



PUBLIC INTEREST DISCLOSURE POLICY & PROCEDURES

1. BACKGROUND AND CONTEXT

The State Government's Public Interest Disclosure Act 2010 requires public entities in Queensland, including local government, to develop and implement procedures for dealing with public interest disclosures.

2. PURPOSE AND SCOPE

The purpose of this policy is to ensure compliance with the Public Interest Disclosure Act 2010 and the standards made by the Office of the Queensland Ombudsman, by stating our commitment to dealing with public interest disclosures in an appropriate way and by providing guidelines for how public interest disclosures are dealt with at Etheridge Shire Council. This policy applies to all public officers of Etheridge Shire Council.

3. DEFINITIONS

Discloser	the person who makes a PID
Proper authority	a public sector entity or a member of the Legislative Assembly.
Public interest disclosure	(PID) is a disclosure under Chapter 2 of the Public Interest Disclosure Act 2010 and includes all information and help given by the discloser to a proper authority for the disclosure. The PID Act provides unique protections from reprisal for public officers disclosing information in the public interest to an appropriate entity about: <ul style="list-style-type: none">• official misconduct• maladministration• waste of public funds• negligent or improper management, or• a danger to public health, safety or the environment.
Public officer	an employee, councillor or officer of Council.
Public sector entity	includes a local government.
Subject officer	the person about whom a PID is made.

4. POLICY PROVISIONS

4.1 Roles and Responsibilities

The **Chief Executive Officer** (CEO) is responsible for:

- implementing and maintaining Council's management/training program for PIDs,
- raising awareness of PID policy and procedures,
- either acting as or appointing a PID Officer to be responsible for issues related to the management of PIDs.

The **PID Officer** is responsible for:

- determining which complaints meet the requirements of the PID Act for treatment as a PID,
- monitoring the investigation and resolution of PIDs,
- coordinating support and protection for disclosers,
- collecting, reporting and reviewing data about PIDs received, and
- providing clear guidance to staff about how to make a PID.

4.2 How PIDs can be made

4.2.1 Disclosures must be made in accordance with Council's PID Procedure.

4.2.2 Disclosures may be made to:

- the chief executive officer,
- any councillor or the mayor,
- for public officers - their direct supervisor or manager, or
- an officer who has the function of receiving or taking action on the type of information being disclosed. For example, a health officer where the information being disclosed is regarding a substantial and specific danger to public health or safety (*PID Act s13(1)(c)*).

4.3 Commitments

Etheridge Shire Council makes the following commitments with regard to PIDs:

- 4.3.1 Council will take appropriate action to deal with all PIDs. While disclosers are encouraged to provide their name, Council will act on anonymous PIDs.
- 4.3.2 Council will provide disclosers with feedback regarding the status of their disclosure and its investigation.
- 4.3.3 All PIDs will be kept confidential. Any breach of confidentiality is an offence and will be reported to the appropriate authorities.
- 4.3.4 Any person providing false or misleading information may face disciplinary action in accordance with the Employee Code of Conduct.
- 4.3.5 The risk of reprisal to the discloser will be assessed by the PID Officer and reasonable steps will be taken to protect the discloser from reprisals
- 4.3.6 Allegations of reprisal will be investigated by the PID Officer. Any person found to have made a reprisal will face disciplinary action in accordance with the Code of Conduct.
- 4.3.7 The subject officer will be given the opportunity to respond to any allegations made in a PID. No action will be taken against the subject officer until and unless allegations are confirmed. Details of the subject officer will be kept confidential at all times.
- 4.3.8 The PID Officer will record details of each PID in the PID Register. Appropriate document security will be applied to the register to ensure access is restricted to the CEO/PID Officer.
- 4.3.9 Details of all PIDs will also be entered into the State-wide PID reporting database by the CEO/PID Officer, in accordance with the requirements of the Public Service Commission. PID data for Etheridge Shire Council will only be available to the CEO/PID Officer.

6. AUTHORITIES AND ACCOUNTABILITIES

It is the legislative responsibility of the CEO to ensure the implementation of this policy.

7. RELATED DOCUMENTATION

Public Sector Ethics Act 1994 (PSE Act)
Public Interest Disclosure Act 2010 (PID Act)
Etheridge Shire Council Employee Code of Conduct
Queensland Ombudsman Public Interest Disclosure Standards

8. APPROVAL TABLE

Approved by Council		Meeting number and date	
GMCCS4 – 18 May 2011 Resolution No 2011/GM298		GMCCS4 -18 May 2011	
GMCCS11 – 21 August 2019 Resolution No 2019/GM2712		Resolution number	
		RESOLUTION NO. 2011/GM298	
		RESOLUTION NO. 2019/GM2712	
Approval by CEO			
Effective date		Review date	
18 May 2011; 21 August 2019		21 August 2021	
Policy Author			
Director Corporate & Community Services			
Current incumbent			
Ian Kuhn			
Implementation Officer			
Chief Executive Officer			
Current incumbent		Contact number	Official file no.
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