
PUBLIC INTEREST DISCLOSURE PROCEDURE

INTENT

This procedure affirms Council's commitment to fostering an ethical, transparent and accountable organisational culture. It sets out practical and effective processes that align with the requirements of the *Public Interest Disclosure Act 2010*, and provides clear guidance to staff and members of the public on how Council manages disclosures of suspected wrongdoing.

COUNCIL'S POLICY COMMITMENT

In accordance with the objectives of the *Public Interest Disclosure Act 2010* (PID Act), and Council's Public Interest Disclosure Policy, Cook Shire Council commits to:

- (a) Promoting the public interest by facilitating Public Interest Disclosures (PIDs) of wrongdoing within Council.
- (b) Ensuring PIDs are properly assessed and, where appropriate, investigated and addressed.
- (c) Giving appropriate consideration to the interests of individuals who are the subject of a PID.
- (d) Providing protection from reprisals to individuals who make a PID.

EXECUTIVE RESPONSIBILITIES

Cook Shire Council acknowledges its responsibility to address wrongdoing within, or connected to, its operational jurisdiction and to take appropriate corrective action where necessary.

Council encourages any staff member who reasonably believes they have witness, or are aware of, wrongdoing to come forward and make a disclosure in accordance with Council's Public Interest Disclosure Policy.

When a staff member makes a disclosure, Council will:

- (a) Protect the dignity, wellbeing, career interests, and reputation of all persons involved.

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- (b) Safeguard the discloser from any adverse action resulting from the disclosure.
- (c) Treat any bullying, harassment, unfair treatment, victimisation, or discrimination arising from the disclosure as a serious matter.
- (d) Respond to the disclosure thoroughly, fairly and impartially.
- (e) Take appropriate action where wrongdoing is substantiated.
- (f) Keep the discloser informed about the progress and outcome of the matter.

IDENTIFYING A PUBLIC INTEREST DISCLOSURE

A Public Interest Disclosure (PID) is the provision of information to Council that reasonably indicates suspected wrongdoing.

Disclosures will be assessed to determine whether they align with the formal definition as provided in the *Public Interest Disclosure Act 2010* (PID Act).

MAKING A PUBLIC INTEREST DISCLOSURE

1. A Public Interest Disclosure (PID) may be made to a person or body considered to be a 'proper authority' under the PID Act. This includes:

- (a) The Chief Executive Officer, or in the case of Council, the Mayor.
- (b) A member of the entity's governing body- such as a Councillor in the case of Council.
- (c) An officer of the entity who has the responsibility for receiving or taking action in relation to the type of information being disclosed.
- (d) If the entity is Council and the discloser is a Council staff member, a person who directly or indirectly supervises or manages the person who is the subject of the disclosure.

2. A PID may be made either verbally or in writing. However, where the disclosure is complex or involves serious allegations against a Councillor or Council officer, it is recommended that the PID be submitted in writing and marked 'Confidential – For the attention of the Chief Executive Officer', or directed to the relevant officer, Councillor, or the Mayor, as appropriate.

3. The discloser should include sufficient detail to enable an appropriate investigation to be conducted. Council accepts and processes anonymous PIDs; however, without the discloser's contact details, Council may be unable to seek further information or provide feedback.

Disclosers are encouraged to provide the following information, where possible:

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- (a) Their name and contact details (optional but preferred).
- (b) The nature of the suspected wrongdoing.
- (c) The identity of the person(s) believed to have engaged in the wrongdoing.
- (d) When and where the wrongdoing occurred.
- (e) Any relevant events surrounding the issue.
- (f) Any actions the discloser has taken in response.
- (g) Names of others who are aware of the wrongdoing or have allowed it to continue.

Council will endeavour to identify any communications received that could constitute a PID. However, due to the volume of complaints and service requests, individuals are strongly encouraged to clearly state that they wish their communication to be treated as a Public Interest Disclosure when submitting it.

PRELIMINARY ASSESSMENTS AND REGISTRATION

All Public Interest Disclosures (PIDs) and suspected PIDs will be referred to Council Complaints Function and Chief Executive Officer for assessment and processing.

Before initiating any referral or investigation processes, the Complaints Function, in consultation with the Chief Executive officer, will undertake the following steps:

Step 1: Assess whether the disclosure qualifies as a PID under the PID Act

The officer must determine whether:

- i. The person making the disclosure is eligible to receive the protections of the PID Act.
- ii. The disclosure concerns a matter that qualifies as a Public Interest Disclosure under the Act.
- iii. The disclosure satisfies either the subjective or objective test as outlined in the Act.
- iv. The disclosure was made to an appropriate individual or entity authorised to receive a PID.
- v. The disclosure has been made in accordance with Council's procedures or to a person specified in the Act.

Step 2: Consider referral to another agency

Council must determine whether the subject matter should be referred to another agency. Referral may be appropriate where the disclosure relates to:

- i. The conduct of the referral entity or one of its public officers.
- ii. The conduct of another entity (including Council) that the referral agency has jurisdiction to investigate or remedy.

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- iii. A matter over which the referral agency holds investigative or corrective authority.

Note: A referral will not be made if the Chief Executive officer considers there is an unacceptable risk of reprisal. Where practical, the officer will consult with the discloser to assess.

Step 3: Determine whether Council will investigate the disclosure

In accordance with section 30 of the *Public Interest Disclosure Act 2010*, Council may decide not to investigate or deal with a disclosure if:

- i. The matter has reasonably been investigated or dealt with under an appropriate process.
- ii. Council reasonably considers the disclosure should be addressed through another appropriate process.
- iii. The age of the information makes it impractical to investigate.
- iv. Council reasonably considers the matter to be too trivial to warrant investigation, and dealing with it would substantially and unreasonably divert Council's resources.
- v. Another entity with jurisdiction has advised that investigation is not warranted.

Step 4: Conduct a risk assessment

A risk assessment will be undertaken to evaluate the likelihood of reprisal against the discloser or any associated persons (including those who may be wrongly suspected of making the disclosure) as a result of the disclosure or subsequent investigation.

If the risk is assessed as high, a tailored protection plan will be developed in consultation with the discloser and relevant stakeholders where feasible.

Step 5: Register the disclosure

The matter will be registered in Council's record system as a confidential item. Access will be restricted to the Chief Executive Officer and designated officers within the Complaints Function.

Step 6: Provide information to the discloser or referring entity

Where possible, Council will provide the discloser (or referring agency) with reasonable information, including:

- i. Confirmation that the disclosure has been received.
- ii. A description of any action proposed or taken by Council.
- iii. If action has been taken, a summary of the outcomes.
- iv. Likely timeframes, where known.

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- v. The discloser's role on the investigation process.
- vi. The importance of maintaining confidentiality.
- vii. The protections available under the PID Act.
- viii. That the disclosure and the discloser's identity will be kept confidential, except as permitted by law.
- ix. How progress and outcomes will be communicated.
- x. Contact details for further information or to raise concerns about reprisals.

If Council decides not to investigate or take further action on a disclosure, it will provide the discloser with written reasons for the decision, where the discloser's identity and contact details are known. They will also be informed of their right to have the matter reviewed should they be dissatisfied with the decision and how to request a review.

INVESTIGATION PROCESS

The Chief Executive officer will commission an investigation into all Public Interest Disclosures (PIDs), except in cases where a decision has been made under Step 3 of the preliminary assessment process not to investigate or deal with the matter. Where appropriate, an external investigator may be engaged to carry out the investigation.

In all cases, the appointed investigator must:

- (a) Possess the appropriate skills, qualifications, or training to conduct the investigation professionally and effectively.
- (b) Not be under the supervision or direction of any person who is the subject of the investigation.
- (c) Be independent and sufficiently removed from the matter to avoid any actual or perceived conflict of interest.
- (d) When assessing, investigating, or taking action in relation to a PID involving allegations against Council officers, ensure that Council's obligations to subject officers are observed. The use of information obtained through a PID in any subsequent disciplinary process does not exempt Council from its responsibilities to afford procedural fairness and meet its legal obligations to those officers.

TAKING CORRECTIVE ACTION

At the conclusion of the investigation, the investigator will provide the Chief Executive Officer with a written report outlining the investigation process and findings.

The Governance Coordinator will ensure copies of the report are provided to the Chief Executive Officer and, where appropriate, to the discloser.

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The Chief Executive Officer will use the report to:

- (a) Identify and implement improvements to the service delivery, business processes, or internal controls.
- (b) Recommend amendments to Council policies or procedures.
- (c) Recommend updates to this PID Procedure to enhance its effectiveness.
- (d) Initiate disciplinary or other appropriate action, where warranted.

PROTECTION AND SUPPORT OF DISCLOSERS

Council is committed to protecting individuals who make Public Interest Disclosures (PIDs) from reprisals and ensuring appropriate support is provided throughout and after the disclosure process. This commitment is upheld by:

- (a) Treating all PIDs as confidential and recording them on protected files.
- (b) Taking firm disciplinary action against any officer found to have disclosed PID information contrary to this policy or to have taken reprisal action against the discloser.

Legal Protections for Disclosers

A person who makes a PID is not subject to any civil or criminal liability, or any liability under an administrative process (including disciplinary proceedings), as a result of making the disclosure. Specifically:

- (a) In a defamation proceeding, the discloser has the defence of absolute privilege.
- (b) A person who would otherwise be bound by confidentiality – whether under an Act, oath, rule of law, or professional practice – does not breach that obligation by making a PID.

However, these protections do not extend to protect a person from liability for their own conduct if wrongdoing is substantiated.

Access to PID Information

Information disclosed under the PID Act is protected from release under the *Right to Information Act 2009*. However, agencies such as the Crime and Corruption Commission may request and receive full disclosure of information held by Council where required by law.

Disclosers should be aware that in some circumstances, particularly during investigative processes, their identity may become known to others despite efforts to maintain confidentiality.

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Support Measures

Support will be tailored to the level of risk of reprisal and the potential consequences. Council will:

- (a) Regularly check on the discloser's wellbeing.
- (b) Advise disclosers of the availability of the Employee Assistance Program (EAP).
- (c) Where health concerns arise, liaise with officers responsible for workplace health and safety.

Reprisals and Council's Response

In the event of a reprisal being alleged or suspected, Council will act in the best interests of the discloser by:

- (a) Prioritising the safety and welfare of the discloser and any affected third parties.
- (b) Reviewing the risk assessment and implementing or updating protective measures as necessary.
- (c) Treating any allegations of reprisal as a PID in its own right.

Vexatious Disclosures

Disclosures that are intentionally false, misleading, or made without reasonable basis will not be afforded the protections of the PID Act. Such behaviour may result in disciplinary action.

Review Rights

If the Chief Executive Officer decides under Step 3 not to investigate or to take no further action on a Public Interest Disclosure, the discloser may request a review of that decision. This request must be submitted in writing to the Chief Executive Officer within 28 days of receiving the written notice of the decision.

A person dissatisfied with Council's handling of their Public Interest Disclosure has two options: they can request an internal review by Council, or they can take their concerns to other oversight bodies that oversee Council activities.

TRAINING STRATEGY

All staff will receive Public Interest Disclosure Awareness Training through multiple channels: during employee induction, via all-staff communications, and through targeted training sessions as needed. This training will cover:

- (a) the identification of what is a 'wrongdoing';
- (b) the correct way to make a Public Interest Disclosure;
- (c) an outline of the support and protections afforded to disclosers of wrongdoings; and
- (d) how Public Interest Disclosures will be managed.

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Managers and staff who may receive or manage Public Interest Disclosures, persons making disclosures or other workplace issues relating to Public Interest Disclosure management will be provided annual training regarding these processes. Governance staff required to undertake detailed investigations of Public Interest Disclosures will receive investigations skills training.

Councillors will be briefed regarding both Public Interest Disclosure Awareness and Public Interest Disclosure Management following each quadrennial election.

PUBLIC INTEREST DISCLOSURE OVERSIGHT

Council's Governance Team will be responsible for:

- (a) Providing staff training regarding Public Interest Disclosure awareness and Public Interest Disclosure Management;
- (b) Applying consistent and appropriate assessment procedures to determine which complaints meet the requirements of the PID Act for treatment as a Public Interest Disclosure;
- (c) Monitoring the investigation and resolution of Public Interest Disclosures;
- (d) Managing or coordinating the support and protection offered to disclosers;
- (e) Collecting, reporting and reviewing data via a secure and confidential reporting system about Public Interest Disclosures received; and
- (f) Reporting Public Interest Disclosure information to Council's Executive Leadership Team (as required and to the Queensland Ombudsman, via the RaPID Public Interest Disclosure portal annually.

MONITORING AND IMPROVEMENTS

It is expected that the Public Interest Disclosure process will assist to:

- (a) Promote good governance of Council's operations through the investigation of, and attention to matters, which might otherwise not come to the attention of the Chief Executive Officer; and
- (b) Result in the identification of public health and safety and environmental protection issues and their referral to appropriate authorities.

REFERENCES, LEGISLATION AND GUIDELINES

Public Interest Disclosure Act 2010

Human Rights Act 2019

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RELATED DOCUMENTS

Public Interest Disclosure Policy

IMPLEMENTATION/COMMUNICATION

This procedure will be published on Council's website, Intranet and shared with staff involved with the process and management of Public Interest Disclosures.

APPROVED BY

Manager of the Office of the CEO

REVIEW

SPONSOR:	Manager Office of the CEO
OFFICER RESPONSIBLE FOR REVIEW:	Governance Coordinator
ADOPTION DATE:	August 2025
REVIEW DATE:	July 2025

*THIS PROCEDURE IS TO REMAIN IN FORCE UNTIL OTHERWISE DETERMINED
BY DIRECTOR OR OTHER AUTHORISED COUNCIL OFFICER*

AMENDMENT HISTORY

VERSION	AMENDMENT DETAILS	AMENDMENT DATE	APPROVAL
1.0	New Procedure	2015	ELT
2.0	Rewrite	July 2022	ELT

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VERSION	AMENDMENT DETAILS	AMENDMENT DATE	APPROVAL
3.0	Revision, minor amendments	August 2025	Manager Office of the CEO

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