KING ISLAND COUNCIL

Policy

PUBLIC INTEREST DISCLOSURE

Responsible Officer: GENERAL MANAGER

Date Commenced: 25 March 2025

Review Date: 30 June 2027

1. Purpose

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

2. Objectives

King Island Council affirms *their commitment to the purposes of the Public Interest Disclosures Act 2002 (the Act), which are primarily:*

- *to encourage and facilitate disclosures of improper conduct by public officers;*
- *to protect persons making those disclosures and others from reprisals;*
- *to provide for the matters disclosed to be properly investigated and dealt with; and*
- *to provide all parties involved with those disclosures with procedural fairness (referred to as natural justice in the Act).*

King Island Council recognises 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.

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 approval by the Ombudsman at least every three years.

4. Scope

The scope of the Policy covers the Public Interest Disclosures Act 2002 compliance requirements; with the associated procedures (available on Council's web site) 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.

Which includes elected members, employees and contractors when acting on behalf of Council.

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.

5.2 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
Councillor's Code of Conduct
Workplace Health and Safety Policy and Commitment
GM Directive – Code of Conduct Policy
GM Directive – Discipline Policy
GM Directive – Discipline Procedure
GM Directive – Dispute Resolution Policy
GM Directive – Dispute 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 INTERPRETATION OF POLICY

(i) A reference to any legislation includes all delegated legislation made under it and amendments, consolidations, replacements, or re-enactments of any of them.

(ii) A reference to Policy or procedure means any approved policies or procedures of Council unless otherwise stated.

(iii) 'Including' and similar expressions are not words of limitation.

(iv) A reference to a document (including this document) is to that document as amended, novated, or replaced unless otherwise stated.

(v) 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.

(vi) 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.

(vii) 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.

(viii) 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.

(ix) Questions relating to the interpretation, application, or enforcement of this Policy should be directed to a person's Manager/Supervisor or the Governance Manager.

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 (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.

POLICY VERSION AND REVISION INFORMATION

Policy Authorised by:	Catherine Dale
Title:	Acting General Manager
Policy Maintained by:	Governance Manager
Policy Commencement:	25 March 2025
Policy Review:	30 June 2027

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: _____