

# Public Interest Disclosure Policy



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Approved by:	General Manager Organisational Services (administrative changes)
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## Head of Power

Council's Public Interest Disclosure Policy has been established in accordance with section 28 of the *Public Interest Disclosure Act 2010* which is supported by Queensland Ombudsman's *Public Interest Disclosure Standards No. 1-3/2019*.

## Policy Objective

To:

- Promote the public interest by facilitating public interest disclosures of wrongdoing within Council.
- Ensure that PIDs are properly assessed and, when determined as meeting the requirements of the *Public Interest Disclosure Act 2010*, properly investigated and dealt with.
- Ensure that appropriate consideration is given to the interests of persons who are the subject of a public interest disclosure.
- Afford protection from reprisals to persons making PIDs.
- Ensure that the public interest disclosure process is managed in accordance with the *Public Interest Disclosure Act 2010* and appropriate confidentiality is maintained.

## Policy Statement

Redland City Council, through its Corporate Plan, is committed to providing services that deliver our community's shared vision and collective aspirations; *Naturally wonderful lifestyle. Connected community. Embracing opportunities*. We are a values led organisation and our organisational values encapsulate what we care about, influence how we operate and support our mission: Make a difference, make it count.

Council, in line with its organisational values, is committed to creating and sustaining an ethical culture with accountable behaviour. This comes from leadership that openly recognises the significant contribution employees make to our success and strongly encourages disclosure of unethical and fraudulent behaviour.

Council aims to provide clear guidance to employees on how to deal with complex issues associated with an ethical dilemma and when faced with potential wrongdoing through the following guiding principles:

- Every employee of Council has an ethical responsibility to report suspected corrupt conduct, maladministration, wasting of public funds, substantial and specific danger to public health and safety, the environment or a person with disability, and reprisal action.
- The principle of natural justice will apply to all investigations of public interest disclosures. Council is committed to treating the public interest disclosure appropriately and making the process fair for both the discloser and the person who is subject to the disclosure.

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- The rights of any person who is subject to, or in some way associated with, a public interest disclosure will be safeguarded. Council is committed to affording support and protection from reprisals to any person making a public interest disclosure and appropriately dealing with employees who take reprisal action.

Managers and supervisors are to ensure employees are aware of their responsibilities in making a public interest disclosure and are able to advise other persons of the appropriate reporting process.

## Definitions

Term	Definition
Corrupt conduct	<p>As defined in section 15 of the <i>Crime and Corruption Act 2001</i></p> <ol style="list-style-type: none"> <li>1) Corrupt conduct means a person, regardless of whether the person holds or held an appointment, that:-               <ol style="list-style-type: none"> <li>a) Adversely affects, or could adversely affect, directly or indirectly, the performance of functions or the exercise of powers of:-                   <ol style="list-style-type: none"> <li>i) A unit of public administration; or</li> <li>ii) A person holding an appointment; and</li> </ol> </li> <li>b) Results, or could result, directly or indirectly, in the performance of functions or the exercise of powers mentioned in paragraph a) in a way that:-                   <ol style="list-style-type: none"> <li>i) Is not honest or is not impartial; or</li> <li>ii) Involves a breach of the trust placed in a person holding an appointment, either knowingly or recklessly; or</li> <li>iii) Involves a misuse of information or material acquired in or in connection with the performance of functions or the exercise of powers of a person holding an appointment; and</li> </ol> </li> <li>c) Would, if proved, be:-                   <ol style="list-style-type: none"> <li>i) A criminal offence; or</li> <li>ii) A disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or were the holder of an appointment.</li> </ol> </li> </ol> </li> <li>2) Corrupt conduct also means conduct of a person, regardless of whether the person holds or held an appointment, that:-               <ol style="list-style-type: none"> <li>a) Impairs, or could impair, public confidence in public administration; and</li> <li>b) Involves, or could involve, any of the following:-                   <ol style="list-style-type: none"> <li>i) Collusive tendering;</li> <li>ii) Fraud relating to an application for a licence, permit or other authority under an Act with a purpose or object of any of the following (however described):-                       <ol style="list-style-type: none"> <li>(A) Protecting health or safety of persons;</li> <li>(B) Protecting the environment;</li> <li>(C) Protecting or managing the use of the State's natural, cultural, mining or energy resources;</li> </ol> </li> <li>iii) Dishonestly obtaining, or helping someone to dishonestly obtain, a benefit from the payment or application of public funds or the disposition of State assets;</li> <li>iv) Evading a State tax, levy or duty or otherwise fraudulently causing a loss of State revenue;</li> <li>v) Fraudulently obtaining or retaining an appointment; and</li> </ol> </li> <li>c) Would, if proved, be:-                   <ol style="list-style-type: none"> <li>i) A criminal offence; or</li> <li>ii) A disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or were the holder of an appointment.</li> </ol> </li> </ol> </li> </ol>
Discloser	A person who makes a disclosure in accordance with the <i>Public Interest Disclosure Act 2010</i> .
Employee	<i>Employee</i> of Council, includes a person engaged by the Council under a contract of service.
Maladministration	

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Term	Definition
	<p>As defined in schedule 4 of the <i>Public Interest Disclosure Act 2010</i>, maladministration is administrative action that—</p> <ul style="list-style-type: none"> <li>(a) Was taken contrary to law; or</li> <li>(b) Was unreasonable, unjust, oppressive, or improperly discriminatory; or</li> <li>(c) Was in accordance with a rule or law or provision of an Act or a practice that is or may be unreasonable, unjust, oppressive, or improperly discriminatory in the particular circumstances; or</li> <li>(d) Was taken:- <ul style="list-style-type: none"> <li>(i) For an improper purpose; or</li> <li>(ii) On irrelevant grounds; or</li> <li>(iii) Having regard to irrelevant considerations; or</li> </ul> </li> <li>(e) Was an action for which reasons should have been given, but were not given; or</li> <li>(f) Was based wholly or partly on a mistake of law or fact; or</li> <li>(g) Was wrong.</li> </ul>
Natural justice	<p>Natural justice, also referred to as 'procedural fairness' applies to any decision that can affect the rights, interests or expectations of individuals in a direct or immediate way. Natural justice is at law a safeguard applying to an individual whose rights or interests are being affected.</p> <p>The rules of natural justice, which have been developed to ensure that decision-making is fair and reasonable, are:</p> <ul style="list-style-type: none"> <li>• avoid bias; and</li> <li>• give a fair hearing.</li> <li>• act only on the basis of logically probative evidence.</li> </ul>

## Associated Documents

*Local Government Act 2009*  
*Crime and Corruption Act 2001*  
*Ombudsman Act 2001*  
*Public Sector Ethics Act 1994*  
*Public Records Act 2002*  
*Information Privacy Act 2009*  
 Councillor Code of Conduct  
 Employee Code of Conduct  
 Complaints Management Policy ([A3155274](#))  
 Fraud and Corruption Prevention Policy ([A3155236](#))

Fraud and Corruption Control Framework

## Document Control

Only Council can approve amendments to this document by resolution of a Council Meeting, with the exception of administrative amendments which can be approved by the relevant ELT member. Refer to *Policy Instrument Development Manual* for an explanation on administrative amendments ([A4063988](#)).

Any requests to change the content of this document must be forwarded to relevant Service Manager(s).

Approved documents must be submitted to the Corporate Meetings and Registers Team for registration.

# Public Interest Disclosure Policy



## Version Information

Version number	Date	Key Changes
1	March 2012	New Policy
2	March 2015	Minor legislation changes
3	February 2019	Minor legislation and wording changes
4	October 2019	Updates as required under policy framework review
5	March 2022	Administrative update to include reference to the new Corporate Plan
6	May 2023	Inclusion of new associated document