discloser – means a person who has made a Public Interest Disclosure to Council in accordance with the Act, which must then be assessed by the Public Interest Disclosure Coordinator to ascertain if the matter must be notified to IBAC.</p> <p>Confidentiality obligations – means the obligations on those receiving information relating to a Public Interest Disclosure to not disclose that information unless authorised by law. Confidentiality notices may also be issued in the investigation of a Public Interest Complaint.</p> <p>Corrupt conduct – means the definition under Section 4 of <i>the Independent Broad-Based Anti-Corruption Commission Act 2011</i>, such as dishonest performance of public functions or the intentional or reckless misuse of public resources.</p> <p>Council employees – means anyone employed by the City of Darebin, and as defined by the <i>Local Government Act 2020</i>.</p>

Detrimental action – means any form of harassment, intimidation, discrimination, actions causing injury or loss or damage or any other action taken against the complainant (discloser) in reprisal for having reported the alleged conduct, participated in an investigation of a disclosure or action relating to someone who is considering making a disclosure. It includes actions taken and threats to take the action against any person, including the person who made the disclosure.

IBAC – means the Independent Broad-based Anti-Corruption Commission.

Improper conduct – means the definition under section 4 of the *Public Interest Disclosures Act 2012*, which is conduct of a public officer or public body engaged in their official capacity that constitutes:

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

Investigating entity – means those authorised bodies listed in the *Public Interest Disclosures Act 2012* to investigate a Public Interest Complaint.

Nominated Agency – means an agency nominated under Part 2 of the *Public Interest Disclosures Act 2012* to receive Public Interest Disclosures.

Public body – includes Councils and as definition under section 6(1)(d) of the *Independent Broad-Based Anti-Corruption Commission Act 2011*.

Public Interest Complaint – means a Public Interest Disclosure that has been determined by IBAC, the Victorian Inspectorate or the Integrity Oversight Committee to be a Public Interest Complaint. Once a disclosure has been determined a Public Interest Complaint, additional provisions of the Act apply regarding the way in which the matter may be handled and investigated.

Public Interest Disclosure - means the definition under section 9 of the *Public Interest Disclosures Act 2012*, which is a report of improper conduct or detrimental action.

	<p>Public Interest Disclosure Coordinator – means the person appointed by the Chief Executive Officer to receive, assess and, if required, notify disclosures to IBAC.</p> <p>Public Interest Disclosure Officer – means an officer(s) appointed by the Chief Executive Officer to support the Public Interest Disclosure Coordinator in receiving and managing disclosures.</p> <p>Public officer – means the definition under section 6 of the <i>Public Interest Disclosures Act 2012</i>.</p> <p>Victorian Ombudsman – means the person appointed as the Ombudsman under section 3 of the <i>Ombudsman Act 1973</i>.</p>
<p>Policy Statement(s)</p>	<p>The City of Darebin values transparency and accountability in its administrative and management practices. Accordingly, Council encourages any member of the public, Council staff, members of Council appointed committees or Councillors to report improper conduct, corruption or detrimental action to either Council or directly to IBAC or the Victorian Ombudsman.</p> <p>Council takes its obligations as a Nominated Agency very seriously. While we are unable to determine the outcome of a Public Interest Disclosure, we play a vital role in the receipt of complaints and provision of information for consideration by other bodies such as IBAC, and the Victorian Ombudsman.</p> <p>Council also wishes to assure anyone making, or thinking of making, a Public Interest Disclosure that they will be dealt with in a confidential and supportive manner in accordance with the requirements of the Act.</p> <p>Council will also protect the confidentiality and welfare of others involved in any investigation as the welfare of all involved in the matter is of paramount importance to us.</p> <p>Council will deal with any disclosure expeditiously and as a matter of operational priority.</p> <p>Council understands that the confidentiality of a person’s identity is paramount to Victoria’s integrity system. The guidance and processes set out in this policy and the and Council’s Public Interest Disclosures Procedures are aimed at protecting a discloser and anyone involved in providing information from bullying, harassment, legal action or any other form of detrimental action.</p> <p>Council will afford natural justice to the person(s) whom is the subject of the disclosure and respect their right to confidentiality and support throughout the assessment of the disclosure and any subsequent investigation. It is important to remember, that a matter remains an allegation only until a disclosure has been investigated and/or resolved.</p> <p>Objective:</p> <p>Council seeks to;</p>

	<ul style="list-style-type: none"> a. foster the organisational value of integrity, b. encourage staff to report improper conduct and detrimental action, c. provide support and protection to those making disclosures, and d. ensure policy and practices for the management of disclosures affords procedural fairness and natural justice to all involved.
<p>Responsibilities</p>	<p>How are individuals responsible for the success of the policy?</p> <p>All Council officers, employees, contractors, Council registered volunteers, and Council appointed committee members are expected to read and understand this policy which outlines responsibilities.</p> <p>How are managers responsible for the success of the policy?</p> <p>All managers and supervisors are expected to understand, effectively implement and support and demonstrate a positive commitment to the policy.</p>
<p>Process</p>	<p>What is a Public Interest Disclosure?</p> <p>A public interest disclosure is a report about:</p> <ul style="list-style-type: none"> • improper conduct of a public body or public officer, or • detrimental action that a public officer or public body has taken against a person in reprisal for them (or another person) having made a public interest disclosure or cooperated with the investigation of a public interest disclosure. <p>Examples of improper conduct include:</p> <ul style="list-style-type: none"> • Committing fraud or theft • Taking or offering bribes • Employing or engaging friends or family as contractors without proper process • Awarding contracts to suppliers in return for personal benefit • Unauthorised access and use of sensitive information for criminal or personal gain • Use of government funds or property for personal benefit • Abuse of office or entitlements and allowances • Use of inside knowledge or influence for private gain. <p>Who can make a Public Interest Disclosure?</p> <p>Anyone can make a disclosure about improper conduct or detrimental action – members of the public and council employees. A disclosure must be made to an organisation that is authorised to receive disclosures.</p> <p>Disclosures about the council or its employees can be made to:</p> <ul style="list-style-type: none"> • The Public Interest Disclosures Coordinator (PIDC) or the Public Interest Disclosures Officer (PIDO) • The Chief Executive Officer (CEO)

	<ul style="list-style-type: none"> • A manager or supervisor of the discloser or the manager or supervisor of the person who is subject of the disclosure • IBAC or the Victorian Ombudsman. <p>Note: a Public Interest Disclosure about the conduct of a Councillor must be made directly to the IBAC or Victorian Ombudsman, the council cannot receive a disclosure about a Councillor.</p> <p>What happens when a public interest disclosure is made?</p> <p>Disclosures received by the Council will be forwarded to the PIDC for assessment. The PIDC will:</p> <ol style="list-style-type: none"> 1. Consider whether the report is a Public Interest Disclosure in accordance with the Act and conduct a welfare risk assessment to ensure appropriate action can be taken to protect the discloser. 2. Notify the discloser within 28 days of their assessment. 3. If the PIDC determines the report is a Public Interest Disclosure, notify IBAC. 4. If the report is not assessed as a Public Interest Disclosure, explore next steps and options with the discloser. <p>Where a Public Interest Disclosure is notified to IBAC, they will:</p> <ol style="list-style-type: none"> 1. Assess the disclosure to determine whether it is a Public Interest Complaint and what, if any, action will be taken. IBAC may seek additional information from the PIDC or the discloser directly to assist with their assessment. 2. Determine to investigate the complaint or refer it to another agency to investigate in accordance with the Act or determine that the complaint does not warrant investigation. 3. Advise the discloser of their determination and any action proposed to be taken, unless IBAC considers notifying the discloser would have adverse consequences. 		
<p>Organisational Values</p>	<p>Council’s organisational values enable and support the effective design and application of this policy by guiding staff in the course of their work.</p> <table border="1" data-bbox="496 1541 1522 2016"> <tr> <td data-bbox="496 1541 1007 2016"> <p>We Make a Difference: We are driven by our desire to make a difference for the people we serve. Our work is purposeful and creates a positive impact for the community. We are proud to work here. Our work matters.</p> <p>We are Accountable: We are empowered to own and take responsibility for our actions. We follow through on our commitments and deliver on our promises. We make it happen.</p> </td> <td data-bbox="1010 1541 1522 2016"> <p>We have Integrity: We act with integrity and transparency in conversations and decision-making. Through open and clear communication, we build trust. We’re honest. We walk the talk.</p> <p>We show Respect: We are diverse, inclusive, respectful and caring. We encourage everyone to have a voice and we listen to each other. We recognise one another’s contributions and treat people fairly. We look after each other.</p> </td> </tr> </table>	<p>We Make a Difference: We are driven by our desire to make a difference for the people we serve. Our work is purposeful and creates a positive impact for the community. We are proud to work here. Our work matters.</p> <p>We are Accountable: We are empowered to own and take responsibility for our actions. We follow through on our commitments and deliver on our promises. We make it happen.</p>	<p>We have Integrity: We act with integrity and transparency in conversations and decision-making. Through open and clear communication, we build trust. We’re honest. We walk the talk.</p> <p>We show Respect: We are diverse, inclusive, respectful and caring. We encourage everyone to have a voice and we listen to each other. We recognise one another’s contributions and treat people fairly. We look after each other.</p>
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	<p>We are Collaborative: We are united by a common purpose to serve the community. We work together, connecting within our teams and across the organisation. We are inclusive and collaborative. We are one.</p>	<p>We are Creative: We are bold, courageous and innovative. We try new things, experiment and continuously improve. We are open-minded, creative and forward-thinking. We are leaders.</p>
Breach of Policy	Breaches of policies are treated seriously. Any concerns about non-compliance should be reported immediately to the owner of this policy.	

GOVERNANCE

Parent Strategy/ Plan	Darebin Council Plan 2017-2021
Related Documents	<p>Councillor Code of Conduct 2017</p> <p>Gifts and Hospitality Policy 2017</p> <p>Public Transparency Policy 2020</p> <p>Social and Sustainable Procurement Policy 2019</p> <p>Employee Code of Conduct</p> <p>Fraud Prevention and Control Policy</p>
Supporting Procedures and Guidelines	<p>Public Interest Disclosures Procedures</p> <p>Public Interest Disclosure Form</p> <p>Public Interest Disclosure Overview</p>
Legislation/Regulations	<p><i>Public Interest Disclosures Act 2012</i></p> <p><i>Independent Broad-Based Anti-Corruption Commission Act 2011</i></p>
Author	<p>Chief Integrity and Conduct Officer</p> <p>Coordinator Corporate Information</p>
Policy Owner/ Sponsor	Office of the Chief Executive, Mayor and Councillors
Date Effective	December 2020
Review Date	December 2022
Version Number	V1
Document ID	A5678009

! All Darebin policies and procedures must be developed through the lens of key Darebin strategies, plans and related considerations. See the **Darebin Policy Review Lens** to inform and guide policy development and review.