

Public Interest Disclosures Policy and Procedure

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Approval by:	CEO	Responsible Officer:	Manager Governance and Risk
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1. Purpose

Knox City Council (Council) is committed to supporting a workplace culture where the making of public interest disclosures is valued, and the right of any individual to make such a disclosure is taken seriously. This policy and procedure encourages the reporting of improper conduct and reinforces Council's zero-tolerance approach to such behaviour.

Improper conduct includes, but is not limited to, corruption, criminal offences, serious professional misconduct, dishonest performance of public functions, intentional or reckless breaches of public trust, misuse of information or resources, substantial mismanagement, and conduct that poses significant risks to health, safety, or the environment. It also includes actions intended to improperly influence public officers or public bodies for personal or financial gain, or conspiracies to engage in such conduct.

The policy aims to protect individuals who make disclosures, ensure that reports are appropriately assessed and, where necessary, investigated, and maintain the confidentiality of both the disclosure and the identity of the person reporting it.

Two key legislative frameworks establish Council's obligations in this area are:

- **Public Interest Disclosures Act 2012 (PID Act):** The PID Scheme is Victoria's 'whistleblowing system' for reporting corruption or misconduct. Under section 58, Council must establish and make publicly available procedures that support individuals to make disclosures and ensure those reports are managed appropriately.
- **Aged Care Act 2024 (AC Act):** The AC Act also provides whistleblower protections. Section 165 requires registered providers, including Council, to develop a whistleblower protection policy. This policy sets out how disclosures related to aged care can be made and how disclosers will be protected.

Together, these obligations ensure that Council provides clear, accessible, and legally compliant mechanisms for individuals to raise concerns and be protected from adverse consequences when doing so. These procedures must be accessible both to members of the public and internally to Councillors and Council officers, contractors and volunteers.

2. Context

Council is authorised to receive reports under both the PID Act and AC Act and is committed to fulfilling its responsibilities under these laws. This Policy encourages individuals to make disclosures to Council's PID Coordinators, relevant integrity bodies or other authorised persons (see Appendix A).

Council recognises the value of transparency and accountability in its administrative and management practices and supports the making of disclosures that reveal improper conduct. Council promotes transparency and accountability, does not tolerate improper conduct by officers and will take all reasonable steps to protect disclosers from reprisal.

For the purpose of this Policy, the term *Public Interest Disclosure* also includes *whistleblower*, as referred to in the AC Act.

3. Scope

This Policy is a resource for disclosers and potential disclosers, whether a Councillor, Council officer, volunteer or contractor for Council or an external member of the public; essentially, any individual who wants to find out how to make a disclosure, receive the protections available under the Act, and how the discloser and their disclosure may be managed and handled by Council.

This Policy covers:

- how disclosures may be made to Council's PID Coordinators.
- how Council's PID Coordinators manage the receipt of disclosures.
- how Council's PID Coordinators assesses disclosures under the Act.
- notifications Council's PID Coordinators are required to make about disclosures, to both disclosers and to the IBAC;
- how Council protects certain people, including from detrimental action being taken against them in reprisal for making a public interest disclosure, namely:
 - disclosers
 - persons who are the subject of public interest disclosures and public interest disclosure complaints and
 - other persons connected to public interest disclosures, such as witnesses or persons cooperating with an investigation.

This Policy does not replace either the PID or AC Act and should not be relied on as providing legal advice.

4. Policy

What is a PID?

4.1. PIDs are reports about:

Improper Conduct	This may include criminal offences, breaches of public trust or behaviour that puts one or more person's safety at risk.
Detrimental Action	This may include intimidation, discrimination or harassment in retaliation for making a public interest disclosure.

4.2. A disclosure can relate to conduct or action that:

- may have already taken place.
- may be occurring now.
- may happen in the future.

Who Can a Disclosure be Made About?

4.3. Under the PID Act, a disclosure can be made about:

- a) Knox City Council
- b) Council officers
- c) Conduct of a person who is not a Councillor or Council officer or is not employed by Council, where their conduct is adversely affecting the honest performance of a public body or public officer, or is intended to adversely affect their effective performance.
- d) Councillors

Someone can still make a disclosure even if they cannot identify the person or the organisation to which the disclosure relates.

4.4. Under the AC Act, disclosures may relate to:

- An individual who has not followed the AC Act, or
- An organisation that has failed to comply with the AC Act.

Under the AC Act, a disclosure can be made about someone who has not followed the aged care law, or more broadly, about an organisation that hasn't followed the aged care law.

Who can Disclosures be made to?

4.5. Council has nominated officers to receive disclosures. They are called a PID Coordinator.

4.6. If you are a Council officer, you can make a disclosure to a manager, supervisor or the PID Coordinator.

4.7. Where a disclosure is made to a manager or supervisor, it must be escalated to a PID Coordinator as soon as practicable.

4.8. You can also report PIDs directly to IBAC, and other agencies such as the Victorian Ombudsman or Integrity Oversight Victoria. The agency you report to may depend on the conduct you are seeking to report (see Appendix A).

4.9. Disclosures about must only be made to specific entities.

Please see the below summary, which is relevant to Local Government:

Your disclosure relates to:	Who to make a PID to: * Appendix A details the contact information for the below.
A Councillor	IBAC.
Aged Care Services	Any aged care worker, any Councillor elected at Knox City Council, Council's PID Coordinators, Council's Chief Executive Officer, Council's Director Connected Communities, Council's Manager Community Access and Support, Aged Care Quality and Safety Commission, the Department of Health, Disability and Ageing, a police officer or an independent aged care advocate.
Council Officer	Council's PID Coordinators, IBAC, or to the Victorian Ombudsman or the Integrity Oversight Victoria.
Council	Council's PID Coordinators, IBAC, or to the Victorian Ombudsman or the Integrity Oversight Victoria.

Disclosures Council is not authorised to receive

- 4.10. If a PID Coordinator receives a disclosure Council isn't authorised to handle (e.g., disclosures about Councillors), but the discloser believed Council was the right place to report it, the disclosure will be treated as misdirected.
- 4.11. Where a misdirected disclosure has been made, the Primary PID Coordinator, or a Council officer fulfilling that role, may redirect it to IBAC or the Ombudsman without the discloser losing the protections contained in the PID Act.

Making disclosures to Council

- 4.12. Disclosures can be made verbally or in writing and may be anonymous. Contact details are in Appendix A. Methods and requirements are in Appendix B.

Receipt of Disclosures

- 4.13. The receipt of a disclosure will be acknowledged verbally or in writing (if a postal address or email address is known). The discloser will be advised of the key steps involved in the process for handling the disclosure, including the timeframes involved.

Assessing Disclosures

- 4.14. Upon receipt of a disclosure, the PID Coordinator will assess whether the disclosure complies with the requirements of the Act.
- 4.15. At this time, the PID Coordinator may also discuss with the discloser the welfare support it will provide (for example, the appointment of a Contact Officer) and the precautions Council will take to prevent detrimental action taken in reprisal for making a disclosure.
- 4.16. The PID Coordinator will assess all disclosures using the two-step process in Appendix C, regardless of whether disclosures are identified as PIDs. The assessment is based on the content of the disclosure or the discloser's belief about it, not their intent.
- 4.17. A disclosure will not be treated as a PID if the discloser states in writing, at the time or within 28 days, that they do not wish it to be.

Where urgent action is required while an assessment is still being made

- 4.18. In urgent cases involving health and safety of individuals, property, or serious criminal conduct, Council may take immediate action while assessing or awaiting IBAC's response.
- 4.19. In some circumstances, it may be necessary for Council to report a disclosure to Victoria Police for immediate investigation. Where such a report must be made, the Primary PID Coordinator, or a Council officer fulfilling that role will make it.
- 4.20. It may also be necessary for Council to take action to prevent certain future conduct (including taking action against the person a disclosure was made about). For example, a Council employee may be concealing evidence of criminal conduct. This action may take place before Council has decided whether a disclosure meets all the requirements in the Act.
- 4.21. Council may share the content of the disclosure as needed for lawful action, such as disciplinary processes, but will not reveal the discloser's identity.

Outcome of Disclosure Assessment (PID Act)

The outcome of the disclosure assessment will trigger the next actions. A summary of the potential actions is below.

1. If the PID Coordinator determines a Disclosure is considered a PID:
 - a. The Primary PID Coordinator must notify IBAC, in writing, within 28 days of a disclosure being made to Council. The disclosure will then be known as an 'assessable disclosure'.
 - b. The PID Coordinator will advise the discloser either verbally, or in writing (if a postal or email address is known) within 28 days of making the disclosure to Council, that the disclosure has been notified to IBAC and that it is an offence under the Act to inform anyone that a disclosure has been notified to IBAC. Council may also provide to IBAC information that it has obtained whilst it was assessing whether the disclosure should be referred to IBAC.

- c. IBAC is responsible for identifying, investigating, exposing and preventing serious corrupt conduct across the whole of the Victorian public sector. Their assessment process is available on their website at: <https://ibac.vic.gov.au>.

2. If the PID Coordinator determines a Disclosure is not considered a PID:

- a. Council will advise the discloser of this within 28 days of making the disclosure to the Department. In that event, the discloser may wish to seek that the disclosure be dealt with under Council's complaint handling process or other appropriate channel such as Staff Code of Conduct.

Protections for Disclosers

4.22. The PID Act sets out the protections provided to persons who make a disclosure in accordance with the Act. These include:

- a. immunity from civil or criminal liability as well as administrative action (including disciplinary action) for making the disclosure.
- b. immunity from committing an offence under the *Constitution Act 1975* or any other Act that imposes obligations of confidentiality or otherwise restricts the disclosure of information.
- c. immunity from breaching any other obligation (made by oath or rule of law or practice) requiring the maintenance of confidentiality or otherwise restricting the disclosure of information; and
- d. protection from an action for defamation.

4.23. In addition to the above, the AC Act provides protections where a contract to which the individual is a party may not be terminated on the basis that the disclosure constitutes a breach of the contract.

4.24. These protections apply to a disclosure from the time you make the disclosure and continue to apply even if Council determines the disclosure does not comply with the requirements of the Act or IBAC determines that the disclosure is not a 'public interest disclosure'.

4.25. The protections in both Acts do not apply if you provide false or misleading information or claim that a matter is the subject of a public interest disclosure knowing that claim to be false.

Confidentiality Protections

4.26. Confidentiality protects both disclosers and any individuals involved in a PID.

Sections 52-54 of the PID Act and 550 of the AC Act, impose restrictions on sharing information.

Breaching these restrictions is an offence. In essence, they are:

Restriction	Summary of the restriction	Where the restriction applies
1. The content of a PID must be confidential	The PID Act prohibits the disclosure of the content or information about the content, of any disclosure that has been assessed as a PID.	This restriction applies to a person or body that receives a disclosure or is provided information about the disclosure by an investigating entity assessing or investigating it. The restriction does not apply to the discloser.
2. The identity of a person making a PID must be confidential	The PID Act prohibits the disclosure of: <ul style="list-style-type: none"> the content or information about the content, of any disclosure that has been assessed as a PID. information that is likely to lead to the identification of the discloser 	This restriction applies to any person or body, other than the discloser.

4.27. There are exemptions to the above. Confidential information related to a PID may be disclosed in specific circumstances. Please see section 550 of the AC Act and section 54 of the PID Act for further information.

Protections for Public Officers

4.28. A public officer acting in good faith under the PID Scheme, does not breach confidentiality laws.

However, protections do not apply if a discloser knowingly provides false or misleading information or falsely claims a matter is a PID.

Disclosers remain responsible for their own conduct and are not shielded from legitimate management action being taken in relation to them.

Welfare Management

- 4.29. Council is committed to protecting genuine disclosers from reprisal and providing support to all individuals involved in a PID, including those who are the subjects of a disclosure.
- 4.30. Officers and Councillors must maintain confidentiality, support disclosers, and must not take any detrimental action against them. Council will ensure a supportive work environment and respond promptly to any reports of intimidation or harassment directed at cooperators or those who are the subject of the disclosure.
- 4.31. For external parties, Council will take reasonable steps to provide appropriate support and clearly communicate expectations regarding welfare management.

Appointing a Contact Officer

- 4.32. In appropriate circumstances, Council will appoint a contact officer to assist to support a discloser, co-operator or subject of a disclosure.

The contact officer will:

- Assess and support their welfare needs.
- Advise the discloser or co-operator on the protections available to them.
- Listen and respond to any concerns of harassment, intimidation or victimisation in reprisal for making a disclosure.
- Maintain confidentiality, sharing details only with the PID Coordinator or the CEO.
- Hold discreet meetings to protect identities.
- Manage expectations realistically.

If a disclosure is not determined to be a public interest complaint, or is dismissed, it may not be appropriate to appoint a contact officer.

Information Management

- 4.33. Council will keep all files secure and, wherever practicable, confine access to the PID Coordinator and PID Officers and relevant Contact Officers. Access will be managed to maintain confidentiality and protect the integrity of the information at all times.

Contact officers must not share disclosure details except with the PID Coordinator or authorised investigations. All related meetings will be conducted discreetly to protect confidentiality.

Printed material will be clearly marked confidential and warn of penalties for unauthorised access. Electronic files will be produced and stored in a restricted folder accessible only to authorised PID officers, with secure back-up.

Council will not use unsecured email, and all calls, meetings and document transfers will be handled privately and securely.

Exemption from the *Freedom of Information Act 1982* (“FOI Act”)

- 4.34. The FOI Act allows individuals to request Council documents, but exempts information related to PIDs, including anything that could identify a discloser.

Council must consult IBAC before releasing any PID-related documents or those originating from IBAC in response to an FOI request.

Natural Justice

- 4.35. Council will seek to afford natural justice to the subject of a disclosure prior to any findings being made in relation to allegations. If the matter has been investigated by an investigative entity, then the investigative entity will be responsible for ensuring consultations with the subject include the provision of natural justice to them.

If the allegations are wrong or unsubstantiated

- 4.36. Council acknowledges that some allegations may be wrong or unsubstantiated. Even so, Council will assess the allegations to determine whether the conduct breaches Council policies.

Council will manage such cases individually, especially if the subject is publicly identified or widely known within Council. If Council has publicly disclosed the matter, the CEO may consider requests to issue a statement confirming the allegations were unfounded.

Protections available to disclosers

- 4.37. Protected Disclosures:

- Disclosures assessed as PIDs by authorised bodies, even if not referred to IBAC.
- Disclosures IBAC determined to be public interest complaints.

- 4.38. Protections for Disclosers:

Disclosers:

- Cannot be terminated, disciplined, bullied, or sued to making a disclosure.
- Cannot be held liable under confidentiality laws or defamation.
- Will be protected from the time the disclosure is made, even if not referred to IBAC or not deemed a public interest complaint.

Disclosers who reasonably believe they are facing or may face detrimental action can request a transfer of employment, either permanently or temporarily.

Limitations on protections

- 4.39. Protections for disclosers will not apply if they:

- Knowingly provide false or misleading information.
- Claim a matter is the subject of a PID knowing the claim is false.

- 4.40. Disclosers are not protected from legitimate management action, provided the action is unrelated to the disclosure itself. While disclosers are not liable for making a PID, they remain responsible for their own conduct, including if the PID pertains to their own actions.

If a discloser is implicated in improper conduct, Council will handle the disclosure and protect the discloser from detrimental action in accordance with its obligations. However, making a disclosure does not shield the discloser from reasonable consequences relating from their involvement in improper conduct, although an admission may be considered as a mitigating factor in disciplinary or other actions.

Detrimental Action

4.41. It is an offence for a public officer or body to take detrimental action against a discloser for making a PID. Detrimental actions include:

- Threats or acts of harm or harassment to the discloser's safety, property, or those connected with them (family, friends).
- Changes in the discloser's role, duties, or position due to their disclosure.
- Career or professional discrimination against the discloser - for example if a discloser is overlooked for a promotion where someone has a suspicion or knows that the person was the PID discloser.
- Negative impact on the disclosers or their associates' future opportunities (e.g., promotions, job applications, tenders) leading to financial or reputational harm.

Detrimental action includes both actual harm and threats; or incitement to cause harm. It can also apply to those connected to the discloser.

When evaluating a potential case of detrimental action, factors such as the nature of the action, the intent or belief behind it (i.e., the person's motivation) will be considered.

If Detrimental Action Is Reported

4.42. If any report of harassment, discrimination or adverse treatment believed to be reprisal must be documented by the contact officer, PID coordinator or PID Officer. The person must be advised of their rights under the PID Act.

Disciplinary Or Other Action Against a Discloser

4.43. Disciplinary action against a person who has made a PID may appear retaliatory. If such action is considered, the CEO must ensure:

- the PID was not a factor in the decision;
- there are valid, sufficient grounds for the action, as would apply to anyone in similar circumstances.

Council will fully document its reasons for taking the action, confirming it is not retaliatory. The discloser will be informed, given natural justice, and advised of any mitigating factors. See Appendix D for the civil and criminal penalties under the PID Act.

Training

4.44. Council will:

- Include training on PID obligations and this Policy in officer and Councillor inductions.
- Provide regular training on PID rights and responsibilities.
- Offer targeted training to:
 - Officers with PID responsibilities (e.g. PID Coordinator, PID Officers, contact officers)
 - Complaint handling officer to ensure PID compliance
 - FOI and information management responsibilities, to prevent unlawful disclosure and coordinate with investigative bodies.
 - Frontline officers to ensure external disclosures are handled appropriately under the PID Act and this Policy.

Collating and Publishing Statistics

- 4.45. Council is required to publish certain statistics about the PID Act in its annual reports. That information relates mainly to how this Policy may be accessed and the number of disclosures notified to IBAC for assessment during the financial year.

5. References

5.1. Knox Council and Health and Wellbeing Plan 2025-2029

Theme 4: Leading, listening and governing responsibly

Strategy 4.4: The changing needs of our community are met through informed policy and strategy that maximises value, collaboration and partnerships with other councils and local organisations.

5.2. Relevant Legislation

- *Aged Care Act 2024*
- *Independent Broad-based Anti-Corruption Commission Act 2011 (Vic)*
- *Local Government Act 2020 (Vic)*
- *Ombudsman Act 1973 (Vic)*
- *Protected Disclosure Regulations 2013*
- *Public Interest Disclosures Act 2012 (Vic)*
- *Freedom of information Act 1982 (Vic)*

5.3. Charter of Human Rights

- This policy has been assessed against the charter of Human Rights and does not unreasonably interfere with any protected rights.

5.4. Related Council Policies and Procedures

- Model Councillor Code of Conduct
- Staff Code of Conduct
- Complaints Policy

6. Abbreviations and Definitions

The following abbreviations and key terms are used in this Policy:

AC Act	means the <i>Aged Care Act 2024</i>
Assessable Disclosure	means a disclosure that must be notified to the IBAC, Integrity Oversight Victoria or the Integrity and Oversight Committee.
Council	means Knox City Council
Council officer	means an employee of Council whether permanent, temporary or casual.
Councillor	means a Councillor of Knox City Council
Discloser	means a person who make (or purports to make) a complaint, allegation or disclosure (however described) under the PID Act and AC Act.
Disclosure	means any complaint, concern, matter, allegation or disclosure (however described) made or purported to be made in accordance with Part 2 of the PID Act

IBAC Act	means the <i>Independent Broad-based Anti-Corruption Commission Act 2011 (Vic)</i>
Investigative Entity	means any one of the five bodies authorised to investigate a PID complaint, being the IBAC, the Ombudsman, the Chief Commissioner of Police, the Victorian Inspectorate and the Integrity and Oversight Committee
Natural Person	means a human being, not a legal entity like a corporate body.
Officer	means all employees, Councillors, contractors, students and volunteers of the Council.
Public Interest Disclosure (PID)	means 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, where the particular disclosure related to an earlier PID, detrimental action. PIDs were previously known as protected disclosures
PID Act	means the <i>Public Interest Disclosures Act 2012 (Vic)</i>
PID Scheme	means the PID Act, the Regulations and guidelines issued by IBAC
PID Complaint (PIC)	means a PID that has been determined by IBAC, the Integrity Oversight Victoria, or the Integrity and Oversight Committee to be a PIC. PICs were previously known as protected disclosure complaints
Regulations	means the <i>Protected Disclosure Regulations 2013</i>
Responsible Person	has the same meaning as defined in the <i>Aged Care Act 2024</i> . To clarify, in relation to Council, responsible person means: <ul style="list-style-type: none"> - the Chief Executive Officer - the Director Connected Communities - Councillors
Serious professional misconduct	means conduct that constitutes a serious breach of an established professional code of conduct and/or other serious departures from the person's professional responsibilities.

7. Administrative Updates

From time to time, circumstances may change leading to the need for minor administrative changes to this policy. Where an update does not materially alter this policy, such a change may be made administratively with approval from the Director of Customer and Performance. Examples of minor administrative changes include changes to names of Council departments or positions, changes to names of Federal or State Government departments, minor amendments to legislation, or changes that do not have a material impact. Where any change or update may materially change the intent of this policy, it must be considered by the Chief Executive Officer.

Appendix A – Contact Details

For reporting improper conduct or detrimental action under the **PID Act**:

Council's PID Coordinators		
Role at Council		
Primary PID Coordinator	First point of contact for all disclosures. Responsible for initial assessment and coordination.	<ul style="list-style-type: none"> • Manager Governance and Risk
Secondary PID Coordinator	Supports the Manager Governance and Risk and may act in their absence or assist with complex matters.	<ul style="list-style-type: none"> • Head of Governance
Tertiary PID Coordinators	Available for support, escalation, or if the primary and secondary contacts are unavailable. These roles may also provide welfare support or assist with broader organisational responses.	<ul style="list-style-type: none"> • Director Customer and Performance • Head of Workplace Relations • Chief People Officer

Integrity Agencies	
Independent Broad-based Anti-Corruption Commission (IBAC)	
Address:	GPO Box 24234, MELBOURNE VIC 3001
Telephone:	1300 735 135
Website:	www.ibac.vic.gov.au
Email:	info@ibac.vic.gov.au
Victorian Ombudsman	
Address:	Level 2, 570 Bourke Street, MELBOURNE VIC 3000
Telephone:	1800 806 314
Website:	www.ombudsman.vic.gov.au
Email:	ombudvic@ombudsman.vic.gov.au
Online form:	Make a complaint
Integrity Oversight Victoria	
Address:	PO Box 617, Collins Street West, Melbourne VIC 8007
Telephone:	1800 518 197
Website:	www.integrityoversight.vic.gov.au
Email:	info@integrityoversight.vic.gov.au
Online form:	Make a complaint form

For reporting improper conduct or detrimental action under the **AC Act**:

Council's PID Coordinators		
Role at Council		
Primary PID Coordinator	First point of contact for all disclosures. Responsible for initial assessment and coordination.	<ul style="list-style-type: none"> • Manager Governance and Risk
Secondary PID Coordinator	Supports the Manager Governance and Risk and may act in their absence or assist with complex matters.	<ul style="list-style-type: none"> • Head of Governance
Tertiary PID Coordinators	Available for support, escalation, or if the primary and secondary contacts are unavailable. These roles may also provide welfare support or assist with broader organisational responses.	<ul style="list-style-type: none"> • Director Customer and Performance • Head of Workplace Relations • Chief People Officer

Integrity Agencies	
Aged Care Quality and Safety Commission	
Address:	GPO Box 9819, MELBOURNE VIC 3000
Telephone:	1800 951 822
Website:	www.agedcarequality.gov.au
Email:	info@agedcarequality.gov.au
Online form:	Make a complaint form
Department of Health, Disability and Ageing	
Address:	GPO Box 9848, CANBERRA ACT 2601
Telephone:	1800 020 103
Website:	www.health.gov.au
Email:	enquiries@health.gov.au
Online form:	Make a complaint form
Also, you may make a declaration to	
<ul style="list-style-type: none"> • Police Officers • An independent aged care advocate • Aged care workers of registered providers (Council is a registered provider) • Any elected Knox Councillor • Council's CEO • Council's Director Connected Communities • Council's Manager Community Access and Support 	

Appendix B – Making a Disclosure

The below table explains the requirements for each of these disclosure methods.

Private verbal disclosure
<ul style="list-style-type: none">• Can be made in person, by phone or via voicemail.• Must be made in private, meaning only the following can be present or listening:<ul style="list-style-type: none">○ The discloser’s lawyer (if any)○ A person legally authorised to receive the disclosure <p>If the disclosure is made verbally, the person receiving the disclosure should make notes at the time. This person can also record the conversation but should give prior warning that the conversation will be recorded. The conversation should not be recorded if the discloser objects.</p>
Written disclosure
<p>Can be submitted to Council by:</p> <ul style="list-style-type: none">• completing a disclosure through the reporting mechanism, Whispli• delivering it in person• sending by mail• emailing to:<ul style="list-style-type: none">○ Council’s official email address○ A nominated officer’s official email address (as per Council’s procedures or PID Regulations)• completing the online forms available as highlighted in Appendix A. <p>Note: Disclosures cannot be made by fax.</p>
Anonymous disclosure
<p>Disclosers do not need to identify themselves.</p> <p>An anonymous disclosure can be made through:</p> <ul style="list-style-type: none">• completing a disclosure through the reporting mechanism, Whispli• unverifiable email addresses• anonymous phone calls• In person conversation or meeting where the discloser does not reveal their identity (must still be made ‘in private’ in accordance with the PIDs Regulations). <p>If the disclosure is received from an unidentifiable source, treat it as an anonymous disclosure.</p>

Appendix C – Disclosure Review – Two Step Process

Table 1: Two-step process

Step 1: Has there been improper conduct or detrimental action?	
Council must assess all available information about the alleged conduct and about the discloser. This may involve:	Undertaking this assessment may require Council to:
<p>Questions to consider:</p> <ul style="list-style-type: none"> • What is the discloser’s connection to the alleged conduct? (e.g. victim, witness, participant) • How did they learn about the conduct? (e.g. personal experience, observation, told by someone else) • Is the information detailed and specific? • Is the information reliable or supported by other sources? 	<ul style="list-style-type: none"> • Reviewing Council records • Conduct discreet initial enquires • Requesting more detail from the discloser
Step 2: Is there a reasonable belief that improper conduct or detrimental action has occurred?	
The discloser must genuinely believe, based on facts, that improper conduct or detrimental action has happened or is likely to happen.	
<ul style="list-style-type: none"> • A simple claim like “I know XYZ is corrupt” is not enough. • The belief must be backed by facts or details that a reasonable person could also believe to be true. • Even second or third hand information can be considered if: <ul style="list-style-type: none"> ○ It is reasonably detailed ○ The source appears credible ○ It is plausible how the discloser came to know the information. 	

Appendix D – Civil and Criminal Penalties

The PID Act contains several civil and criminal penalties for offences as summarised below:

Offences	Penalties
Taking or threatening detrimental action (e.g. punishing someone for making or cooperating with a PID).	Criminal: Up to 240 penalty units or 2 years imprisonment or both. Civil: Court may order compensation and reinstatement.
Employer liability (If an officer or agent takes detrimental action).	Criminal: Up to 240 penalty units or 2 years imprisonment or both. Civil: Court may order compensation and reinstatement. The employer may be held responsible.
Revealing the content of a PID	Individuals: Up to 120 penalty units or 12 months imprisonment or Both. Organisations: Up to 600 penalty units.
Revealing a disclosers identity	Individuals: Up to 120 penalty units or 12 months imprisonment or Both. Organisations: Up to 600 penalty units.
Knowingly making a false or misleading disclosure	Up to 120 penalty units or 12 months imprisonment or both.
Falsely claiming something is a PID	Up to 120 penalty units or 12 months imprisonment or both.

The AC Act contains several civil penalties for offences as summarised below:

Offences	Penalties
Revealing a disclosers identity	Civil: 30 penalty units.
Disclosing information that is likely to lead to the identification of the discloser	Civil: 30 penalty units.
Actually causing detriment	Civil: 500 penalty points.
Threatening to cause detriment (Threats may be expressed or implied, conditional or unconditional).	Civil: 500 penalty points.
Penalty for Contravening Banning Orders Entities have a strict obligation to comply with banning orders issued under the Aged Care Act. An offence occurs if an entity breaches the terms of its own banning order. An offence also occurs if a registered provider fails to take reasonable steps to prevent a banned individual, such as an aged care worker or responsible person, from breaching their banning order.	Civil: 1,000 penalty points