

1. Heads of Power

Local Government Act 2009 (Qld)
Local Government Regulation 2012 (Qld)
Public Interest Disclosure Act 2010 (Qld)
Human Rights Act 2019 (Qld)
Crime and Corruption Act 2001 (Qld)
Independent Assessor Regulation 2018 (Qld)

2. Intent

Aurukun Shire Council (**Council**) is committed to fostering an ethical, transparent, and accountable culture. This policy outlines the Council's approach to managing Public Interest Disclosures (**PIDs**) in accordance with the *Public Interest Disclosure Act 2010 (Qld)*, ensuring that disclosures of wrongdoing are properly received, assessed, and managed while protecting disclosers from reprisals.

3. Scope

3.1. This policy applies to:

- All employees, Councillors, and contractors of Council.
- Any person making a disclosure about wrongdoing within the Council.
- Public Interest Disclosures (PIDs) that fall under the categories specified in *the Public Interest Disclosure Act 2010 (Qld)*.

3.2. Exclusions:

- Matters that do not fall within the definition of a PID under the Act.
- Complaints regarding personal grievances that do not involve wrongdoing (managed under the Complaints Policy).
- Disclosures regarding Councillor conduct, which are managed under the Councillor Conduct Complaints Policy.

4. Policy Statement

Council is committed to:

- Encouraging Reporting of Wrongdoing: Ensuring employees and the public feel safe in making disclosures of suspected misconduct, corruption, or maladministration.
- Recognising External Disclosure Options: Allowing disclosures to be made to external entities, such as the Queensland Ombudsman, Crime and Corruption Commission (CCC), or Department of Environment and Science.
- Protecting Disclosers from Reprisal: Providing legal protections and practical support for those making disclosures.
- Ensuring Confidentiality: Managing PIDs with discretion to protect the identity of the discloser where possible.
- Acting on Disclosures: Ensuring PIDs are assessed, investigated, and appropriately managed.
- Complying with Legislative Requirements: Managing PIDs in accordance with the *Public Interest Disclosure Act 2010 (Qld)*.

5. Public Interest Disclosure Framework

Council's PID framework is based on the following principles:

5.1. What is a Public Interest Disclosure (PID)?

A PID is a disclosure of information about suspected or actual wrongdoing in the public sector that meets the criteria under the *Public Interest Disclosure Act 2010 (Qld)*. This includes:

- Corrupt conduct under the *Crime and Corruption Act 2001 (Qld)*.
- Mismanagement or misuse of public resources.
- Official misconduct or maladministration.
- Substantial and specific dangers to public health, safety, or the environment.
- A reprisal against a person for making a PID.

5.2. Making a PID

A PID may be made orally or in writing to:

- The Chief Executive Officer (**CEO**).
- A supervisor or manager within the Council.
- An external integrity body, including:
 - Crime and Corruption Commission (**CCC**) for disclosures involving corrupt conduct.
 - Queensland Ombudsman for maladministration.
 - Department of Environment and Science for environmental concerns.
 - Queensland Human Rights Commission for breaches of human rights.

Disclosers do not need to prove the wrongdoing but must have reasonable belief based on facts. PIDs may also be made anonymously, provided sufficient information is given to allow assessment and investigation.

5.3. Disclosures Involving Councillors

If a PID relates to the conduct of a councillor, the matter will be referred to the Office of the Independent Assessor (OIA) in accordance with the *Local Government Act 2009 (Qld)*. The OIA is the appropriate entity to assess and investigate such matters where they fall within its jurisdiction.

5.4. Protection for Disclosers

The *Public Interest Disclosure Act 2010 (Qld)* provides protections, including:

- Protection from reprisals, including disciplinary action, discrimination, or harassment.
- Confidentiality, ensuring the identity of the discloser is protected where possible.
- Support services, including counselling and access to external legal advice where necessary.

5.5. Assessment and Investigation of PIDs

Upon receiving a PID, Council will:

- 5.5.1. Acknowledge the disclosure within five (5) business days.
- 5.5.2. Assess whether the disclosure meets the PID criteria.
- 5.5.3. Take appropriate action, including investigation, referral to an external agency, or dismissal if the complaint lacks merit.
- 5.5.4. Protect the discloser, ensuring no reprisal action is taken.

- 5.5.5. Provide feedback, informing the discloser of the outcome within legally required timeframes.

5.6. Managing Reprisals

- 5.6.1. Council will take all reasonable steps to prevent reprisals against individuals who make PIDs.
- 5.6.2. If a reprisal is suspected or occurs, the Council will:
 - 5.6.2.1. Investigate the alleged reprisal.
 - 5.6.2.2. Take disciplinary action against the person responsible (if applicable).
 - 5.6.2.3. Provide support to the discloser.

6. Roles and Responsibilities

- Chief Executive Officer (CEO): Ensures compliance with PID legislation and oversees the PID framework.
- PID Coordinator: Manages the receipt, assessment, and investigation of PIDs.
- Council Officers: Must report suspected wrongdoing and support those who make disclosures.
- Executive Leadership Team: Ensures systemic improvements where wrongdoing is identified.

7. Monitoring and Reporting

- All PIDs will be recorded and managed confidentially in a Complaint Management System (CMS).
- Annual reports on PID statistics will be submitted in compliance with the *Public Interest Disclosure Act 2010* (Qld).
- Regular internal reviews will be conducted to assess the effectiveness of the PID framework.

8. Related Documents

- Administrative Action Complaints Policy
- Fraud & Corruption Prevention Policy
- Delegations Register
- Public Records Management Policy
- Annual Report Guidelines

9. Document Controls

Council will review this policy every two years or as required by changes in law or best practice.

10. Policy Owner

Legal and Governance.