



RICHMOND SHIRE COUNCIL PUBLIC INTEREST DISCLOSURE POLICY

POLICY NUMBER: 047
INFOXPRT REF: 72087
TIME PERIOD OF REVIEW: 1 Year
DATE OF NEXT REVIEW: September 2026

1. OBJECTIVE

This is 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 current Council Policies.

Statutory Policies comply with a legislative requirement; the Public Interest Disclosure Policy is approved by the Richmond Shire Council for the operations and procedures of Council.

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 the Richmond Shire Council (Council) to make appropriate disclosures.

2. SCOPE

As a public sector entity, the Richmond Shire Council is subject to the requirements of the *Public Interest Disclosure Act 2010*, and all Council Employees and Elected Members are public officers for the purposes of the legislation (*Section 7 (1) Public Interest Disclosure Act 2010*).

Council has obligations under this Act in relation to the receiving of public interest disclosures and ensuring that persons making such disclosures are protected from reprisals.

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

3. PUBLIC INTEREST DISCLOSURE BY ANY PERSON

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) a substantial 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.

4. PUBLIC INTEREST DISCLOSURE BY A PUBLIC OFFICER

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-
 - corrupt conduct; or
 - maladministration that adversely affects a person's interests in a substantial and specific way; or
- b) 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.

5. DISCLOSURE PROCESS

You should disclose anything you think may be a PID. You do not need proof, as long as you have reasonable grounds to believe that it has occurred.

Where possible, be prepared to give information on:

- a) the name, job title and workplace address of the person the subject of your disclosure details of relevant events, dates and places
- b) the names of people who may be able to back up what you say
- c) any other evidence that supports your view.

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

- a) In person at the Council's administration building at 65 Goldring Street, Richmond, QLD - please phone first for an appointment
- b) By email to ceo@richmond.qld.gov.au
- c) In writing addressed to The Chief Executive Officer, Richmond Shire Council, PO Box 18, RICHMOND QLD 4822
- d) By phone (07) 4719 3377

6. ANONYMOUS DISCLOSURES

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.

If Council receives an anonymous disclosure about a wrongdoing, we will assess whether the information is a PID. If the information is assessed as a PID, Council will investigate the matter.

7. COUNCIL COMMITMENTS

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.

In accordance with the objectives of the PID Act, it is Council policy to:

- a) promote the public interest by facilitating Public Interest Disclosures of wrongdoing in the public sector; and
- b) ensure that Public Interest Disclosures are properly made, assessed, and when appropriate, thoroughly investigated and dealt with; and
- c) ensure that appropriate consideration is given to the interests of persons who are the subject of a Public Interest Disclosure;
- d) afford protection from reprisals to persons making Public Interest Disclosures.

These outcomes (including information regarding how a PID may be made) are achieved via the Public Interest Disclosure Management Plan and Procedure which is developed and implemented by the Chief Executive Officer in accordance with s28(1) of the PID Act and this Policy.

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:

- a) ensure that Public Interest Disclosures are managed appropriately in accordance with the requirements of PID Act
- b) maintain confidentiality of Public Interest Disclosures received, as per s65 of the PID Act
- c) 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)
- d) 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).

8. DEFINITIONS

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.

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—
 - the person honestly believes on reasonable grounds that the information tends to show the conduct or other matter; or
 - 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.

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.

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

Reportable conduct is conduct by a person or persons connected with Council which is:

- dishonest
- fraudulent
- corrupt
- illegal (including theft, drug sale/use, violence or threatened violence and criminal damage against property)
- a breach of legislation or local laws
- unethical (either a breach of council's Code of Conduct for Staff or generally)
- serious improper conduct
- unsafe work practices

- conduct which may cause financial or non-financial loss to the council or be otherwise detrimental to the interests of the council
- gross mismanagement
- serious or substantial waste or
- repeated instance of breach of administrative procedures.

Reprisal occurs when a person attempts to cause or causes detriment to anybody because of a belief that a person intends to or has made a public interest disclosure.

Staff includes Councillors, employees, volunteers and all others who perform work on behalf of council.

Subject officer is the person about whom the public interest disclosure is made.

9. RELATED DOCUMENTS

- Public Interest Disclosure Procedure
- Public Interest Disclosure Management Plan

10. LEGISLATION

- *Local Government Act 2009*
- *Public Interest Disclosure Act 2010*
- *Crime and Corruption Act 2001*
- *Ombudsman Act 2001*
- *Public Sector Ethics Act 1994*
- *Public Records Act 2022*
- *Information Privacy Act 2009*

11. IMPLEMENTATION

This Policy will commence from the Policy reviewed date and will be made available to all corporate staff on Council's intranet site/network, and to all outdoor staff via their supervisor/coordinator. Council reserves the right to vary, replace or terminate this Policy from time to time. This Policy will typically be reviewed when a review has been deemed appropriate by organisational processes (e.g., audit recommendations), or when legislative requirements change.

12. APPROVAL

Date of Adoption: 19 May 2015
 Policy Reviewed: General Council Meeting 15 October 2024
 Resolution Number: 20241015.23

Policy Authorised: Peter Bennett
 Chief Executive Officer