



Policy

PUBLIC INTEREST DISCLOSURE

Responsible Officer: GENERAL MANAGER

Date Commenced: 26 FEBRUARY 2021

Review Date: 3 NOVEMBER 2023

1. Purpose

The purpose of this Policy is to outline the compliance requirements for the Public Interest Disclosure Act 2002.

2. Objectives

The objectives of this Policy are:

1. To adopt the Model Procedures outlined by the Ombudsman Tasmania, from 25 November 2020
2. To submit these procedures to the Ombudsman for approval before adoption
3. To resubmit the procedures to the Ombudsman every three years after that for re-approval

3. Background

Tasmania's whistleblowing legislation, the Public Interest Disclosures Act 2002 (the Act), aims to reduce corruption, misuse of public positions, and other forms of improper conduct in public bodies. Research indicates that internal reporting is the primary way in which improper conduct is identified and addressed. Public bodies should encourage and facilitate disclosures through robust procedures, fostering a positive and safe reporting culture and taking decisive action when improper conduct is found.

All public bodies are required under section 60 of the Act to develop and publish procedures to handle public interest disclosures that comply with the guidelines and standards. This guideline sets out the essential requirements for public bodies concerning public interest disclosure procedures, it provides the minimum standard for what must be included in those procedures.

Large public bodies must submit their procedures for my approval on the establishment and then at least every three years. The guidelines outlined in the Public Interest Disclosure procedures replace the previous Guidelines and Standards published by the Ombudsman under section 38(1) (c) of the Act in November 2003, March 2011 and March 2019.



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4. Scope

The scope of the Policy covers the Public Interest Disclosures Act 2002 compliance requirements; with the associated procedures outlining them in detail and how public officers and contractors can:

- Make disclosures about improper conduct or reprisal action
- When disclosures are assessed
- How public interest disclosures are investigated and;
- How King Island Council protects disclosures and affords procedural fairness to those being investigated.

5. Policy

5.1 King Island Council is committed to the aims and objectives of the Public Interest Disclosures Act 2002 (the Act). It does not tolerate improper conduct by its employees, officers, or members, or the taking of detrimental action those who come forward to disclose such conduct.

King Island Council recognizes the value of transparency and accountability in its administrative and management practices. It supports the making of disclosures that reveal the type of conduct to which the Act is directed.

King Island Council will take all reasonable steps to protect people who make such disclosure from any detrimental action in reprisal for making the disclosure and to protect their welfare. It will also afford natural justice to all parties involved in the investigation of a disclosure.

The Public Interest Disclosure Act 2002 removes barriers that prevent people who work in the public sector from speaking up about serious problems. It protects those that report allegations through:

- Encouraging and facilitating the disclosure of information by public officials about suspected wrongdoing in the public sector
- Making sure public interest disclosures are supported and protected from adverse consequences
- Making certain disclosures by public officials are appropriately investigated and dealt with, as per the Act.



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5.2 COUNCIL OPERATED SOCIAL MEDIA SITES

Council administers two Facebook pages.

5.3 RELATED KING ISLAND COUNCIL POLICIES/PROCEDURES

Employees and other persons at the workplace, especially managers and supervisors, are required to read this Policy in conjunction with other relevant Council policies, procedures, and other related or relevant documents, including but not limited to:

- Procedure – Public Interest Disclosure
- Workplace Health and Safety Policy and Commitment
- GM Directive – Code of Conduct Policy
- GM Directive – Discipline Policy
- GM Directive – Discipline Procedure
- GM Directive – Issue Resolution Policy
- GM Directive – Issue Resolution Procedure
- GM Directive – Workplace Discrimination & Harassment Policy
- King Island Council’s Customer Service Charter
- Council’s current Enterprise Agreement
- Council’s Vision and Guiding Principles Statement

5.4 TRAINING

Council will provide all persons covered by this Policy with appropriate training to be made aware of their responsibilities and obligations under the Policy.

5.5 AMENDMENT

Council retains the sole discretion to vary, terminate or replace this Policy from time to time, based on the required legislative requirements. Council will consult before amendments are made and will notify and train those the amendments apply to.

5.6 INTERPRETATION OF POLICY

- (i) The singular includes the plural and vice versa.
- (ii) A reference to any legislation includes all delegated legislation made under it and amendments, consolidations, replacements, or re-enactments of any of them.
- (iii) A reference to Policy or procedure means any approved policies or procedures of Council unless otherwise stated.
- (iv) ‘Including’ and similar expressions are not words of limitation.
- (v) A reference to a document (including this document) is to that document as amended, novated, or replaced unless otherwise stated.
- (vi) A word or expression is given a particular meaning; other parts of speech and grammatical forms of that word or phrase have a corresponding meaning.



KING ISLAND COUNCIL

- (vii) Examples used in this Policy are for illustrative purposes only and are not intended to be exhaustive. Depending on the circumstances may or may not amount to Infringing Workplace Behaviour.
- (viii) Unless expressly provided for this Policy is not in any way incorporated as part of any enterprise agreement. It does not form part of any Employee's contract of employment and any applicable enterprise agreement, or contract of employment will prevail over this Policy to the extent of any inconsistency.
- (ix) It is not intended that this Policy impose any obligations on the Council or those covered by it that are unreasonable or contrary to Applicable Laws' operation. Any duty, direction, instruction or responsibility imposed by this Policy must be carried out in a manner that an objective third party would consider being fair and reasonable taking into account and in the context of all the relevant Applicable Laws, operational and personal circumstances.
- (x) Questions relating to the interpretation, application, or enforcement of this Policy should be directed to a person's Manager/Supervisor or the HR Officer.

5.7 REPORTING OF BREACHES

Persons covered under Section 4 (Scope) must reasonably report breaches of Infringing Workplace Behaviour as follows:

For breaches by

- (i) an Employee (other than the General Manager), the report must go to the reporting person's applicable Manager/Supervisor;
- (ii) an Other Person at the Workplace, to the General Manager; and
- (iii) the General Manager the report must go to the Mayor, and

as otherwise required or permitted by Applicable Laws.

5.8 BREACH OF POLICY

- (i) Employees shall comply with the requirements of this Policy. Any breach of this Policy may result in disciplinary action, which may include termination of employment.
- (ii) Another action that Council may take includes, but is not limited to, issuing a warning, suspension, or disconnection of access to all or part of the Council computer network, whether permanently or temporarily.
- (iii) Breaches of this Policy occurring outside of the usual hours of employment may also be subject to disciplinary action.
- (iv) Persons covered under Section 4 (Scope) must reasonably report breaches of Infringing Workplace Behaviour may (s is appropriate and as applicable) be subject to appropriate disciplinary action. As per Disciplinary Policy and Procedure (Employees), or removal from the Workplace or termination of



services (Other Persons at the Workplace). Infringing Workplace Behaviour may also amount to breaches of Applicable Laws:

- (a) exposing individuals to legal proceedings and
- (b) making Council vicariously liable for the conduct of others.



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POLICY VERSION AND REVISION INFORMATION

Policy Authorised by Greg Alomes
Title: General Manager
Policy Maintained by Corporate Services Team
Policy Commencement: 26 February 2020
Policy Review: 3 November 2023

ACKNOWLEDGEMENT

I acknowledge:

- *receiving the Policy;*
- *that I shall comply with the Policy;*
- *that there may be disciplinary consequences if I fail to comply with this Policy, which may result in the termination of my employment; and*
- *that Council has the right to access employee's Council internet and any form of employee's Blogging and Social Media from time to time.*

Name: _____

Signed: _____

Date: _____



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