

## **1. Purpose & Scope**

- 1.1 Council is committed to fostering an ethical and transparent culture. In pursuit of this, Council values the disclosure of information about suspected wrongdoing in the public sector so that it can be properly assessed and, if necessary, appropriately investigated.

Council's S0035 Public Interest Disclosure Policy, together with this Public Interest Disclosure Procedure, demonstrates this commitment, and ensures that practical and effective procedures are implemented which comply with the requirements of the [Public Interest Disclosure Act 2010](#) (PID Act).

- 1.2 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.
- 1.3 As required under the PID Act, the Chief Executive Officer (CEO) will implement procedures to ensure that:
- any public officer who makes a PID is given appropriate support;
  - PIDs made to Council are properly assessed and, where appropriate, properly investigated and dealt with;
  - appropriate action is taken in relation to any wrongdoing which is the subject of a PID;
  - a management program for PIDs made to Council, consistent with the standards issued by the Queensland Ombudsman, is developed and implemented; and,
  - public officers who make PIDs are offered protection from reprisal by Council or other public officers of Council.

## **2. Commencement of Procedure**

- 2.1 This Procedure will commence from 13 November 2024.

## **3. Application Of Procedure**

- 3.1 This Procedure applies to all Councillors, officers, employees, contractors and volunteers of Council.
- 3.2 This Procedure should be read in conjunction with S0035 Public Interest Disclosure Policy.

## **4. Definitions**

- 4.1 Definitions for terms used within this Procedure can be found in S0035 Public Interest Disclosure Policy.

## **5. Procedure**

### **5.1 PID Management Program**

The Chief Executive Officer (CEO) has overall responsibility for ensuring that Council develops, implements and maintains a PID Management Program. Council's PID Management Program encompasses:

- commitment to encouraging the internal reporting of wrongdoing;
- senior management endorsement of the value to Council of PIDs and the proper management of PIDs;
- a communication strategy to raise awareness among employees about PIDs and Council's PID procedure;
- a training strategy to give employees access to training about how to make a PID, information on the support available to a Discloser, and advice on how PIDs will be managed;
- awareness about PIDs for senior management and other staff who may receive or manage PIDs, Disclosers or workplace issues relating to PIDs;
- the appointment of an officer responsible for issues related to the management of PIDs;
- ensuring effective systems and procedures are in place so that issues and outcomes from PIDs inform improvements to service delivery, business processes and internal controls; and

- regular review of the Public Interest Disclosure Procedure and evaluation of the effectiveness of the PID Management Program.

## 5.2 Why make a public interest disclosure?

Employees or Councillors who are prepared to speak up about public sector misconduct, wastage of public funds, suspected unlawful activity or danger to health, safety or the environment can be the most important sources of information to identify and address problems in public sector administration. Council supports the disclosure of information about wrongdoing because:

- implementing systems for reporting and dealing with wrongdoing contributes to the integrity of Council;
- the outcomes of PIDs can include improvements to systems that prevent fraud and other economic loss to Council; and
- the community's trust in public administration is strengthened by having strong processes in place for reporting wrongdoing.

When making a PID the Discloser receives the protections provided under the PID Act, including:

- confidentiality – the Discloser's name and other identifying information will be protected to the greatest extent possible;
- protection against reprisal – the Discloser is protected from unfair treatment by Council and employees of Council as a result of making the PID;
- immunity from liability – the Discloser cannot be prosecuted for disclosing the information but is not exempt from action if they have engaged in wrongdoing; and,
- protection from defamation – the Discloser has a defence against an accusation of defamation by any subject officer.

## 5.3 What is a public interest disclosure?

Under the PID Act, any person can make a disclosure about a:

- substantial and specific danger to the health or safety of a person with a disability;
- the commission of an offence, or contravention of a condition imposed under a provision of legislation mentioned in Schedule 2 of the PID Act, if the offence or contravention would be a substantial and specific danger to the environment; or
- reprisal because of a belief that a person has made, or intends to make a disclosure.

In addition, public sector officers can make a disclosure about the following public interest matters:

- corrupt conduct;
- maladministration that adversely affects a person's interests in a substantial and specific way;
- a substantial misuse of public resources;
- a substantial and specific danger to public health or safety; or
- substantial and specific danger to the environment.

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/work 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 Council to assess information received and decide if it is a PID; or,
- 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.

#### 5.4 Who can a public interest disclosure be made to?

A PID must be made to the 'proper authority' to receive disclosures of the type being made.

Disclosers are encouraged to make a disclosure to an appropriate officer of Council first. If the matter is not resolved, or the Discloser is concerned about confidentiality, the disclosure may be made to another appropriate agency.

Who to contact with Council:	Other agencies that can receive PIDs:
<p>Any person (including employees) can make a disclosure to:</p> <ul style="list-style-type: none"> <li>Any person in a supervisory or management position – '<i>persons who supervise</i>';</li> <li>Human Resources Department;</li> <li>Chief Executive Officer;</li> <li>Member of the Executive Leadership Team (ELT); or</li> <li>Governance Officer (PID Coordinator)</li> </ul>	<p>Disclosures can be made to an agency that has a responsibility for investigating the information disclosed:</p> <ul style="list-style-type: none"> <li>Crime and Corruption Commission (CCC) for disclosures about corrupt conduct including reprisal;</li> <li>Queensland Ombudsman for disclosures about maladministration (Councillors referred to the Office of the Independent Assessor);</li> <li>Queensland Audit Office for disclosures about a substantial misuse of public resources (Councillors referred to the Office of the Independent Assessor);</li> <li>Department of Child Safety, Seniors and Disability Services for disclosures about danger to the health and safety of a child or young person with a disability or for disclosures about danger to the health and safety of a person with a disability;</li> <li>Office of the Public Guardian for disclosures about danger to the health and safety of a person with a disability;</li> <li>Department of Environment and Science for disclosures about danger to the environment;</li> <li>A member of the Legislative Assembly (MP) for any wrongdoing or danger</li> <li>The Chief Judicial Officer of a court or tribunal in relation to a disclosure about wrongdoing by a judicial officer.</li> <li>Also, a person making a complaint under the <i>Anti-Discrimination Act 1991</i> about a reprisal in accordance with Section 44 of the PID Act. A complaint can be lodged with the Queensland Human Rights Commission.</li> </ul>

A disclosure can also be made to a journalist if the following conditions have been met:

- a valid PID was initially made to a proper authority, 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.

#### **5.5 How to make a public interest disclosure**

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; and
- provide this information in writing.

#### **5.6 Deciding whether a matter is a public interest disclosure**

All PIDs must be referred to the PID Coordinator for assessment. If there is any doubt as to whether a matter is a PID, further information may be obtained to inform the decision. If doubt still remains, the matter will be considered and managed as a PID.

Mere disagreements over policy do not meet the threshold for a PID under the PID Act.

It is an offence under the PID Act to intentionally give false or misleading information intending it be acted on as a PID. Employees may be subject to disciplinary action for intentionally giving false or misleading information in a PID, or during an investigation into a PID.

Where a Discloser states they are making a PID, but it is assessed that the matter is not a PID, Council will advise the Discloser:

- that their information has been received but was not assessed as a PID;
- the reasons for the decision;
- the review rights available if the Discloser is dissatisfied with the decision and how to request review;
- any action Council proposes to take in relation to the matter; and,
- any other options the Discloser has in relation to the matter.

Issues regarding performance management, workplace bullying, sexual harassment and discrimination, grievances and discipline, do not qualify for a PID under the PID Act. Such matters are dealt with through the mechanisms contained in the following policies and procedures:

- STRAT0003 Performance Policy;
- STRAT0005 Workplace Bullying, Sexual Harassment and Discrimination Policy;
- STRAT0006 Grievance Policy; and
- D0045 Discipline Procedure.

#### **5.7 Assessing a public interest disclosure**

The disclosure will be assessed in accordance with the PID Act, the PID standards, Council's Public Interest Disclosure Policy and any other relevant procedures.

Once the matter has been assessed as a PID, Council will advise the Discloser (in writing):

- that their information has been received and assessed as a PID;
- the action to be taken by Council in relation to the disclosure, which could include referring the matter to an external agency, or investigating;

- the likely timeframe involved;
- the name and contact details of the Council's support officer they can contact for updates or advice;
- of the Discloser's obligations regarding confidentiality;
- the protections the Discloser has under the PID Act;
- the commitment of Council to keep appropriate records and maintain confidentiality, except where permitted under the PID Act;
- how updates regarding intended actions and outcomes will be provided to the Discloser; and,
- contact details of Council's Employee Assistance Program.

If the PID has been made anonymously and the Discloser has not provided any contact details, Council will not be able to acknowledge the PID or provide any updates.

#### **5.8 Referring a public interest disclosure**

If Council decides there is another proper authority that is better able to deal with the PID, the PID may be referred to that agency. This may be because:

- the PID concerns wrongdoing by that agency or an employee of that agency; or,
- that agency has the power to investigate or remedy the matter.

Before referring the PID to another agency, Council will conduct a risk assessment, and will not proceed with the referral if there is an unacceptable risk of reprisal.

It may also be necessary to refer the PID to another agency because of a legislative obligation, for example, refer a matter to the Crime and Corruption Commission where there is a reasonable suspicion that the matter involves or may involve corrupt conduct (as required by section 38 of the *Crime and Corruption Act 2001*).

The confidentiality obligations of the PID Act permit appropriate officers of Council to communicate with another agency about the referral of a PID as authorised by the Chief Executive Officer. Officers will exercise discretion in their contacts with any other agency.

The Discloser will be advised of the action taken by Council.

#### **5.9 Risk assessment and protection from reprisal**

Disclosures should not suffer any form of detriment as a result of making a PID. Upon receiving a PID, Council will conduct a risk assessment to assess the likelihood of the Discloser (or witnesses of affected third parties) suffering reprisal action as a result of having made the disclosure (refer PID Assessment Guide form available on the Queensland Ombudsman website). The assessment will take into account the actual and reasonably perceived risk of the Discloser (or witnesses or affected third parties) suffering detriment, and will include consultation with the Discloser.

A risk assessment will be undertaken if the Discloser is anonymous on the basis of information available in the PID. The risk assessment will also take into account the risk to persons who may be suspected of making the PID.

Consistent with the assessed level of risk, Council will develop and implement a risk management plan and arrange any reasonably necessary support or protection for the Discloser (or witnesses or affected third parties).

Council will regularly reassess the risk of reprisal while the PID is being managed, in consultation with the Discloser, and review the risk management plan if required.

In the event of reprisal action being alleged or suspected, Council will:

- attend to the safety of the Discloser (or witnesses or affected third parties) as a matter of priority;
- review its risk assessment, risk management plan and any protective measures needed to mitigate any further risk of reprisal;



- manage any allegation of a reprisal as a PID in its own right.

#### **5.10 Declining to take action on a public interest disclosure**

Under the PID Act, Council may decide not to investigate or deal with a PID in various circumstances, including:

- the information disclosed has already been investigated or dealt with by another process;
- the information disclosed should be dealt with by another process;
- the age of the information makes it impractical to investigate;
- the information disclosed is too trivial and dealing with it would substantially and unreasonably divert Council from the performance of its functions; or,
- another agency with jurisdiction to investigate the information has informed Council that an investigation is not warranted.

If a decision is made not to investigate or deal with a PID, Council will give the Discloser written reasons for that decision.

If the Discloser is dissatisfied with the decision, they can request a review by writing to the Chief Executive Officer of Council within 28 days of receiving the written reasons for decision.

#### **5.11 Communication with Disclosers**

Under the PID Act, Council must give reasonable information to a Discloser.

Council will acknowledge receipt of the PID in writing as soon as practicable. The Discloser will be provided with information that meets the requirements of the PID Act and the standards issued by the Queensland Ombudsman, including:

- the action that will be taken in response to the PID;
- the protections under the PID Act;
- confidentiality obligations of the Discloser and Council; and,
- support arrangements.

#### **5.12 Confidentiality**

While Council will make every attempt to protect confidentiality, a Discloser's identity may need to be disclosed to:

- provide natural justice to subject officers; and/or
- respond to a court order, legal directive or court proceedings.

Council will ensure that communication with all parties involved will be arranged discreetly to avoid identifying the Discloser wherever possible.

Disclosers should be aware that while Council will make every attempt to keep their details confidential, it cannot guarantee that others will not try to deduce their identity.

#### **5.13 Support for Disclosers**

Council recognises that providing appropriate support to a Discloser is an important feature of effective PID management.

An assessment will be undertaken to identify the support needs of the Discloser. Where appropriate, a PID Support Officer will be assigned to the Discloser. The PID Support Officer will assist the Discloser

to access information about PIDs, protections available under the PID Act and the PID management process. The PID Support Officer will proactively contact the Discloser to offer support.

Information and support will be provided to the Discloser until the matter is finalised.

Making a PID does not prevent reasonable management action. That means that the Discloser will continue to be managed in accordance with normal, fair and reasonable management practices during and after the handling of the PID.

#### **5.14 Investigating a public interest disclosure**

If a decision is made to investigate a PID, this will be done with consideration for the:

- principles of natural justice;
- obligation under the PID Act to protect confidential information;
- obligation under the PID Act to protect officers from reprisal; and
- interests of subject officers.

If, as a result of investigation, the information about wrongdoing provided in the PID is substantiated, appropriate action will be taken.

Where the investigation does not substantiate wrongdoing, Council will review systems, policies and procedures to identify whether there are improvements that can be made and consider if staff training is required.

#### **5.15 Rights of subject officers**

Council acknowledges that for officers who are the subject of a PID the experience may be stressful. Council will protect their rights by:

- assuring them that the PID will be dealt with impartially, fairly and reasonable in accordance with the principles of natural justice;
- confirming that the PID is an allegation only until information or evidence obtained through an investigation substantiates the allegation;
- providing them with information about their rights and the progress and outcome of any investigation;
- referring them to the Employee Assistance Program for support.

Information and support will be provided to a subject officer until the matter is finalised.

#### **5.16 Recordkeeping**

In accordance with its obligations under the PID Act and the *Public Records Act 2002*, Council will ensure that:

- accurate data is collected about the receipt and management of PIDs; and,
- anonymised data is reported to the Office of the Queensland Ombudsman in their role as the oversight agency, through the PID reporting database.

Records about disclosures, investigations and related decisions will be kept secure and accessible only to appropriately authorised people involved in the management of the PID.

### 5.17 Roles and Responsibilities

The Chief Executive Officer has designated the following roles and responsibilities for managing PIDs within Council:

Role	Responsibilities	Officer
Disclosure Recipient	Under the PID Act, the Chief Executive Officer is to be the official recipient of the disclosure. The CEO is to apply the four tests of the Public Interest Disclosure (PID) to determine if the disclosure is in fact a PID. Once the CEO has determined it is a PID, they are to forward the PID to the PID Coordinator.	<b>Chief Executive Officer</b> PIDs can be accepted in the following ways: <ul style="list-style-type: none"> <li>• <b>Anonymously –</b> through 'Complaints Management' via Council's website (<a href="#">Complaints Management – Charters Towers Regional Council</a>)</li> <li>• <b>In person –</b> Administration Centre, 12 Mosman Street, Charters Towers Qld 4820</li> <li>• <b>In writing:</b> CONFIDENTIAL PID – Chief Executive Officer Charters Towers Regional Council PO Box 189 Charters Towers QLD 4820</li> <li>• <b>By phone –</b> 07 4761 5300</li> <li>• <b>By email:</b> <a href="mailto:ceo@charters Towers Regional Council">ceo@charters Towers Regional Council</a></li> </ul>
PID Coordinator	<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 all PIDs received by Council</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>	<b>Governance Officer</b> <b>Email:</b> <a href="mailto:governance@charters Towers Regional Council">governance@charters Towers Regional Council</a> <b>Phone:</b> 07 4761 5360



PID Support Officer	<ul style="list-style-type: none"> <li>• Provide advice and information to discloser on Council PID procedure</li> <li>• Provide personal support and referral to other sources of advice or support as required</li> <li>• Facilitate updates on progress of investigation</li> <li>• Proactively contact Discloser throughout PID management process</li> </ul>	<p><b>Internal: Executive Manager Human Resources and Work Health and Safety</b></p> <p><b>Email:</b> <a href="mailto:hr@chartersowers.qld.gov.au">hr@chartersowers.qld.gov.au</a></p> <p><b>Phone:</b> 07 4761 5364</p> <p><b>External: Governance Officer</b></p> <p><b>Email:</b> <a href="mailto:governance@chartersowers.qld.gov.au">governance@chartersowers.qld.gov.au</a></p> <p><b>Phone:</b> 07 4761 5360</p>
Investigator	<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.
Delegated decision- maker	<ul style="list-style-type: none"> <li>• Review investigation report and determine whether alleged wrongdoing is substantiated</li> </ul>	An appropriate decision-maker will be appointed for each PID investigated.

## 6. Variations

6.1 Council reserves the right to vary, replace or terminate this Procedure from time to time.

### Associated Documents

- *Crime and Corruption Act 2001*
- *Local Government Act 2009*
- *Ombudsman Act 2001*
- *Public Interest Disclosure Act 2010*
- *Public Records Act 2002*
- *Public Sector Ethics Act 1994*
- STRAT0008 Enterprise Risk Management Policy
- S0014 Complaints Management Policy

### Supporting Information

- [Public Interest Disclosure Standard No. 1/2019](#)
- [Public Interest Disclosure Standard No. 2/2019](#)
- [Public Interest Disclosure Standard No. 3/2019](#)
- [Disclosure Fact sheet 1: What is a disclosure](#)
- [Disclosure Fact sheet 2: Checklist for making a disclosure](#)
- [Disclosure Fact sheet 3: Discloser information and support](#)

Further guidance for Disclosers is available from the Ombudsman's website at:

<https://www.ombudsman.qld.gov.au/how-to-complain/how-to-make-a-public-interest-disclosure>

Document Review			
<b>Date Adopted by Council</b>	N/A	<b>Council Resolution</b>	N/A
<b>Date Adopted by ELT</b>	13 November 2024	<b>Next Review Date</b>	October 2025
<b>ECM No.</b>	1259862	<b>Document Contact</b>	Governance Officer