

1. Purpose and Intent

This Policy details the process for making a disclosure about improper conduct by an employee of Council (including agency staff, contractors, labour hire or volunteers) or a Councillor.

This Policy takes into account the changes that have been made to the Public Interest Disclosures Act 2012 ('Act') (formerly known as the Protected Disclosure Act 2012) from 1 January 2020, allowing disclosures to be made about a broader range of improper conduct.

2. Scope

This Policy applies to Councillors and all employees of Council, including agency staff, contractors, labour hire and volunteers.

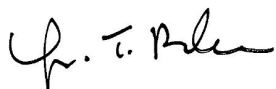
3. Definitions

Council:	means Frankston City Council
Corrupt conduct:	means conduct of a public officer or public body that constitutes: a criminal offence; serious professional misconduct; dishonest performance of public functions; an intentional or reckless breach of public trust; an intentional or reckless misuse of information or material acquired in the course of the performance of functions as a public officer or public body; a substantial mismanagement of public resources; a substantial risk to health or safety of one or more persons; a substantial risk to the environment; or the conduct of any person that adversely affects the honest performance by a public officer or public body of his or her or its functions as a public officer or public body.
Detrimental action:	includes 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:	means Independent Broad-based Anti-corruption Commission

- Improper conduct:** includes corrupt conduct; a criminal offence; serious professional misconduct; dishonest performance of public functions; intentional or reckless breach of public trust; intentional or reckless misuse of information; substantial mismanagement of public resources; substantial risk to health or safety of a person; substantial risk to the environment; conduct of any person that adversely affects the honest performance by a public officer of their functions; and 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
- IOC:** means Integrity and Oversight Committee
- Public Interest Complaint:** means a public interest disclosure that has been determined by IBAC, the Victorian Inspectorate or IOC to be a Public Interest Complaint)
- Public Interest Disclosure:** means disclosure by a natural person of information that shows / tends to show or information that the person reasonably believes shows / tends to show improper conduct or detrimental action.

4. Authorisation

This Policy is managed by the Governance and Information Department, and is approved by Frankston City’s Mayor and Council’s Chief Executive Officer (CEO):




Mayor, Frankston City

CEO, Frankston City Council

in accordance with Frankston City Council resolution at its Council meeting of 27 January 2021.

5. Revision date

This Policy will be reviewed and presented to Council no later than April 2026 or earlier if deemed necessary by Council. The Policy will remain in force until it is revised or revoked by a resolution of Council.

6. Policy

What is a public interest disclosure?

A public interest disclosure is a report about:

- Improper conduct of public bodies or public officers (eg. corrupt conduct)
- Detrimental action that a public officer or public body has taken against a person, in reprisal for the making of a public interest disclosure.

A disclosure can relate to conduct or action that may have already taken place, may be occurring now, or may happen in the future.

Who can make a disclosure?

Anyone can make a disclosure about improper conduct or detrimental action, verbally or in writing.

A disclosure can be made by an individual, or by a group of individuals making a joint disclosure together.

Council's Public Interest Disclosure Coordinator can only deal with disclosures that relate to an employee of Council. A disclosure about a Councillor or the Chief Executive Officer must be made directly to IBAC or the Victorian Ombudsman.

How to make a public interest disclosure

Verbal disclosure

You can make a verbal disclosure to Council in person, by telephone or by leaving a voicemail message. Refer to the following pages for information about who to approach.

A verbal disclosure must be made in private. This means that you must reasonably believe that only the following people are present or able to listen to the conversation:

- Yourself;
- Your lawyer (if any); and
- One or more people to whom a disclosure can be made under the Act or Regulations.

This does not preclude a group of individuals from making a joint disclosure at one time.

Written disclosure

A written disclosure can be provided to Council by personal delivery, by post or by email. Disclosures cannot be made by fax.

Anonymous disclosure

A disclosure can be made anonymously. However, this creates potential difficulties which may affect the outcome of the matter, and you will not be notified of the outcome.

All correspondence, phone calls and emails from internal or external disclosers will be referred to the Public Interest Disclosure Coordinator. The Public Interest Disclosure Coordinator has the authority to make enquiries of officers and employees within Council.

If you are contemplating making a disclosure and you are concerned about approaching the Public Interest Disclosure Coordinator (or the Deputy Public Interest Disclosure Coordinator, the Chief Executive Officer, or the relevant supervisor, manager or director), you can telephone or email the Public Interest Disclosure Coordinator (or the Deputy Public Interest Disclosure Coordinator, the Chief Executive Officer, or the relevant supervisor, manager or director) and request a meeting in a discreet location away from the workplace.

Alternatively, make a disclosure to Frankston City Council's Hotline. This is an independent service run by Stopline that enables anyone to report, anonymously if requested, improper conduct issues.

Select any of the following methods for reporting a disclosure:

<p>Frankston City Council Hotline</p>	<p>Telephone: 1300 30 45 50 (in Australia) Email: frankston@stopline.com.au On-line: https://frankston.stoplinereport.com Mail: Frankston City Council c/o Stopline, PO Box 403, Diamond Creek, VIC 3089 APP: Smart phone APP (free download from the Apple iTunes store and Google Play) Frankston City Council Hotline is an independent disclosure management service run by Stopline.</p>
<p>Public Interest Disclosure Coordinator</p>	<p>Mrs Brianna Alcock Public Interest Disclosure Coordinator CONFIDENTIAL Frankston City Council PO Box 490 FRANKSTON VIC 3199 Email: brianna.alcock@frankston.vic.gov.au Telephone: 03 9784 1751 <i>Please ensure all correspondence contains the wording "Confidential" either in the subject matter for email or on the envelope for mail or hand delivery. For mail or hand delivery, please ensure the letter is enclosed in a sealed envelope.</i></p>
<p>Deputy Public Interest Disclosure Coordinator</p>	<p>Mrs Fran Boyd Deputy Public Interest Disclosure Coordinator CONFIDENTIAL Frankston City Council PO Box 490 FRANKSTON VIC 3199 Email: fran.boyd@frankston.vic.gov.au Telephone: 03 9784 1774 <i>Please ensure all correspondence contains the wording "Confidential" either in the subject matter for email or on the envelope for mail or hand delivery. For mail or hand delivery, please ensure the letter is enclosed in a sealed envelope.</i></p>

<p>Chief Executive Officer</p>	<p>Mr Phil Cantillon Chief Executive Officer CONFIDENTIAL – PROTECTED DISCLOSURE Frankston City Council PO Box 490 FRANKSTON VIC 3199</p> <p>Email: phil.cantillon@frankston.vic.gov.au</p> <p>Telephone: 03 9784 1800</p> <p><i>Please ensure all correspondence contains the wording “Confidential” either in the subject matter for email or on the envelope for mail or hand delivery. For mail or hand delivery, please ensure the letter is enclosed in a sealed envelope.</i></p>
<p>Director, Manager or Supervisor</p>	<p>A disclosure made to a Director, Manager or Supervisor will be referred to the Public Interest Disclosure Coordinator or Deputy Public Interest Disclosure Coordinator for actioning.</p> <p><i>Please ensure all correspondence contains the wording “Confidential” either in the subject matter for email or on the envelope for mail or hand delivery. For mail or hand delivery, please ensure the letter is enclosed in a sealed envelope.</i></p>

What is the process when a disclosure is made?

If a disclosure is reported to the Frankston City Council Hotline the concerns will be received confidentially, anonymously if requested, and the confidential information provided to the Public Interest Disclosure Coordinator. Then the procedural requirements to deal with the disclosure will be followed.

The Public Interest Disclosure Coordinator will immediately acknowledge the disclosure, make an assessment and determine if it qualifies as a public interest disclosure.

If the disclosure does not meet the requirements as a public interest disclosure, you will be notified within 28 days. If it does meet the requirements, it will be referred to IBAC who will deal with the matter and you will be notified immediately.

In some cases it may be necessary for the Public Interest Disclosure Coordinator to take immediate action and report criminal conduct to Victoria Police, without revealing the identity of the discloser.

As a discloser, you must not reveal when a public interest disclosure has been referred to IBAC for investigation.

If a disclosure has been made to Council which does not relate to an employee of Council or a Councillor, this will be referred to IBAC for assessment within 28 days.

How will I be protected?

If you make a disclosure you will:

- not be subject to any civil, criminal or administrative liability for making a disclosure, unless the disclosure is knowingly false or misleading;
- not have anyone take detrimental action taken against you.

You are protected as soon as you make a disclosure, even if the matter is yet to be determined.

Whilst there are no consequences if you report something that does not qualify to be a public interest disclosure, it is an offence to deliberately make a false disclosure, and penalties may apply.

What reassurances are there to ensure disclosures remain confidential?

The Act requires information about the identity of a discloser, including the content of the disclosure, to be kept confidential.

To minimise the risks of information inadvertently being revealed or being known by others within Council, the Public Interest Disclosure Coordinator will:

- remind staff that if they make a disclosure they must keep it confidential;
- limit the number of people who can be made aware of the discloser's identity;
- limit the number of people who can be made aware of information that could identify the discloser;
- ensure a secure electronic or paper filing system for the receipt, storage, assessment and notification of public disclosures are in place; and
- develop a risk management plan for every disclosure to manage the risk of confidentiality breaches.

What will Council do to manage my welfare?

The Public Interest Disclosure Coordinator understands that a disclosure by any person takes courage. If you make a disclosure, Council will support you by:

- keeping you informed of the process and any actions taken;
- reiterating the legislative or administrative protections that are available to you;
- providing active support, and ensuring that all reasonable steps are taken to protect you;
- managing expectations by having an early discussion to determine what outcome you want, whether your expectations are realistic and what Council will be able to provide;
- developing a risk management plan to manage the welfare of those involved in every public interest disclosure; and
- maintaining confidentiality by ensuring as far as possible that other people cannot identify you as the discloser.

What are the limitations on protections?

A person will not be protected if they make a false disclosure or provide false or deliberately misleading statements (these are criminal offences).

A person who makes a disclosure is not protected against legitimate management action and will be held liable for their own conduct that they disclose as part of the protected disclosure.

What are the protections for public officers?

A public officer, being an employee of Council, is given specific protections under the Act. When a public officer acts in good faith and in accordance with the Act, Regulations and the IBAC's Guidelines, the public officer does not commit an offence under laws imposing a duty to maintain confidentiality or restricting the disclosure of information.

What is the penalty for making a false disclosure?

It is an offence to make a false disclosure, or to deliberately provide false or misleading information that relates to a public interest disclosure. The penalty under the Act is 120 penalty units or 12 months imprisonment or both.

7. Roles and responsibilities

Public Interest Disclosure Coordinator and Deputy Public Interest Disclosure Coordinator

The role of the Public Interest Disclosure Coordinator is to:

- Receive all disclosures, including phone calls, emails and letters from members of the public or staff;
- Assess disclosures in accordance with the Act;
- Notify all assessable disclosures to IBAC within 28 days;
- Establish and manage a secure filing system and processes to ensure confidentiality;
- Manage the welfare of a discloser and advising them of protections that are available under the Act;
- Track the actions taken in relation to disclosures; and
- Collate and report statistics on disclosures via Council's Annual Report.

The Deputy Public Interest Disclosure Coordinator will perform the same duties and functions in the absence of the Public Interest Disclosure Coordinator or if the disclosure relates to the Public Interest Disclosure Coordinator.

Chief Executive Officer

The Chief Executive Officer of Council will:

- receive disclosures directly from employees, Councillors and members of the public, if approached;
- appropriately document any verbal disclosure received;
- immediately refer any disclosure received to the Public Interest Disclosure Coordinator (or to the Deputy Public Interest Disclosure Coordinator, if the Protected Disclosure Coordinator is absent or if the disclosure relates to the Protected Disclosure Coordinator);
- take all necessary steps to ensure that information received or obtained in connection with a disclosure, including the identities of the discloser and the person or persons to whom the disclosure relates, are kept confidential, private and secure at all times.

Supervisors, managers and directors

Supervisors, managers and directors will:

- receive a disclosure directly from an employee they are supervising, if approached;
- receive a disclosure directly from any person regarding an employee they are supervising, if approached;
- appropriately document any verbal disclosure received;
- immediately refer any disclosure received to the Protected Disclosure Coordinator (or to the Deputy Protected Disclosure Coordinator, if the Protected Disclosure Coordinator is absent or if the disclosure relates to the Protected Disclosure Coordinator);
- take all necessary steps to ensure that information received or obtained in connection with a disclosure, including the identities of the discloser and the person or persons to whom the disclosure relates, are kept confidential, private and secure at all times.

Employees, Councillors and members of the public

Employees, Councillors and members of the public are encouraged to raise known or suspected incidences of improper conduct in relation to Council, in accordance with the Act and this Policy.

Employees, Councillors and members of the public must:

- refrain from any activity that it, or could be perceived to be, victimisation or harassment of a discloser;
- protect and maintain the confidentiality of a person they know or suspect to have made a disclosure.

Stopline

Stopline are an independent service provider to Frankston City Council, whose role is to:

- Receive disclosures, including phone calls, emails and letters from members of the public or staff;
- appropriately document any verbal disclosure received;
- refer any disclosure received to the Public Interest Disclosure Coordinator (or to the Deputy Public Interest Disclosure Coordinator, if the Protected Disclosure Coordinator is absent or if the disclosure relates to the Protected Disclosure Coordinator);
- take all necessary steps to ensure that information received or obtained in connection with a disclosure, including the identities of the discloser and the person or persons to whom the disclosure relates, are kept confidential, private and secure at all times.

8. Policy non-compliance

Failure to comply with this policy may constitute a breach of the Act, Councillor Code of Conduct or the Staff Code of Conduct.

9. Related documents

- Public Interest Disclosures Act 2012 (formerly known as the Protected Disclosure Act 2012)
- Public Interest Disclosures Regulations 2019
- Independent Broad-based Anti-corruption Commission Act 2011
- IBAC’s Guidelines for making and handling protected disclosures, www.ibac.vic.gov.au
- IBAC’s Guidelines for protected disclosure welfare management, www.ibac.vic.gov.au

10. Implementation of the Policy

This Policy (in conjunction with other Related Documents) will be published on Council’s website and intranet.

11. Document History

Date approved	Change Type	Version	Next Review Date
31 August 2020	New	1	April 2026
27 January 2021	Further update to include additional method for reporting disclosures to Stopline, an external service provider.	2	April 2026