



EMP-GOV-016 | Whistleblower Policy

Strategic Context

Strategic Link	Objective
✓ United ✓ Safe & Healthy ✓ Beautiful & Respected ✓ Prosperous & Equitable	To promote integrity, transparency and accountability by providing a safe and confidential framework for reporting suspected misconduct, corruption, fraud, maladministration or other improper conduct, and to protect persons who make genuine disclosures from victimisation, reprisal or detrimental action.

Introduction

1. The Shire of Halls Creek is committed to maintaining the highest standards of integrity, ethical conduct and accountability. The Shire recognises the important role whistleblowers play in identifying suspected misconduct, corruption, fraud, maladministration and other improper conduct.
2. The Shire will provide appropriate reporting pathways, manage disclosures fairly and confidentially, and support and protect persons who raise genuine concerns in accordance with applicable legislation.

Purpose

3. The purpose of this Policy is to establish clear and accessible processes for reporting, receiving, assessing and responding to suspected improper conduct. It ensures disclosures are managed appropriately, impartially and confidentially, and that persons who make genuine reports are supported and protected from victimisation, reprisal or detrimental action.

Policy Scope

4. This Policy applies to all Council Members, committee members, employees, contractors, consultants, volunteers, suppliers and any other person who performs work for, or provide services to, the Shire of Halls Creek.
5. It applies to disclosures concerning suspected misconduct, corruption, fraud, maladministration, substantial misuse of public resources, breaches of legislation or other improper conduct involving the Shire, its activities or persons acting on its behalf.

Policy Statement

6. The Shire of Halls Creek encourages the reporting of suspected misconduct, corruption, fraud, maladministration, substantial misuse of public resources and other improper conduct. The Shire will provide accessible reporting pathways and ensure disclosures are assessed and managed promptly, fairly, impartially and confidentially in accordance with applicable legislation.
7. The Shire will take reasonable steps to protect persons who make genuine disclosures from victimisation, reprisal or detrimental action. All reports will be treated seriously; however, knowingly false, misleading or malicious reports may result in disciplinary or other appropriate action.

Principles Underpinning the Policy

Principle Name	Principle Definition
Integrity and Accountability	Suspected improper conduct will be taken seriously and addressed appropriately.
Accessible Reporting	Clear and practical pathways will be available for raising concerns internally or with an appropriate external authority.
Confidentiality	Information relating to a disclosure will be protected and shared only where authorised, legally required or necessary for proper assessment or investigation.
Protection from Reprisal	Reasonable steps will be taken to protect persons making genuine disclosures from victimisation, retaliation or detrimental action.
Procedural Fairness	Disclosures will be managed impartially, and persons affected by allegations will be afforded procedural fairness.
Timely Response	Reports will be acknowledged, assessed, referred and investigated as promptly as reasonably practicable.
Independence	Actual, potential or perceived conflicts of interest will be identified and managed throughout the disclosure process.
Need-to-know Information	Access to disclosure information will be limited to persons who require it to perform an authorised function.
Appropriate Referral	Matters will be referred to the Public Interest Disclosure Officer, Chief Executive Officer or relevant external authority as required.
Support and Wellbeing	Appropriate support will be offered to disclosers, witnesses and other persons affected by the process.
Good-faith Reporting	Persons are expected to make disclosures honestly and on reasonable grounds; knowingly false or malicious reports will not be accepted.
Recordkeeping and Oversight	Disclosures, decisions and actions will be securely documented, monitored and retained in accordance with legal requirements.

Definitions

Term	Meaning
Confidentiality	The protection of information concerning a disclosure, including the identity of the discloser and persons named in the report.
Detrimental Action	Harm, disadvantage or adverse treatment taken or threatened because a person made, intended to make or was believed to have made a disclosure.
Disclosure	Information provided about actual, suspected or anticipated improper conduct. A disclosure is not automatically a protected disclosure under legislation.
Discloser	A person who makes or attempts to make a disclosure under this Policy.
External Authority	A public body authorised to receive, assess or investigate matters, including the Public Sector Commission, Corruption and Crime Commission, Ombudsman Western Australia, Auditor General or Western Australia Police Force.
Fraud	Dishonest activity involving deception that causes, or is intended to cause, financial or non-financial loss or an improper benefit.
Good Faith	Acting honestly and without knowingly providing false, misleading or malicious information.
Improper Conduct	Conduct that may involve misconduct, corruption, fraud, maladministration, an offence, a substantial misuse of public resources, a substantial and specific risk to public, public health or safety, or another serious breach of legal or ethical obligations.
Maladministration	Conduct involving unreasonable, unjust, oppressive or improperly discriminatory administrative action, or action based wholly or partly on improper motives.
Misconduct	Conduct by a public officer that may constitute serious or minor misconduct under the <i>Corruption, Crime and Misconduct Act 2003</i> .
Procedural Fairness	A fair process that provides an affected person with appropriate notice of allegations and a reasonable opportunity to respond before adverse findings are made.
Public Interest Disclosure	A disclosure of public interest information made in accordance with the <i>Public Interest Disclosure Act 2003</i> .
Public Interest Disclosure Officer	A person appointed by the Shire to receive and manage public interest disclosures in accordance with the <i>Public Interest Disclosure Act 2003</i> .

Victimisation or Reprisal	Any act or omission that causes detriment to a person because of their involvement in making, supporting or investigating a disclosure.
Whistleblower	A person who reports suspected improper conduct involving the Shire, its activities or a person acting on its behalf.

Policy Details

8. Commitment to Speaking Up

8.1 The Shire encourages persons covered by this Policy to report suspected misconduct, corruption, fraud, maladministration or other improper conduct.

8.2 A person does not need to prove the allegation before reporting it but should have reasonable grounds for their concern and provide information honestly. A genuine report will be taken seriously even where it is not substantiated.

9. Matters That May Be Reported

9.1 Reportable matters may include suspected:

- a) Corrupt or dishonest conduct.
- b) Fraud, theft, bribery or misuse of Shire funds or assets.
- c) Serious or minor misconduct by a public officer.
- d) Maladministration or abuse of authority.
- e) Substantial or unauthorised misuse of public resources.
- f) Breach of legislation, policy, delegation or contractual obligations.
- g) Undisclosed conflicts of interest.
- h) Improper procurement, tendering or contracting practices.
- i) Falsification, concealment or destruction of official records.
- j) Conduct creating a substantial and specific risk to public health, safety or the environment.
- k) Victimisation, reprisal or concealment of reportable conduct.

10. Matters Managed Under Other Processes

10.1 Personal employment grievances, interpersonal disputes, performance concerns and routine customer complaints will generally be managed under the Shire's grievance, human resources or complaints procedures unless they involve broader improper conduct or significant public interest issues.

10.2 Code of conduct complaints, workplace safety incidents, child-related concerns, privacy breaches and criminal conduct may be managed or referred under the specific legislative or procedural framework applying to the matter.

11. Reporting Pathways

11.1 A concern may be reported to:

- a) The Shire's Public Interest Disclosure Officer.
- b) The Chief Executive Officer.



- c) A Director or manager.
- d) The Shire President, where the concern involves the Chief Executive Officer.
- e) Another employee designated to receive reports.
- f) An appropriate external authority.

11.2 Employees and Council Members who receive a report must promptly refer it to an authorised person and must not investigate the matter themselves unless directed to do so.

12. Public Interest Disclosures

12.1 A person wishing to obtain protection under the Public Interest Disclosure Act 2003 should make the disclosure to a proper authority in accordance with that Act.

12.2 The Shire's Public Interest Disclosure Officer will provide information about:

- a) Whether the matter may be suitable for a public interest disclosure.
- b) The proper authority to receive the disclosure.
- c) How the disclosure should be made.
- d) The statutory protections and obligations that may apply.

12.3 A report made under this Policy does not automatically qualify as a public interest disclosure or attract statutory protection. Public interest disclosures must be managed under the Act and the Shire's approved Public Interest Disclosure Procedures.

13. Anonymous Reports

13.1 Anonymous reports may be accepted and assessed. However, anonymity may limit the Shire's ability to:

- a) Clarify the allegations.
- b) Obtain further evidence.
- c) Provide feedback or support.
- d) Investigate the matter fully.
- e) Apply particular statutory protections.

13.2 Anonymous disclosers should provide sufficient detail and supporting information to enable an appropriate assessment.

14. Information To Be Provided

14.1 Where possible, a report should include:

- a) A clear description of the suspected conduct.
- b) The names and positions of persons involved.
- c) Relevant dates, locations and events.
- d) Details of any witnesses.
- e) Supporting records or evidence.
- f) Whether the matter has previously been reported.
- g) Any immediate risks or concerns about reprisal.

14.2 A discloser must not unlawfully obtain information or interfere with evidence when preparing a report.

15. Receipt and Initial Assessment

- 15.1 The receiving officer will ensure the report is documented, secured and referred for preliminary assessment.
- 15.2 The assessment will consider:
 - a) The nature and seriousness of the allegation.
 - b) Whether the matter falls within the Shire's authority.
 - c) Whether immediate action is required to protect people, evidence or public resources.
 - d) Whether the matter may constitute a public interest disclosure.
 - e) Whether notification or referral to an external authority is required.
 - f) Whether a conflict of interest exists.
 - g) The most appropriate investigation or management process.
- 15.3 The discloser should be acknowledged as soon as reasonably practicable, unless the report is anonymous or contact is inappropriate.

16. Conflicts of Interest and Independence

- 16.1 A person must not assess, investigate or determine a matter where they have an actual, potential or perceived conflict of interest.
- 16.2 Where a concern involves the Chief Executive Officer, Shire President, a Council Member or another senior officer, the matter must be referred to a person or authority capable of managing it independently.
- 16.3 The Shire may appoint an external investigator where this is necessary to maintain independence, expertise or public confidence.

17. External Notification and Referral

- 17.1 The Shire will notify or refer matters to the appropriate authority where required or permitted by law. This may include:
 - a) Corruption and Crime Commission.
 - b) Public Sector Commission.
 - c) Ombudsman Western Australia.
 - d) Office of the Auditor General.
 - e) Western Australia Police Force.
 - f) WorkSafe Western Australia.
 - g) Department of Local Government, Industry Regulation and Safety.
 - h) Another regulator or oversight body with relevant jurisdiction.
- 17.2 Suspected serious misconduct may be reported directly to the Corruption and Crime Commission by any person.
- 17.3 A referral does not prevent the Shire from taking reasonable action to protect people, preserve evidence or address immediate organisational risks, subject to the directions of the external authority.

18. Investigation

- 18.1 Where an investigation is required, it must be:
- a) Appropriately authorised.
 - b) Conducted impartially and confidentially.
 - c) Proportionate to the nature and seriousness of the allegation.
 - d) Undertaken by a suitably qualified and independent person.
 - e) Properly documented.
 - f) Consistent with procedural fairness.
 - g) Completed as promptly as reasonably practicable.
- 18.2 The investigation terms of reference should define the allegations, scope, authority, reporting arrangements and expected timeframe.

19. Procedural Fairness

- 19.1 A person who is the subject of an allegation will be treated fairly and must not be presumed to have engaged in improper conduct.
- 19.2 Before an adverse finding is made, the person will ordinarily be:
- a) Informed of the substance of the allegation.
 - b) Given a reasonable opportunity to respond.
 - c) Permitted to provide relevant information or evidence.
 - d) Advised of any proposed adverse findings materially affecting them.
- 19.3 Procedural fairness may be adjusted or delayed where necessary to protect the discloser, preserve evidence or comply with an external investigation or legal requirement.

20. Confidentiality

- 20.1 Information relating to a disclosure will be restricted to persons who require access for an authorised purpose.
- 20.2 The Shire will take reasonable steps to protect:
- a) The identity of the discloser.
 - b) The identity of witnesses.
 - c) Information capable of identifying those persons.
 - d) Investigation records and evidence.
 - e) Information concerning persons who are the subject of allegations.
- 20.3 Confidentiality cannot be guaranteed absolutely where disclosure is required by law, necessary for procedural fairness or required to investigate or respond to the matter. Any disclosure of information will be limited as far as reasonably practicable.

21. Protection From Victimisation and Reprisal

- 21.1 Victimisation, retaliation or detrimental action against a person because they made, intended to make, assisted with or were believed to have made a genuine disclosure is prohibited.
- 21.2 Examples may include:

- a) Dismissal, demotion or disadvantage.
- b) Harassment, bullying or intimidation.
- c) Threats or adverse treatment.
- d) Unreasonable changes to duties or working arrangements.
- e) Denial of legitimate employment or development opportunities.
- f) Damage to reputation.
- g) Discrimination or social exclusion.

21.3 Suspected reprisal must be reported immediately and will be assessed as a separate serious matter.

22. Support and Risk Management

22.1 The Shire will assess risks to the discloser, witnesses and persons who are the subject of allegations and implement reasonable protective measures.

22.2 Support may include:

- a) A nominated contact person.
- b) Access to the Employee Assistance Program.
- c) Adjustments to reporting lines or work arrangements.
- d) Workplace safety measures.
- e) Regular communication about the process.
- f) Referral to external support or advisory services.

22.3 Protective measures must not unfairly disadvantage another person or compromise procedural fairness.

23. Outcome and Corrective Action

23.1 Where allegations are substantiated, the Shire may take appropriate action, including:

- a) Improving policies, systems or controls.
- b) Recovering funds or property.
- c) Providing training, counselling or supervision.
- d) Taking performance management or disciplinary action.
- e) Referring the matter to an external authority.
- f) Commencing civil or other legal proceedings.
- g) Addressing identified risks or control weaknesses.

23.2 Actions must be proportionate, lawful and within the authority of the decision-maker.

24. Communication With the Disclosure

24.1 Where lawful and practicable, the discloser will be informed of:

- a) Receipt of the report.
- b) The general process to be followed.
- c) Significant delays.
- d) Completion of the matter.
- e) Whether action has been taken.



- 24.2 The Shire may limit information provided to protect confidentiality, privacy, procedural fairness, legal privilege or an investigation.

25. **Knowingly False or Misleading Reports**

- 25.1 A person who makes a report honestly and on reasonable grounds will not be penalised merely because it is not substantiated.
- 25.2 Knowingly making a false, misleading, vexatious or malicious report may constitute misconduct and may result in disciplinary or other appropriate action.

26. **Recordkeeping and Information Security**

- 26.1 All reports, assessments, referrals, investigation records, decisions and resulting actions must be securely retained in the Shire's approved recordkeeping system.
- 26.2 Access must be restricted according to the sensitivity of the information and applicable legislative requirements. Disclosure records must not be placed on a general personnel file unless authorised and appropriate.

27. **Monitoring and Reporting**

- 27.1 The Chief Executive Officer will ensure the operation of this Policy is monitored. De-identified reporting may include:
- a) The number and general nature of reports received.
 - b) Referral and investigation outcomes.
 - c) Timeframes for finalisation.
 - d) Allegations of reprisal.
 - e) Identified systemic issues.
 - f) Completion of corrective actions.
- 27.2 Reporting must not identify a discloser, witness or subject person unless disclosure is authorised or required by law.

28. **Awareness and Training**

- 28.1 The Shire will ensure that employees and Council Members are informed about:
- a) Available reporting channels.
 - b) Public interest disclosure arrangements.
 - c) Confidentiality requirements.
 - d) Protection from victimisation and reprisal.
 - e) Responsibilities when receiving or managing a report.
- 28.2 Employees with specific responsibilities under this Policy must receive appropriate training for their role.

Accountability

29. Council is responsible for adopting this Policy and promoting a culture of integrity, accountability and lawful conduct.
30. The Shire President is responsible for ensuring disclosures concerning the Chief Executive Officer are referred to an appropriate independent person or external authority.
31. The Chief Executive Officer is accountable for implementing this Policy, maintaining appropriate reporting and protection arrangements, and ensuring suspected misconduct is assessed, investigated and reported as required.
32. Public Interest Disclosure Officers are responsible for receiving and managing public interest disclosures in accordance with the *Public Interest Disclosure Act 2003*, applicable guidelines and the Shire's Public Interest Disclosure Procedures.
33. Directors and managers are responsible for referring disclosures promptly, maintaining confidentiality, supporting affected persons and preventing victimisation or reprisal.
34. Governance and Human Resources are responsible for providing procedural advice, coordinating authorised investigations, maintaining secure records and monitoring corrective actions.
35. All Council Members, committee members and employees must report suspected improper conduct, cooperate with authorised investigations, maintain confidentiality and refrain from victimisation or interference.
36. Contractors, consultants, volunteers and suppliers are expected to report genuine concerns and cooperate with any lawful assessment or investigation.

Related Documentation / Legislation

Legislation	Shire of Halls Creek Documentation
a. <i>Public Interest Disclosure Act 2003</i>	a. EMP-GOV-014- Public Interest Disclosure (PID) Policy
b. <i>Public Interest Disclosure Regulations 2003</i>	b. EMP-GOV-001- Code of Conduct Council Members, Committee Members and Candidates
c. <i>Corruption, Crime and Misconduct Act 2003</i>	c. EMP-GOV-015 – Internal Control Policy
d. <i>Local Government Act 1995</i>	

Policy Review

37. This policy will be reviewed every two (2) years, or earlier if required due to legislative change, audit findings or a resolution of Council.



Document Control

Relevant delegations	Nil		
Risk Evaluation	High		
Council adoption	24/09/2026	Resolution	2026/105
Next review due	September 2028		