



## Public Interest Disclosure

<b>Policy Number</b>	
<b>Responsible Department</b>	Office of the CEO
<b>Adoption Resolution Number</b>	TBC
<b>Adoption Date</b>	TBC
<b>Review Date &amp; Resolution</b>	TBC

### Preamble

The Shire of Halls Creek is dedicated to fostering an environment of integrity, accountability, and transparency. This Policy outlines the procedures for making and handling Public Interest Disclosures, ensuring that individuals who report such information are protected from retaliation and that their disclosures are properly investigated and addressed. Disclosures encompass anything that is in the public interest, such as misconduct, public health concerns, risks to public safety, risks to the environment, or those of a statutory basis.

### Objectives

1. *Encourage Disclosure*: To create a supportive environment that encourages the reporting of public interest information.
2. *Protection*: To provide robust protection for individuals who make disclosures from any form of retaliation.
3. *Thorough Investigation*: To ensure that all disclosures are thoroughly and impartially investigated.
4. *Accountability*: To promote a culture of openness and accountability within the Shire.
5. *Compliance*: To ensure compliance with relevant state and federal legislation.

### Definitions

*Public Interest Disclosure*: Information that shows or tends to show misconduct, improper conduct, or a substantial risk to public health, safety, or the environment.

*Discloser*: An individual who makes a public interest disclosure.

*Misconduct*: Any illegal, unethical, or improper behaviour, including fraud, corruption, and abuse of power.

*Retaliation*: Any adverse action taken against a discloser as a result of their disclosure, including dismissal, demotion, harassment, or discrimination.

### Policy Process

1. Making a Disclosure
  - Disclosers can report public interest information through designated channels, including in writing, via email, or in-person to a designated officer which may either be the Shire President in the case the report is against the CEO, the CEO or the department Director/Executive Manager. This disclosure is to be treated as confidential.
2. Assessment
  - Upon receipt, disclosures will be assessed to determine if they fall under the scope of Public Interest Disclosures as defined by the *Public Interest Disclosure Act 2003 (WA)*.

- If the disclosure does not meet the criteria, the discloser will be informed, and alternative actions may be suggested.
3. Investigation
    - Valid disclosures will be promptly and thoroughly investigated by an independent person or representative.
    - The investigation will be conducted impartially, ensuring that all relevant evidence is considered.
    - The investigation process will be transparent, and the discloser will be kept informed of the progress, where appropriate.
  4. Protection
    - Disclosers will be protected from retaliation. Any act of retaliation will be subject to disciplinary action.
    - Measures will be taken to ensure the safety and well-being of the discloser throughout the investigation process.
  5. Confidentiality
    - The identity of the discloser and the details of the disclosure will be kept confidential to the extent possible, consistent with the need to conduct a thorough investigation.
    - Information will only be disclosed to those who need to know in order to investigate and address the disclosure.
  6. Outcome
    - The findings of the investigation will be communicated to the discloser, subject to legal and confidentiality considerations.
    - Appropriate actions will be taken based on the findings, which may include disciplinary action, policy changes, or other referral to relevant government departments.
  7. Implementation
    - *Communication*: The policy will be communicated to all employees and stakeholders through internal communications, and the Shire's website.
    - *Training*: Information sessions will be conducted to ensure that all employees understand the policy and their responsibilities under it.
    - *Review*: The policy will be reviewed regularly to ensure its effectiveness and compliance with any changes in legislation.

## **Statutory Environment**

### **State Legislation**

#### *Public Interest Disclosure Act 2003 (WA)*

This Act encourages the disclosure of public interest information and provides protection for those who make such disclosures. Key aspects include:

1. Protection from Reprisal: Disclosers are protected from any detrimental action taken against them as a result of their disclosure.
2. Confidentiality: The identity of the discloser and the details of the disclosure are kept confidential.
3. Obligations of Public Authorities: Public authorities are required to establish procedures for handling disclosures and protecting whistleblowers.

## **Federal Legislation**

### *Corporations Act 2001*

The *Corporations Act 2001* provides protections for those who make the disclosure. Key provisions include:

1. **Eligibility:** Protections apply to current and former employees, officers, contractors, and their relatives.
2. **Protection from Legal Action:** Those who make the disclosure are protected from civil, criminal, and administrative liability for making a disclosure.
3. **Confidentiality:** The identity of the discloser must be kept confidential, with some exceptions.

### *Fair Work Act 2009*

This Act includes provisions to protect employees from adverse actions taken against them for exercising their workplace rights, which can include making a disclosure.

### *Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2019*

This amendment strengthened protections for disclosers.

## **Roles and Responsibilities**

*Council:* Ensure the policy is implemented and adhered to. Provide oversight and support for the policy's implementation and ongoing effectiveness.

*Designated Officer:* Receive and manage public interest disclosures. Ensure disclosures are assessed and investigated in accordance with the policy. Provide support and protection to disclosers.

*Investigating individual/s:* Conduct thorough and impartial investigations. Maintain confidentiality and protect the identity of the discloser. Report findings and recommend actions based on the investigation.

*Employees:* Report any public interest information and cooperate with investigations. Understand and comply with the policy and related procedures.