



## Whistleblower Policy

<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 committed to maintaining the highest standards of integrity and accountability. This policy aims to encourage and protect individuals who report misconduct, ensuring that they can do so without fear of reprisal. Examples of misconduct include any illegal, unethical, or improper behaviour, including fraud, corruption, and abuse of power.

### Objectives

- To provide a clear framework for reporting and addressing misconduct.
- To protect whistleblowers from retaliation.
- To ensure that all reports of misconduct are thoroughly investigated.
- To promote a culture of transparency and accountability within the Shire.

### Definitions

*Whistleblower:* An individual who reports misconduct within the Shire.

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

*Retaliation:* Any adverse action taken against a whistleblower as a result of their report.

### Policy Process

1. Reporting Misconduct
  - Whistleblowers can report misconduct 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 report is to be treated as confidential.
2. Investigation
  - All reports will be promptly and thoroughly investigated by an independent person or representative.
3. Protection
  - Whistleblowers will be protected from retaliation. Any act of retaliation will be subject to disciplinary action.
4. Confidentiality
  - The identity of the whistleblower and the details of the report will be kept confidential to the extent possible.
5. Outcome
  - The findings of the investigation will be communicated to the whistleblower, and appropriate actions will be taken based on the findings.

## Implementation

- The policy will be communicated to all employees and stakeholders.
- Training sessions will be conducted to ensure understanding and compliance.
- Regular reviews of the policy will be conducted to ensure its effectiveness.

## Statutory Environment

### State Legislation

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

This Act provides the framework for the protection of whistleblowers in Western Australia. It encourages the disclosure of public interest information and provides protection for those who make such disclosures. Key aspects include:

1. Protection from Reprisal: Whistleblowers are protected from any detrimental action taken against them as a result of their disclosure.
2. Confidentiality: The identity of the whistleblower 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 whistleblowers in the corporate sector. Key provisions include:

1. Eligibility: Protections apply to current and former employees, officers, contractors, and their relatives.
2. Protection from Legal Action: Whistleblowers are protected from civil, criminal, and administrative liability for making a disclosure.
3. Confidentiality: The identity of the whistleblower 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 whistleblower disclosure.

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

This amendment strengthened protections for whistleblowers in the corporate and financial sectors.

## Roles and Responsibilities

*Council:* Ensure the policy is implemented and adhered to.

*Designated Officer:* Receive and manage reports of misconduct.

*Investigation Team:* Conduct thorough and impartial investigations.

*Employees:* Report any misconduct and cooperate with investigations.