



Mildura Rural City Council

Public Interest Disclosures Policy

Policy – CP014

Prepared	Reviewed	Approved	Date	Council Minute No.
Manager Governance	Strategic Leadership Team	Council	May 2026	2026/0070
Content Manager File: 18/02/01			To be reviewed: May 2029	
Document Owner: Manager Governance			Review Frequency: Every three years	

1. Purpose

This policy recognises Council's responsibility and obligations to facilitate disclosures of improper conduct in accordance with the *Public Interest Disclosures Act 2012* (the Act) including its associated Regulations.

It outlines Council's commitment to its obligations under the Act and Regulations and provides practices that Council will adhere to for reporting public interest disclosures of corrupt or improper conduct as defined in the Act.

2. Policy Statement

Council recognises the value of transparency and accountability in its administrative and management practices. Council supports the making of public interest disclosures that reveal corrupt or improper conduct. Council is committed to the aims and objectives of the Act.

This policy outlines the way in which any individual, including members of the public, staff and Councillors can disclose information which enables the prevention of fraud and corruption.

Council will take all reasonable steps to protect people who make such disclosures from any detrimental action in reprisal for making a disclosure. It will also afford natural justice to the person or body who is the subject of the disclosure.

An essential element of this protection is to ensure that information connected to a public interest disclosure, including the identity of a discloser, and the contents of that disclosure, are kept strictly confidential.

Council's commitment to the Public Interest Disclosures Act

Mildura Rural City Council supports a workplace culture where the making of disclosures is valued by the organisation and the right of any individual to make a disclosure is taken seriously. Council will:

- ensure these procedures are accessible to the public and to its employees, staff, officers and Councillors
- ensure that appropriate training is provided at all levels of the organisation to raise awareness in relation to public interest disclosure obligations
- ensure its reporting system for public interest disclosures is centralised, secure and accessible only by appropriately authorised officers
- ensure the confidentiality of information received or obtained in connection to a public interest disclosure
- not tolerate the taking of detrimental action in reprisal against any person for making a public interest disclosure and will take all reasonable steps to protect such persons from such action being taken
- afford natural justice and treat those who are the subject of any allegations contained in a disclosure fairly
- take the appropriate disciplinary action and any other action against any employees, staff, officers or Councillors engaged in the taking of detrimental action
- ensure Council officers involved with handling public interest disclosures are trained to receive and manage such disclosures appropriately
- ensure that Council handles public interest disclosures consistently and appropriately in accordance with its obligations under the Act and IBACs guidelines
- continue to be visible, approachable and communicative in establishing a workplace that supports the making of public interest disclosures.

3. Principles

The principles of this policy are:

- to ensure that all disclosures made under the Act are managed in accordance with Council's Public Interest Disclosure Procedure
- to promote a culture in which people feel safe to make disclosures about corrupt or improper conduct
- ensure welfare management is provided to those included in the Public Interest Disclosure process in accordance with Council's Public Interest Disclosure Procedure
- to ensure that detrimental action is not taken against a person because of a disclosure made by them
- to ensure that all reasonable steps are taken to protect the identity of a person making a disclosure.

Making Disclosure

As required under the Act, Council has established procedures to facilitate and encourage the making of disclosures and describes how Council handles any such disclosure received by it.

Council's Public Interest Disclosure Procedures are available on our website at www.mildura.vic.gov.au, by inspection during normal office hours at Council's Customer Service Centre's or by calling 5018 8100. This document contains detailed information about who can receive disclosures and how to make a disclosure.

A disclosure may be made in a number of ways including anonymously, in writing or verbally. An individual does not need to identify the person or body about whom the disclosure is made.

A disclosure can be made to Council's Chief Executive Officer, a permitted person, a direct or indirect manager or supervisor of either the person making the disclosure, or the person the subject of the disclosure.

The conduct or action being disclosed may be one which has taken place, is still occurring, or is believed is intended to be taken or engaged in. Disclosures may also be made about conduct that occurred prior to the commencement of the Act on 10 February 2013.

Investigating Disclosures

Council can only receive a disclosure that relates to the conduct of itself or its own employees, staff and officers. These disclosures can also be made to the Independent Broad-based Anti-Corruption Commission (IBAC) or the Victorian Ombudsman (if it is within the Ombudsman's jurisdiction to investigate) directly.

Council cannot receive or investigate a disclosure made in relation to a Councillor, including the Mayor. These disclosures must be made to the Local Government Inspectorate, IBAC or the Victorian Ombudsman directly.

If Council believes a disclosure may be a public interest disclosure, it will notify the IBAC of the disclosure. IBAC will then assess the disclosure and nominate whether it is a public interest complaint as defined by the Act.

If a disclosure is deemed to be a public interest complaint, IBAC will investigate the disclosure. If a disclosure is deemed not to be a public interest disclosure, the IBAC may refer the disclosure back to Council for investigation.

Confidentiality

Council takes its obligations under the Act seriously and will protect the identity of any discloser and the matter disclosed. Maintaining confidentiality in relation to public interest disclosure matters is crucial for ensuring that reprisals are not made against the discloser. It is a criminal offence under the Act to disclose information connected with a disclosure made in accordance with the Act, including information about the identity of a discloser. The penalties for breaching confidentiality obligations in this instance include financial penalties and imprisonment.

Misdirected Disclosures

Mildura Rural City Council commits to the 'no wrong door' provision within the Act and will ensure any Public Interest Disclosures made to the wrong receiving entity will be redirected to another appropriate receiving entity. In doing so, the discloser will not lose any of the protections available to them under the Act.

4. Who is responsible for implementing this policy?

- General Manager Corporate Performance
- Manager Governance

5. Definitions

Act	<i>Public Interest Disclosures Act 2012</i>
Corrupt Conduct	has the meaning given by section 4 of the <i>Independent Broad-based Anti-Corruption Commission Act 2011</i>
Detrimental action	includes: (a) action causing injury, loss or damage (b) intimidation or harassment (c) discrimination, disadvantage or adverse treatment in relation to a person's employment, career profession, trade or business, including the taking of disciplinary action
Discloser	Person making disclosure under the Act
Improper Conduct	has the meaning given by section 4 of the <i>Public Interest Disclosures Act 2012</i>
IBAC	Independent Broad-based Anti-Corruption Commission
Investigating entity	(a) the Independent Broad-based Anti-Corruption Commission (b) Victoria Police (c) the Ombudsman (d) Integrity Oversight Victoria (e) the Judicial Commission and if the Judicial Commission has appointed an investigating panel to investigate a complaint that is, or includes, a public interest complaint, the investigating panel (f) the Chief Municipal Inspector (g) the Racing Integrity Commissioner (h) the Information Commissioner (i) the Parliamentary Workplace Standards and Integrity Commission
Misdirected disclosure	A public interest disclosure made to an entity that is not an entity to which the disclosure may or must be made under the Act

Public Interest Complaint	a disclosure that has been determined under sections 26 or 31 to be a public interest disclosure complaint
Permitted Person	The Chief Executive Officer of Mildura Rural City Council; or A person identified as a person who may receive disclosures in the procedures established by Council under section 58 of the Act; or In the case of a disclosure made by a person who is a member, officer or employee of Council – a direct or indirect manager or supervisor of that person
Public Interest Disclosure	A disclosure by a natural person of information that shows or tends to show, or information that the person reasonably believes shows or tends to show, improper conduct or detrimental action (where the particular disclosure relates to an earlier Public Interest Disclosure). Public Interest Disclosures were previously known as Protected Disclosures.

6. Legislation and other references

6.1 Legislation

For further information related to this policy see:

- *Public Interest Disclosures Act 2012*
- *Public Interest Disclosure Regulations 2019*
- *Independent Broad-based Anti-Corruption Commission Act 2011*
- *Ombudsman Act 1973*
- *Victorian Inspectorate Act 2011*
- *Freedom of Information Act 1982*
- *Privacy and Data Protection Act 2014*
- *Charter of Human Rights and Responsibilities Act 2006*

Equal Opportunity Act 2010

6.2 Documents

This Policy is implemented in conjunction with the following documents:

- Public Interest Disclosure Procedures
- Public Interest Disclosure Fact Sheet
- Public Interest Disclosure Complaint Form
- Public Interest Disclosure Checklist
- Guidelines for making and handling public interest disclosure (produced by IBAC)
- Guidelines for public interest disclosure welfare management (produced by IBAC)

6.3 Risk Assessment Reference

Please tick the corporate risk(s) that this policy is addressing.

Risk Category		Risk Category	
Asset Management		Financial Sustainability	
Committees		Human Resource Management	✓
Compliance – Legal & Regulatory	✓	Leadership & Organisational Culture	✓
Contract Management		Occupational Health & Safety	✓
Contract Tendering & Procurement		Organisational Risk Management	✓
Corporate Governance	✓	Project Management	✓
Environmental Sustainability		Public Image and Reputation	✓