

# Hobsons Bay Public Interest Disclosures Policy

2020 Version 1.0

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## 1. Introduction

This policy has been developed by Hobsons Bay City Council pursuant to Section 58 of the *Public Interest Disclosures Act 2012* (the PID Act).

This policy addresses how Council will handle complaints and disclosures made under the PID Act.

The PID Act ensures that people who report improper conduct and corruption in the Victorian public sector can do so in the knowledge that they will be protected from reprisals.

This policy should be read in conjunction with the Hobsons Bay City Council Public Interest Disclosures Procedures established under section 58 of the Public Interest Disclosures Act 2012 and the Independent Broad-based Anti-corruption Commission's (IBAC's) Guidelines for Handling Public Interest Disclosures – January 2020. Council follows these guidelines in regard to the reporting and investigating of disclosures of improper conduct or detrimental action by the Council either as an organisation or by its employees.

This policy, the Hobsons Bay City Council Public Interest Disclosures Procedures and the IBAC guidelines also cover managing the welfare of any person who either makes a public interest disclosure, is a witness in the investigation of a public interest complaint or any person who is the subject of such an investigation.

## 2. Statement of Support

Hobsons Bay City Council is committed to the aims and objectives of the *Public Interest Disclosures Act 2012*. Council does not tolerate improper conduct by its employees or Councillors and will not accept reprisals against those who come forward to disclose such conduct.

Council recognises the value of transparency and accountability in its administrative and management practices, and supports the making of disclosures that reveal corrupt conduct, conduct involving a substantial mismanagement of public resources, or conduct involving a substantial risk to public health and safety or the environment.

Council will take all reasonable steps to protect people who make such disclosures from any detrimental action in reprisal for making the disclosure. It will also respect the rights of the person who is the subject of the disclosure, particularly their right to a fair and impartial investigation.

## 3. About this policy

Hobsons Bay City Council is deemed by the PID Act to be an organisation that can receive disclosures. Council can only receive and deal with disclosures which concern Hobsons Bay City Council as an organisation and its Council officers.

This policy supports any person making a public interest disclosure to the extent that Council is committed to the aims and objectives of the PID Act. Council does not tolerate improper conduct by its employees or Councillors and will not accept reprisals against those who come forward to disclose such conduct.

Council recognises the value of transparency and accountability in its administrative and management practices and supports the making of disclosures that reveal corrupt conduct, conduct involving a substantial mismanagement of public resources, or conduct involving a substantial risk to public health and safety or the environment.

Council will take all reasonable steps to protect people who make such disclosures from any detrimental action in reprisal for making the disclosure. It will also respect the rights of the person who is the subject of the disclosure, particularly their right to a fair and impartial investigation.

#### 4. What is a public interest disclosure?

Public interest disclosures are reports about:

- improper conduct of public bodies or public officers (such as corrupt conduct)
- detrimental action that a public body or public officer has taken against a person in reprisal for them (or another person) having made a public interest disclosure or cooperating with the investigation of a public interest disclosure.

#### 5. Who can make a public interest disclosure?

Any member of the public or an employee of Hobsons Bay City Council can make a public interest disclosure if they reasonably believe that Council or its employee or a Councillor has engaged in, or proposes to engage in, improper conduct.

#### 6. Treatment of matters that are not disclosures

If Council receives a disclosure which does not meet all the requirements of Part 2 of the PID Act, it will not be treated as a public interest disclosure. Council's Public Interest Disclosure Coordinator, where practical and appropriate to do so, will inform the discloser how to make the disclosure in a way that would comply with the requirements of the PID Act.

If a disclosure does not meet the requirements of the PID Act, Council will consider whether the disclosure should be treated as a complaint, notification or referral to the Council.

Council's Public Interest Disclosure Coordinator will assess whether any follow-up could reasonably expose the person who made the disclosure to detrimental action or some other detriment or disadvantage.

Where practical and reasonable to do so, the Public Interest Disclosure Coordinator will discuss this with the discloser before proceeding to take the matter any further. If the Public Interest Disclosure Coordinator decides to take further action in relation to the information received, all care will be taken to protect the identity of the discloser.

## 7. How can I make a public interest disclosure?

Disclosures of improper conduct or detrimental action by Council or its employees can be made confidentially to either:

### **Diane Eyckens**

Public Interest Disclosure Coordinator

Telephone: 9932 1000

Email: [publicdisclosures@hobsonsabay.vic.gov.au](mailto:publicdisclosures@hobsonsabay.vic.gov.au)

### **Martina Simkin**

Public Interest Disclosure Officer

Telephone: 9932 1041

Email: [publicdisclosures@hobsonsabay.vic.gov.au](mailto:publicdisclosures@hobsonsabay.vic.gov.au)

Written disclosures should be addressed 'Confidential' to the attention of The Public Interest Coordinator, Hobsons Bay City Council, PO Box 21, Altona, 3018.

A disclosure can be made in writing (including by email or online form, but not by fax) or verbally either in person or over the telephone. A disclosure can be left on a telephone as a voice message.

Council's Public Interest Disclosures Procedures detail the appropriate handling of public interest disclosures.

A person does not need to identify themselves to make a disclosure. An anonymous disclosure can be made by using an unverifiable email address, anonymous phone call or even face-to-face if they refuse to identify themselves.

### 7.1 [A disclosure about Hobsons Bay City Council or Council officers](#)

A disclosure about improper conduct or detrimental action by Hobsons Bay City Council or Council officers may also be made directly to IBAC.

### 7.2 [A disclosure about the Chief Executive Officer](#)

A public interest disclosure about the Chief Executive Officer should be immediately referred to IBAC (Refer to section 14, page 8 for contact details).

### 7.3 A disclosure about Councillors

A disclosure about improper conduct or detrimental action by Councillors can be made to either the IBAC or the Victorian Ombudsman, not to Council (Refer to sections 14 and 15, page 8 for contact details).

## 8. How will Council protect me if I make a disclosure?

Hobsons Bay City Council will take all reasonable steps to protect a person who makes a public interest disclosure. All correspondence, phone calls and emails from a discloser will be referred to the Public Interest Disclosure Coordinator.

The Public Interest Disclosure Coordinator will take all necessary steps to ensure that the identity of the discloser and the person who is the subject of the disclosure are kept confidential. Where appropriate, welfare support will also be provided.

## 9. Misdirected Disclosures

Where a disclosure is incorrectly received by Council, the PID Act allows for Council (as the wrong receiving entity) to redirect the discloser to another receiving entity without the discloser losing the protections under the PID Act.

The Public Interest Disclosure Coordinator will redirect the disclosure to the appropriate entity within 28 days.

Beyond this notification, Council is prohibited from disclosing the content of the misdirected disclosure and from disclosing information likely to reveal the identity of the person who made it.

## 10. Council's Internal Reporting Procedures

Hobsons Bay City Council supports a workplace where the making of a public interest disclosure is valued and the right of any individual to make a public interest disclosure is taken seriously. This involves:

- making this policy, including detailed information about how disclosures may be made and contact details available on Council's website and available to Council officers, Councillors and any other person seeking access
- ensuring that appropriate training is provided at all levels of the organisation to raise awareness of how a public interest disclosure may be made, and to take all reasonable steps to ensure Council officers and Councillors are familiar with this policy and IBAC's guidelines
- implementation of a centralised confidential reporting system accessible only to appropriately authorised officers, allowing the flow of information to be tightly controlled to enhance confidentiality and minimising risks of reprisals being taken against disclosers

- encouraging reporting of disclosures to Council’s Public Interest Disclosure Coordinator or the Public Interest Disclosure Officer to ensure confidentiality of all disclosures and appropriate management of the information associated with the disclosure
- ensuring that the reporting system protects the confidentiality of information received or obtained in connection with a public interest disclosure in accordance with the PID Act
- ensuring that the reporting system protects the identity of persons connected with a public interest disclosure in accordance with the PID Act
- not tolerating the taking of detrimental action in reprisal against any person for making a public interest disclosure, including the taking of any reasonable steps to protect such persons from such action being taken against them
- affording natural justice to those who are the subject of disclosures
- taking appropriate disciplinary and other action against any Council officers or Councillors engaged in the taking of detrimental action
- ensuring any staff involved in handling public interest disclosures are trained to receive and manage public interest disclosures appropriately
- ensuring that Council handles public interest disclosures consistently and appropriately in accordance with its obligations under the PID Act and the IBAC guidelines
- identifying and promoting clear contact points for reporting public interest disclosures and for capturing all disclosures irrespective of whether they are made in person, by mail, by telephone or by email
- where Council is the wrong receiving entity in relation to the nature of the disclosure, referring the person purporting to make the disclosure and/or the disclosure itself to the relevant receiving entity

## 11. Responsibilities

### 11.1 Council officers and Councillors

Council officers and Councillors are encouraged to report known or suspected incidences of improper conduct or detrimental action in accordance with this policy, whether such conduct or action has taken place, is suspected will take place, or is still occurring.

It is expected that Council officers and Councillors will support colleagues who have made a legitimate disclosure in accordance with the PID Act. They must refrain from any activity that is, or could be perceived to be, victimisation or harassment of a person who has made a disclosure. Furthermore, they should protect and maintain the confidentiality of a person they know or suspect to have made a disclosure.

If the disclosure relates to the conduct of the Chief Executive Officer, the disclosure should be made to the Protected Disclosure Coordinator. If the disclosure relates to the conduct of the Protected Disclosure Coordinator, then the disclosure should be made to the Chief Executive Officer.

A public interest disclosure about the conduct of a Councillor cannot be made to Council or a Council officer. A person who wishes to make a disclosure about a Councillor must make that disclosure to the IBAC or the Victorian Ombudsman.

## 11.2 Managers and directors

Council officers who wish to make a public interest disclosure may make the disclosure to their coordinator, supervisor, team leader, manager or director.

When a coordinator, supervisor, team leader, manager or director receives a disclosure they will:

- immediately bring the matter to the attention of the Public Interest Disclosure Coordinator
- write down any disclosure that is made verbally
- take all necessary steps to ensure the information disclosed, including the identity of the discloser and any persons involved remains confidential
- offer to remain a support person to the discloser

## 12.0 Definitions

<b>Assessable disclosure</b>	Any disclosure either made directly to the IBAC, the Victorian Ombudsman or received by Council is required under Section 21 of the PID Act to be notified by the Council to the IBAC for assessment
<b>Council</b>	Hobsons Bay City Council
<b>Council officer</b>	Generic terms used to describe a person engaged or providing services on behalf of Council. This includes employees, volunteers (including work experience and work placement volunteers), contractors, consultants, or persons employed through a third party agency
<b>Discloser</b>	A person who (purports to) make a complaint, allegation or disclosure (however described) under the PID Act
<b>Disclosure</b>	Any complaint, concern, matter, allegation or disclosure (however described) purported to be made in accordance with Part 2 of the PID Act
<b>Guidelines</b>	The Guidelines published by the IBAC - January 2020
<b>IBAC Act</b>	Independent Broad-based Anti-corruption Commission Act 2011

<b>IBAC Manager</b>	Independent Broad-based Anti-corruption Commission The person to whom a worker directly reports. This can include (but not limited to) director, manager, coordinator, team leader or supervisor
<b>Misdirected disclosure</b>	A public interest disclosure made to the wrong receiving entity that is redirected to another receiving entity without the discloser losing the protections under the PID Act.
<b>PID Act Public interest discloser</b>	<i>Public Interest Disclosure Act 2012</i> A person who makes a disclosure of improper conduct or detrimental action in accordance with the requirements of Part 2 of the PID Act.
<b>Public interest complaint</b>	A public interest disclosure which has been determined and assessed by the IBAC, the VI or the IOC to be a public interest complaint.
<b>Public interest disclosure</b>	A disclosure by a natural person of information that shows or tends to show, or information that a person reasonably believes shows or tends to show, improper conduct or detrimental action.
<b>Regulations</b>	Regulations made to support the Public Interest Disclosures Act 2012
<b>serious professional misconduct</b>	Conduct that constitutes a serious breach of an established professional code of conduct and/or other serious departures from the person's professional responsibilities.

### 13. [Need more information?](#)

If you want to speak to a Council officer you can refer your enquiry to Council's Public Interest Disclosure Coordinator, Diane Eyckens on telephone 9932 1000 or Council's Public Interest Disclosure Officer, Martina Simkin on telephone 9932 1041.

You can find more information about public interest disclosures on the IBAC website.

### 14. [Disclosures to IBAC](#)

Disclosures may also be made directly to IBAC.

Address: Level 1, North Tower, 459 Collins Street, Melbourne 3001  
 Telephone: 1300 735 135  
 Online: [IBAC Online Complaint Form](#)

## 15. Disclosures to the Victorian Ombudsman

Disclosures can also be made directly to the Victorian Ombudsman:

Address: Level 2, 570 Bourke Street, Melbourne 3000  
Telephone: 9613 6222 or toll free to 1800 806 314  
Email: [ombudvic@ombudsman.vic.gov.au](mailto:ombudvic@ombudsman.vic.gov.au)  
Online: [Online Complaint Form](#)

## 16. Related Documents

Public Interest Disclosures Procedure (A)

Privacy Policy (A)

Employee Code of Conduct (A)

Councillor Code of Conduct (A)

## 17. Related Legislation

*Privacy and Data Protection Act 2014*

*Health Records Act 2001*

*Freedom of Information Act 1982*

*Victorian Charter of Human Rights and Responsibilities Act 2006*

*Independent Broad-based Anti-corruption Commission Act 2011*

*Public Interest Disclosures Act 2012*

## 18. References

The development of this Policy has been informed by the following:

- Independent Broad-based Anti-corruption Commission – Guidelines for Handling Public Interest Disclosures (January 2020)
- Independent Broad-based Anti-corruption Commission – Guidelines for Public Interest Disclosure Welfare Management (January 2020)

## 19. Revision

This policy should be reviewed three years from the date of endorsement by the Executive Leadership Team.

## 20. Further Information

For further information concerning this policy please contact Julie Brne, Coordinator Governance and Information Management on telephone 9932 1047 or email [jbrne@hobsonsabay.vic.gov.au](mailto:jbrne@hobsonsabay.vic.gov.au).

## 21. Document Control

<b>Policy Name</b>	Hobsons Bay Public Interest Disclosures Policy
<b>Object ID</b>	A
<b>Responsible Directorate</b>	Corporate Services
<b>Document Owner</b>	Coordinator Governance and Information Management
<b>Policy Type</b>	Council Endorsed Policy
<b>Date Endorsed by Council</b>	
<b>Review Date</b>	3 years from the date endorsed by Council

## 22. Version History

<b>Version Number</b>	<b>Date</b>	<b>Authorised by</b>
<b>1.0</b>	TBC	Council