



# Public Interest Disclosure Policy (Statutory)

## 1. PURPOSE

The purpose of the policy is to establish an internal reporting system for the reporting and management of disclosures of wrongdoing in line with the provisions of the Public Interest Disclosure Act, 2010 and to provide special protection and support to Council personnel or members of the public who make public interest disclosures. To be able to implement such processes to ensure that Public Interest Disclosures are dealt with in a thorough and timely manner and to ensure Council fulfils its obligations under the Act.

## 2. SCOPE & AUTHORITY

This policy applies to any Public Interest Disclosure (PID) made about Councillors, Council employees Council operations or members of the public. It addresses Council's obligations as a Public Sector Entity as defined in the Public Interest Disclosure Act 2010 including:

### **28 Reasonable procedures to deal with public interest disclosures**

- (1) *The chief executive officer of a public sector entity must establish reasonable procedures to ensure that —*
  - (a) *public officers of the entity who make public interest disclosures are given appropriate support; and*
  - (b) *public interest disclosures made to the entity are properly assessed and, when appropriate, properly investigated and dealt with; and*
  - (c) *appropriate action is taken in relation to any wrongdoing that is the subject of a public interest disclosure made to the entity; and*
  - (d) *a management program for public interest disclosures made to the entity, consistent with any standard made under section 60, is developed and implemented; and*
  - (e) *public officers of the entity are offered protection from reprisals by the entity or other public officers of the entity.*
- (2) *The chief executive officer of a public sector entity must ensure the procedures are published, as soon as practicable after the procedures are made, on a website that is maintained by the public sector entity and readily accessible to the public.*

## 3. POLICY STATEMENT

### 3.1 Council's general commitment

In the case of receiving a PID, Council commits to:

- a) acknowledging PIDs and supporting disclosers
- b) undertaking a risk assessment and offering protection from reprisals
- c) taking action to investigate and remedy
- d) responding to reprisals
- e) keeping disclosers informed and providing feedback
- f) keeping personal information private and confidential
- g) protecting the rights of the subject officers
- h) maintaining an adequate record of PIDs
- i) reporting all disclosures to the oversight agency

### 3.2 Making a PID

A PID can be made by any person (whether or not the person is a public officer) to a proper authority.

### 3.3 Who to disclose to

Any person can make a disclosure to the Chief Executive Officer (CEO). Disclosures can be made in any way, including:



# Public Interest Disclosure Policy (Statutory)

- a) in person
- b) in writing (by letter, fax, or email)
- c) by telephone

A disclosure can also be made to an agency external to Council. While persons are encouraged to raise matters directly with Council, disclosures may also be made to an appropriate external agency.

### 3.4 Disclosing anonymously

A person may make a disclosure to a proper authority in any way, including anonymously.

### 3.5 Keeping disclosers informed

The CEO on behalf of Council will provide the following advice in writing (where possible):

- d) confirmation the disclosure has been received
- e) a description of the action proposed to be taken
- f) if action has been taken, a description of the results of the action

When disclosures are made, the CEO on behalf of Council will inform the discloser of:

- g) the likely timeframes for processing the PID;
- h) their required involvement in the investigation process;
- i) the importance of maintaining confidentiality;
- j) the protections under the PID Act that will apply;
- k) Council's requirement to keep the information disclosed, including the discloser's identity confidential, except as allowed under the PID Act;
- l) how they will be advised of progress and outcomes; and
- m) who to contact if they want further information or are concerned about reprisals

### 3.6 Protecting disclosers

As soon as possible after receiving a PID, the CEO on behalf of Council must:

- a) determine the level of protection and support appropriate for a discloser by conducting a risk assessment of a reprisal to the discloser and others associated with the discloser (including those who may wrongly be suspected of being a discloser)
- b) ensure protective measures are in place which will be proportionate to the risk of reprisal and the potential consequences of a reprisal. If the risk is assessed as sufficiently high, the CEO on behalf of Council will prepare a protection plan to protect the discloser. Where feasible, this should be developed in consultation with the discloser and other relevant stakeholders.

### 3.7 Taking action on a PID

After receiving a PID, the CEO on behalf Council will make a decision on how to best deal with the disclosure. In some cases, Council may decide to not take any action (under s30 of the Act) or Council's action may be to refer the disclosure to another agency (under s31 of the Act). Council may decide not to investigate or deal with a public interest disclosure if:

- a) the substance of the disclosure has already been investigated or dealt with by another appropriate process; or
- b) Council reasonably considers that the disclosure should be dealt with by another appropriate process; or
- c) the age of the information the subject of the disclosure makes it impracticable to investigate; or
- d) Council reasonably considers that the disclosure is too trivial to warrant investigation and that dealing with the disclosure would substantially and unreasonably divert the use of Council's resources; or
- e) another entity that has jurisdiction to investigate the disclosure has notified Council that investigation of the disclosure is not warranted.

If Council decides not to investigate or deal with a public interest disclosure, Council must give written reasons for its decision to the person making the disclosure.



# Public Interest Disclosure Policy (Statutory)

## 3.8 Responding to reprisals

Council is committed to ensuring that no adverse action, including reprisals, occurs as a result of a disclosure. Under s40 of the Act, "a person must not cause, or attempt or conspire to cause, detriment to another person because, or in the belief that -

- a) the other person or someone else has made, or intends to make, a public interest disclosure; or
- b) the other person or someone else is, has been, or intends to be, involved in a proceeding under the Act against any person."

Disclosers should not suffer any form of detrimental action as a result of making a disclosure, including but not limited to:

- unfair treatment
- harassment
- intimidation
- victimisation
- unlawful discrimination

## 3.9 Privacy and Confidentiality

Maintaining confidentiality is very important in the handling of a disclosure. Confidentiality not only protects the discloser against reprisals, but also other people affected by the disclosure. Confidential information includes:

- the fact that a disclosure has been made
- any information that may identify the discloser or any person who may be the subject of a disclosure

## 4. RESPONSIBILITIES

### 4.1 All Councillors and Council employees

- must act consistently with this policy when dealing with or making Public Interest Disclosures

### 4.2 Managers and Directors

- must implement controls within their area of responsibility to ensure compliance with this policy

### 4.3 Director, Finance & Corporate Services

- shall be the custodian of this policy
- shall ensure that training is delivered to facilitate reasonable understanding by Councillors and Council employees
- shall maintain the PID register and that annual reporting is completed

### 4.4 Chief Executive Officer

- shall implement control measures and processes that provide assurance that Council acts in accordance with the policy

## 5. RISK

This policy addresses the risks of:

- wrongdoing in the public sector - by facilitating disclosures that promote the public interest
- improper assessment of disclosures – by ensuring that disclosures are properly assessed, investigated and dealt with
- impacts on the subjects of disclosures - by ensuring that consideration is given to the interests of persons who are the subject of a public interest disclosure
- harm to persons making public interest disclosures – by affording protections

## 6. IMPACTS

**Corporate Plan:** 5. Governance; Program Areas – 5.4 High levels of accountability and compliance



# Public Interest Disclosure Policy (Statutory)

**Human Rights Compatibility Statement:** This Policy has been assessed as compatible with the Human Rights protected under the Human Rights Act 2019

**Engagement:** This policy has been developed with guidance from Qld State Government resources, and in consultation with the Senior Leadership Group.

## 7. RELATED LAWS

- Crime and Corruption Act 2001
- Information Privacy Act 2009 (Qld)
- Local Government Act 2009 (Qld)
- Local Government Regulations 2012 (Qld)
- Public Sector Ethics Act 1994
- Public Interest Disclosure Act 2010
- Right to Information Act 2009

## 8. RELATED COUNCIL DOCUMENTS

- Administrative Complaints Policy
- Code of Conduct for Employees
- Code of Conduct for Councillors
- Reasonable Management Action – Fact Sheet
- Enterprise Bargaining Certified Agreement
- PID Risk Assessment Guide (Queensland Ombudsman)
- Managing PID Program Managers Guide (Queensland Ombudsman)

## 9. REVISION HISTORY

**Revokes:** Public Interest Disclosure Policy #39123 Version 1.0 resolved by Council 21/12/2017

**Previous approved versions:** Nil

**Suggested to review by:** 16/09/2025

## 10. DEFINITIONS

**Adverse action** – as defined in the Industrial Relations Act 2016 Section 282

**CEO** means the Chief Executive Officer of the Balonne Shire Council appointed in accordance with the Local Government Act 2009.

**Council** means Balonne Shire Council, its elected Councillors, its management and its employees.

**Council employees** means all permanent, casual and temporary employees, contractors, volunteers, apprentices, trainees and work experience students.

**Public Interest Disclosure (PID)** means an appropriate disclosure about a public interest matter made to a proper authority as defined in the *Public Interest Disclosure Act 2010*. A PID is defined within Part 2, Division 1 of the Act by reference to:





# Public Interest Disclosure Policy (Statutory)

- the person who makes the disclosure;
- the type of information disclosed; and
- the entity to which the disclosure is made

A PID can be made by any person (whether or not the person is a public officer) to a proper authority about:

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

Furthermore, a PID can be made by a public officer to a proper authority about:

- the conduct of another person that could, if proved, be -
  - corrupt conduct; or
  - maladministration that adversely affects a person's interests in a substantial and specific way; or
- 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
- a substantial and specific danger to public health or safety; or
- a substantial and specific danger to the environment.

To determine that a disclosure is a PID, the disclosure must also satisfy either:

- the person making the disclosure honestly believes, on reasonable grounds, that the information tends to show the conduct or other matter is wrongdoing; or
- the information tends to show the conduct or other matter is wrongdoing, regardless of whether the person making the complaint honestly believes the information.

**Public officer** of local governments means both Councillors and Council employees

**Reprisal** means when any person causes or attempts or conspires to cause detriment to another person because or in the belief that a person has made or may make a PID. A public officer who is found to have taken a reprisal commits a criminal offence.

## 11. ATTACHMENTS

Nil