



Name	GOV04 Whistleblowing
Policy Type	Council
Responsible Officer	Director Community and Corporate Services
Approval Date	15/11/2017
Review Date	14/11/2021

1. Purpose

To encourage and facilitate disclosures of maladministration, corrupt or illegal conduct occurring in the Council so that internal controls and procedures can be strengthened to ensure that the Council's resources are applied efficiently and effectively.

To provide assurance to the community that Council is committed to good governance and ethical behaviour.

To provide an environment where people are supported in the reporting of corrupt and illegal practices and that such persons are not victimised for reporting these matters.

2. Scope

This policy applies to all Litchfield Council employees, regardless of the status of their employment, and members of the public who elect to make a disclosure of alleged improper conduct and seeks protection under the *Public Interest Disclosure Act (the Act)*.

Comprehensive information regarding disclosure, the role and powers of the Information Commissioner, as well as links to *the Act* and the associated regulations and guidelines, are available on the Public Interest Disclosure website www.blowthewhistle.nt.gov.au

3. Definitions

For the purposes of this Policy, the following definitions apply:

Code of Conduct	means the approved Litchfield Council Codes of Conduct as they apply to employees and the Elected Members
Delegate	means the person delegated by the Chief Executive Officer to receive reports of alleged improper conduct
Employee	means any person employed by or working for Litchfield Council, either as a salaried officer, wages recipient, volunteer, temporary or employment agency staff or Elected Member
Commissioner	means the Commissioner for Public Interest Disclosure
The Act	The Public Interest Disclosure Act

<p>Improper Conduct (as defined in Section 5 of the Public Interest Disclosure Act)</p>	<p>a. if the conduct involves one or more of the following and constitutes a criminal offence or, if engaged in by a public officer (as per definition in The Act), constitutes reasonable grounds for terminating the services of the public officer:</p> <ul style="list-style-type: none"> (i) seeking or accepting a bribe or other improper inducement; (ii) any other form of dishonesty; (iii) inappropriate bias; (iv) a breach of public trust; (v) misuse of confidential information; or <p>b. the conduct involves one or more of the following (whether or not the conduct constitutes a criminal offence or, if engaged in by a public officer, reasonable grounds for terminating the services of the public officer):</p> <ul style="list-style-type: none"> (i) substantial misuse or mismanagement of public resources; (ii) substantial risk to public health or safety; (iii) substantial risk to the environment; or (iv) substantial maladministration that specifically, substantially and adversely affects someone's interests. <p>The following acts also constitute improper conduct:</p> <ul style="list-style-type: none"> (i) unauthorised removal of Council assets, both tangible and intangible; ii) altering mandated tender processes to ensure a contract is awarded to a favoured applicant; iii) inappropriate use of position to obtain goods or services; iv) an act of reprisal; or v) a conspiracy or attempt to engage in improper conduct that constitutes a criminal offence.
<p>Whistleblower</p>	<p>any person who identifies that they wish to access the protection of <i>the Act</i> and this Policy to disclose information in the public interest concerning:</p> <ul style="list-style-type: none"> • Illegal activity or corruption within Litchfield Council; • Maladministration, including impropriety, negligence or waste within Litchfield Council.

4. Policy Statement

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4.1. Council Commitment

- 4.1.1. Litchfield Council is committed to the objectives of *the Act* and to ensure that its responsibilities under *the Act* are properly fulfilled. Disclosures which are made in good faith will be taken seriously and prompt action will be taken to address any alleged improper conduct.
- 4.1.2. Litchfield Council is committed to the principles of natural justice and procedural fairness, namely:
 - The premise that a person is innocent until proven otherwise;
 - The right to be heard, which means the right to have a fair hearing, with the opportunity to present one's case;
 - The right to have a decision made by an unbiased decision-maker;
 - The right to have the decision based on evidence;
 - Clear communication of policies, procedures and instructions.
- 4.1.3. This Policy is designed to complement normal communication channels between Litchfield Council management, staff and the public. Employees are encouraged to continue to raise matters at any time with their managers/team leaders. Additionally, people may make a formal disclosure of improper conduct or detrimental action under *the Act* in accordance with this policy and associated regulations and guidelines.
- 4.1.4. Litchfield Council will adhere to *the Act's* regulations and guidelines to allow employees or members of the public to provide information in accordance with *the Act*.
- 4.1.5. Litchfield Council is committed to investigating all information supplied in a confidential manner and taking appropriate action.
- 4.1.6. Serious and proven fraud and corruption will be referred to the Northern Territory Police.

4.2. Whistleblower Protection

- 4.2.1. Litchfield Council recognises the value of transparency and accountability in its administrative and management practices and supports the making of disclosures that reveal corrupt or illegal conduct involving substantial mismanagement of public resources or conduct involving a substantial risk to public health and safety or the environment.
- 4.2.2. Litchfield Council does not tolerate improper conduct by its employees, nor the taking of reprisals against those who come forward to disclose such conduct.
- 4.2.3. Litchfield Council will take every care to keep the identity of any person making a disclosure confidential, subject to any legal requirements that are imposed on Council to disclose information. The identity of a Whistleblower will be maintained as confidential in accordance with *the Act*. Confidentiality will remain in all circumstances, unless the

Whistleblower consents to his/her identity being disclosed or disclosure is otherwise required so that the matter may be properly investigated.

- 4.2.4. Harassment, intimidation or other reprisal action against a person who discloses alleged improper conduct will not be tolerated and action will be taken in accordance with *the Act* and with Council's Code of Conduct against persons who indulge in harassment, intimidation or reprisal action.

4.3. Employees who are the Subject of Disclosures

- 4.3.1. Litchfield Council will afford natural justice to the person who is the subject of the disclosure.
- 4.3.2. Where investigations do not substantiate disclosures, the fact that the investigation has been carried out, the results of the investigation, and the identity of the person who is the subject of the disclosure will remain confidential.
- 4.3.3. Litchfield Council will give its full support to a person who is the subject of a disclosure where the allegations contained in the disclosure are clearly wrong or unsubstantiated.
- 4.3.4. If the matter has been publicly disclosed, the Chief Executive Officer will consider any request by that person to issue a statement of support setting out that the allegations were clearly wrong or unsubstantiated.
- 4.3.5. Litchfield Council will follow the strategies outlined in the The Act and associated regulations and guidelines to ensure that Whistleblower protections are in place.

4.4. Making a disclosure

- 4.4.1. Disclosures can be made verbally, in writing, by telephone or by email.
- 4.4.2. Disclosures can be made anonymously.
- 4.4.3. Disclosures can be submitted to;
- the Chief Executive Officer of the Litchfield Council **or**
 - any delegate of the Chief Executive Officer **or**
 - the Commissioner for Public Interest Disclosures.
- 4.4.4. Reporting alleged improper conduct to persons other than the above named, including the media, **will not be** protected under *the Act*.

5. Associated Documents

Litchfield Council – Codes of Conduct (EM02 & HR01)

Litchfield Council – Fraud Policy (FIN10)

Litchfield Council – Delegation Manual

6. References and Legislation

Public Interest Disclosure Act 2008 (NT)

Public Interest Disclosure Regulations

Public Interest Disclosure Guidelines

7. Review History

Date Reviewed	Description of changes (Inc Decision No. if applicable)
15/11/2017	Policy Adopted (1718/099)