



# **ATTACHMENTS**

**Under Separate Cover  
Ordinary Council Meeting**

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**6.00pm Tuesday 17 December 2019**

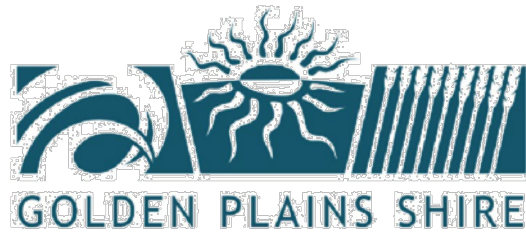


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PUBLIC INTEREST DISCLOSURES POLICY



## Public Interest Disclosures Policy

**PUBLIC INTEREST DISCLOSURES POLICY**

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**PUBLIC INTEREST DISCLOSURES POLICY**

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**1. PURPOSE**

- 1.1 To ensure that Golden Plains Shire Council, as a public body subject to the *Public Interest Disclosures Act 2012* (the Act) upholds the requirements of the Act, The purpose of the Act is to encourage and facilitate the making of disclosures relating to improper conduct of public bodies and public officers, including the Council, its staff, employees and Councillors, and the taking of detrimental action in reprisal for making disclosures under the Act.
- 1.2 This policy affirms the Council's commitment to the aims of the objects of the Act. The Council recognises the value of transparency and accountability in its administrative and management practices. We do not tolerate improper conduct by our organisation, our employees, officers or Councillors, nor the taking of reprisals against those who come forward to disclose improper conduct. The Council recognises the courage it takes to come forward and make disclosures under the Act and encourages those who have legitimate concerns to raise them and to receive the protections available to disclosers under the Act.

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**2. SCOPE**

- 2.1 This policy applies to every employee and Councillor of Golden Plains Shire Council. Each of these individuals and the Council as an organisation are subject to the Act.
- 2.2 This policy applies to disclosures made to the Council before the date of this policy, whether the disclosure is referred to as a "protected disclosure" (before 1 January 2020) or as a public interest disclosure (from 1 January 2020).

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**3. POLICY STATEMENT**

- 3.1 Golden Plains Shire Council, its employees, members and Councillors must, and are expected to, conduct Council powers, functions and activities with integrity and professionalism. It is within this framework and against this background that the Council expects its staff, members and Councillors to not engage in any improper conduct, as defined in s.4 of the Act, nor to engage in any detrimental actions against those who come forward to report improper conduct. All members of the public, as well as Council staff and Councillors, are encouraged to make disclosures about improper conduct or detrimental action under the Act whether it is suspected to have occurred, is occurring or will occur.

**What can disclosures be made about?**

- 3.2 Under the Act, disclosures can be made about "improper conduct" engaged in by the Council, its employees and Councillors (as well as other public bodies and public officers). Disclosures may also be made about "detrimental action" taken (or suspected may be taken or will be taken) in reprisal against a person connected with making a disclosure under the Act.
- 3.3 The Act provides definitions of "improper conduct" and detrimental action". For more information about those definitions, see the Council's Public Interest Disclosures Procedures (PID Procedures).

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- 3.4 For more information about the Council's PID Procedures, including how to obtain a copy, see 4.1 below.

**Who can make a disclosure?**

- 3.5 Any individual (or group of individuals) may make a disclosure under the Act. Companies and businesses may not make disclosures. A member of the public, or an officer of another public body or an employee, member of Councillor of Golden Plains Shire Council may all make disclosures under the Act.
- 3.6 In addition, the Act requires the Council's Chief Executive Officer (the CEO) to notify the Independent Broad-based Anti-corruption Commission (the IBAC) of any matter which they suspect on reasonable grounds that corrupt conduct has occurred, or is occurring.
- 3.7 The Council's PID Procedures set out how to make a disclosure and the obligations of the Council's CEO to notify the IBAC of a mandatory disclosure.

**The Council's role**

- 3.8 If the Council receives a disclosure made in accordance with the requirements of the Act, and which are described in the PID Procedures, it will notify the disclosure to the IBAC for assessment.
- 3.9 The Act governs how the Council must interact with the IBAC or any other investigating entity to which the IBAC has referred the disclosure. For more information about how the IBAC addresses disclosures, see [www.ibac.vic.gov.au](http://www.ibac.vic.gov.au).
- 3.10 The Council is required to comply with strict confidentiality obligations including to protect the identity of a discloser and persons connected with a disclosure (including any subjects of allegations). It is a criminal offence under the Act disclose information which could lead to the identification of persons connected with a public interest disclosure, and of information connected with that disclosure. Penalties include significant financial penalties and imprisonment.
- 3.11 The Council is also committed, and required by the Act, to proactively ensure that it protects the welfare of disclosers and people connected with a disclosure. These obligations may differ depending on whether those individuals are members of the public or an employee or member of the Council. Detailed information about how the Council handles welfare management of relevant individuals under the Act is set out in the Council's PID Procedures.
- 3.12 The Council has appointed Philippa O'Sullivan, Director Corporate Services, to handle enquiries about its obligations under the Act. Phillipa may be contacted on 5220 7150 (direct) or 5220 7111 (via customer service) or by email [philippa.osullivan@gplains.vic.gov.au](mailto:philippa.osullivan@gplains.vic.gov.au) or [enquiries@gplains.vic.gov.au](mailto:enquiries@gplains.vic.gov.au) if you wish to obtain further information about Council's protected disclosures policy or procedures, or if you wish to arrange a confidential meeting to discuss any matters of concern.

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**4. PROCEDURES**

- 4.1 PID Procedures, established under s 58 of the Act. The PID Procedures are required to be easily accessible to the public and to all members and Councillors of the Council and are available at [www.goldenplains.vic.gov.au](http://www.goldenplains.vic.gov.au), by inspection during normal office hours at the Council's Customer Service Centres at 2 Pope Street, Bannockburn or 68 Sussex Street, Linton. Hard copies may also be obtained by contacting the Council in one of the following ways:

**Protected Disclosure Coordinator**

Philippa O'Sullivan, Director Corporate Services

Golden Plains Shire Council

Post: PO Box 111 Bannockburn VIC 3331

Email: [philippa.osullivan@gplains.vic.gov.au](mailto:philippa.osullivan@gplains.vic.gov.au) or [enquiries@gplains.vic.gov.au](mailto:enquiries@gplains.vic.gov.au)

Ph: 5220 7150 (direct) or 5220 7111 (via customer service)

Fax: 5220 7100

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**5. RESPONSIBILITIES****Compliance, monitoring and review**

- 5.1 The Policy Owner is the Protected Disclosure Coordinator (the PDC). The PDC is responsible for ensuring this policy:
- complies with relevant legislation, aligns with the PID Procedures, other government and Council policies, and the Council's values;
  - is implemented and monitored to ensure it is understood by all Councillors, members and employees and as part of continually strengthening the Council's integrity framework; and
  - is reviewed annually to evaluate its continuing effectiveness.

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**6. RELATED LEGISLATION AND DOCUMENTS****Legislation**

- 6.1.1 *Public Interest Disclosure Act 2012*
- 6.1.2 *Independent Broad-based Ant-corruption Commission Act 2011*
- 6.1.3 *Ombudsman Act 1973*
- 6.1.4 *Charter of Human Rights and Responsibilities Act 2006*
- 6.1.5 *Local Government Act 1989*
- 6.1.6 *Public Records Act 1973*



**PUBLIC INTEREST DISCLOSURES POLICY****Council policies**

- 6.1.7 Procurement Policy
- 6.1.8 Councillor Entitlements & Reimbursement Policy
- 6.1.9 Borrowing Policy
- 6.1.10 Community Grants Program Policy
- 6.1.11 Property Use Agreements
- 6.1.12 Asset Management Policy
- 6.1.13 Reserve and Provisions Funding Policy
- 6.1.14 Complaints handling Policy
- 6.1.15 Fraud and Corruption Policy
- 6.1.16 Gifts, Benefits and Hospitality Policy

**Strategic Documents, Protocols or Procedures**

- 6.1.17 Public Interest Disclosures Procedure
- 6.1.18 Councillor Code of Conduct
- 6.1.19 Code of Conduct (Staff)
- 6.1.20 CEO Protocol

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**7. HUMAN RIGHTS STATEMENT OF COMPATIBILITY**

- 7.1 This policy does not impact negatively on any rights identified in the *Charter of Human Rights and Responsibilities Act 2006 (Vic)*.

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**8. POLICY OWNER**

- 8.1 The Council's PDC is the policy owner.
- 8.2 The policy owner will review, edit and maintain this policy and associated procedure. The policy owner is also the point of contact for any questions regarding this policy.

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**9. FEEDBACK**

- 9.1 You may provide feedback about this document by emailing [enquiries@gplains.vic.gov.au](mailto:enquiries@gplains.vic.gov.au)

**PUBLIC INTEREST DISCLOSURES POLICY**

**10. DOCUMENT INFORMATION**

DOCUMENT TYPE:	Council Policy document
DOCUMENT STATUS:	Approved
DOCUMENT OWNER POSITION:	Director Corporate Services
APPROVED BY:	Council
DATE ADOPTED:	17/12/2019
VERSION NUMBER:	1
REVIEW DATE:	17/12/2023
DATE RESCINDED:	N/A
EVIDENCE OF APPROVAL:	Signed by Chief Executive Officer
FILE LOCATION:	INT19/4A42C5E3
NOTES:	<p>Policy documents are amended from time to time, therefore you should not rely on a printed copy being the current version. Please consult Council's Policy page on the Golden Plains Shire Council website to ensure that the version you are using is up to date. Available at:</p> <p><a href="https://www.goldenplains.vic.gov.au/residents/my-council/about-council/council-policies">https://www.goldenplains.vic.gov.au/residents/my-council/about-council/council-policies</a></p>