



Ararat Rural City

PROTECTED DISCLOSURE POLICY

DOCUMENT CONTROL

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Responsible Officer: Human Resources Business Partner

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Stakeholder Engagement:

Councillors

Chief Executive Officer

Governance and Administration Coordinator

INTENT

The purpose of Ararat Rural City Councils (Council) Protected Disclosure Policy is to support the ethical behavior and values expected from all Councillors, Council employees, and members of the public for handling and making of protected disclosures that complies with the Protected Disclosures Act 2012 (the Act).

OBJECTIVE

The objectives of the Protected Disclosure Policy are:

- To encourage and facilitate the disclosure of improper conduct or detrimental action by Councillors or Council employees;
- To protect Council against improper conduct or detrimental action by Councillors or Council employees;
- To ensure proper protection of the person making the complaint from retribution for making the disclosure;
- To provide for confidentiality for the content of the disclosure and the identity of the complainant; and
- To establish a process for the making of disclosures of improper conduct by Councillors and Council employees and to provide a system of investigation of such disclosures.

SCOPE

The Act requires Council to establish internal processes that facilitate disclosures, effectively manage the receipt of information and provide protection for those involved.

Under the Act, Council may receive disclosures regarding the improper conduct of Council or its employee's and members of Council committees and the public. Disclosures regarding Councillors must be made directly to the Independent Broad-based Anti-Corruption Commission (IBAC) or the Victorian Ombudsman.

This policy applies to all Councillors, Council employees, and members the public.

POLICY

Council is committed to a culture of corporate compliance and ethical behaviour and supports the aims and objectives of the Act. It recognises the value of transparency and accountability in its administrative and management practices, and supports the making of disclosures that reveal improper conduct. It does not tolerate improper conduct by the organisation, its employees, Officers or Councillors, nor the taking of detrimental action in reprisal against those who come forward to disclose such conduct.

Council is committed to protecting people who make such disclosures from any detrimental action in reprisal for making the disclosure.

Council will also afford natural justice to the person who is the subject of the disclosure.

Council is committed to rectifying any wrongdoing verified by an investigation to the extent practicable in all circumstances.

This policy should be read in conjunction with P.1.21 Protected Disclosure Procedure.

This document has been prepared for guidance purposes only and does not constitute legal advice and should not be relied upon for that purpose. It is recommended that you seek your own advice to understand how the Act might apply to or affect you in specific circumstances.

DEFINITIONS

Term	Definition
Act	Protected Disclosure Act 2012
Corrupt conduct	Refer “improper conduct” below
Council	Ararat Rural City Council as per the Local Government Act 1989 section 3(1) “Council means a municipal council (including the Council of the City of Melbourne and the Council of the City of Geelong) whether constituted before or after the commencement of this section”.
Councillor	As per the Local Government Act 1989, “Councillor means a person who holds the office of member of a Council”.
Detrimental action	“detrimental actions” includes – <ul style="list-style-type: none"> • Action causing injury, loss or damage; • Intimidation or harassment; • Discrimination, disadvantage or adverse treatment in relation to a person’s employment career, profession, trade or business, including the taking of disciplinary action.
IBAC	Independent Broad-based Anti-Corruption Commission as established under section 12 of the Independent Broad-based Anticorruption Commission Act 2011.
Improper Conduct	“Improper Conduct” means: <ul style="list-style-type: none"> • Corrupt conduct; or • Conduct specified in Section 4, subsection (2) of the Act that is not corrupt conduct but that, if proved, would constitute – <ul style="list-style-type: none"> o a criminal offence; or o reasonable grounds for dismissing or dispensing with, or otherwise terminating, the services of the officer who was, or is, engaged in that conduct.
Ombudsman	Means the person appointed as the Ombudsman under section 3 of the Ombudsman Act 1973.
Protected Disclosure	The Protected Disclosures Act 2012 provides that a person may disclose information that shows or tends to show, or the person believes on reasonable grounds shows, or tends to show: <ul style="list-style-type: none"> • A person, public officer or public body has engaged, is engaging or proposes to engage in improper conduct; or • A public officer or public body has taken, is taking or proposes to take detrimental action against a person. “Protected Disclosure” means: <ul style="list-style-type: none"> • A disclosure made in accordance with Part 2 of the Act; or • A complaint made in accordance with Section 167(3) of the Victoria Police Act 2013.

RELATED DOCUMENTS

C.1.6 Councillor Code of Conduct
 C.1.12 Fraud Prevention Policy
 C.1.16 Procurement Policy
 C.1.17 Gifts, Gratuities and Favours in Kind Policy
 C.2.1 Information Privacy Policy
 C.3.2 Risk Management Policy
 A.1.14 Staff Code of Conduct
 P.1.21 Protected Disclosures Procedure
LEGISLATION:
 Protected Disclosure Act 2012
 Protected Disclosure Regulations 2013
 Ombudsman Act 1973