



Public Interest Disclosures (Whistle-blower) Guideline 1

WHAT IS A PUBLIC INTEREST DISCLOSURE?

A Public Interest Disclosure is a disclosure by a person of information that shows, or information that the person reasonably believes shows, improper conduct or detrimental action (previously a protected disclosure).

1 What should be reported as a Public Interest Disclosure?

You should report any wrongdoing you see within Council. Reports about corrupt conduct or improper conduct will be dealt with under the *Public Interest Disclosure Act 2012* as protected disclosures in accordance with the *Public Interest Disclosures (Whistle blowers) Policy*.

2 Who do the conduct expectations apply to? (Who can I make a disclosure about?)

The *Public Interest Disclosure Act* applies to all public officers. Public officers include:

- a Councillor;
- a Council employee;
- a person that is performing a public function on behalf of a Council employee or Council, whether under contract or otherwise (that is, a volunteer, agency staff member, consultant);
- an employee of, or any person otherwise engaged by, or acting on behalf of, or acting as a deputy or delegate of Council or a Council employee (that is, a contractor, sub-contractor).

3 What type of conduct would a Public Interest Disclosure be about?

A Public Interest Disclosure would relate to serious wrongdoing, including corrupt or improper conduct by a public officer (or public body) as detailed below:

a) Corrupt Conduct

In a broad sense, corrupt conduct includes the improper use of knowledge, power or position for personal gain by a public officer or the advantage of others and acting dishonestly or unfairly or breaching public trust.

In more detail, corrupt conduct is the dishonest or partial exercise of official functions by a public officer including conduct:

- that adversely affects their or Council's honest performance of its functions; or
- dishonest performance of public functions; or
- intentional or reckless breach of public trust; or
- misuse of information or material acquired in the course of public functions; or
- that results in a benefit to them directly or indirectly through a relative, an entity which they or a relative holds a financial interest in or holds an agreement with. Examples include: a permit, an approval, a licence, an appointment, a financial benefit or real or personal property or any other direct or indirect monetary or proprietary gain that they would not otherwise have gained; or
- that could constitute a conspiracy or an attempt to engage in any conduct referred to in the above points.

b) Improper Conduct

Improper conduct includes any of the following:

- corrupt conduct;

- criminal offence;
- serious professional misconduct (see Public Interest Disclosure Policy);
- dishonest performance of public functions;
- intentional or reckless breach of public trust;
- intentional or reckless misuse of information;
- substantial mismanagement of public resources;
- conduct that creates substantial risk to health or safety of a person;
- conduct that creates substantial risk to the environment;
- conduct of any person that adversely affects the honest performance by a public officer of their functions; or
- conduct of any person that is intended to adversely affect the effective performance by a public officer of their functions for the benefit of the other person.

c) Other wrongdoing

Other wrongdoing, not covered by the Act, should also be reported, including examples such as:

- not declaring a conflict of interest (refer to Guideline 4 – Managing Conflict of Interest);
- harassment or unlawful discrimination;
- reprisal action against a person who has reported wrongdoing;
- practices that endanger the health or safety of staff or the public.

Consideration should be given to Council documents and Policies that provide guidance for appropriate conduct should also be considered, including:

- Employee Code of Conduct,
- Enterprise Risk Management Framework,
- Fraud and Corruption Control Policy,
- Information Privacy and Health Records Policy,
- Gifts, Benefits and Hospitality Policy,
- Procurement Policy,
- Recruitment Policy and
- OHS Policy and
- obligations to act in accordance with the Public Interest Disclosures Policy.

How do I report a complaint that does not meet Public Interest Disclosure requirements?

Any serious issues that cause concern, but do not meet the criteria for reporting as a Public Interest Disclosure, will be treated seriously and handled in accordance with Council's Complaint Handling Policy. This policy is available on Council's website.

There are several ways a person can make a complaint:

Mail: Post a letter to Merri-bek City Council, Locked Bag 10, Brunswick VIC 3056

Telephone: 03 9240 1111 / **Online:** [Merri-bek City Council e-Services](#)

In person:

Merri-bek Civic Centre, 90 Bell Street, Coburg

Brunswick Customer Service Centre, 233 Sydney Road, Brunswick

Glenroy Customer Service Centre, 796N Pascoe Vale Road, Glenroy

Refer to the *Public Interest Disclosures Policy* for further information.