

Policy Name	Whistle Blowing
Policy Type	Governance
Policy Number	GOV15
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SUMMARY

West Daly Regional Council is aware of the difficulties and conflicts that may arise for employees and Elected Members who suspect a colleague of fraud, theft or corruption. Nevertheless, it is essential that all instances are reported to the appropriate area without delay. It is incumbent on all employees and Elected Members to report instances or suspicions of fraud, theft or corruption against Council. In situations where their supervisor is suspected of involvement in corrupt or fraudulent activity, the matter should be reported to the next higher level of management or the CEO directly.

Wherever possible all reported instances will be treated in the strictest confidence. It is Council's intention that any person reporting a concern, or an incident will as far as be possible, have their identity kept confidential. It should be understood however, that it is impossible to guarantee anonymity, especially where disciplinary action or civil or criminal prosecution arises. A whistle blower would be protected under the *Public Interest Disclosure Act*.

Council is sensitive to the potential difficulties employees and Elected Members may face if they report an incident and subsequently have to continue working with the individual/s concerned. It is Council's intention that every reasonable measure will be taken to ensure that no reprisals are taken against whistle blowers.

No person will be penalised for making an allegation that is subsequently proved to be groundless, where the allegation was made in good faith. Council will not however tolerate individuals making malicious, vexatious or unfounded allegations and disciplinary action may be taken against such persons.

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POLICY STATEMENT

1. In the event that employees and/or Elected Members become aware of possible fraud, theft or corruption involving Council property, finances or facilities, they should report their concerns to the CEO or an Executive Manager.
2. The Executive Manager, Governance and Compliance will investigate the matter and, in conjunction with the CEO, take appropriate action to either commence disciplinary or other action or determine there is no foundation for the allegation.
3. If it is determined that fraud or theft has occurred, then depending on the level of fraud or theft, the matter will be reported to the NT Police. The CEO has the discretionary authority to not report the matter to NT Police but to take appropriate disciplinary action which may include termination.
4. During all investigations, the identity of the whistle blower will be kept strictly confidential at all times.
5. In the event that any allegation is investigated and found to be without foundation, the whistle blower will be advised accordingly.
6. No person will be penalised for making an allegation that is subsequently proved to be groundless, where the allegation was made in good faith. Council will not, however, tolerate individuals making malicious, vexatious or unfounded allegations and disciplinary action may be taken against such persons.

TERMINOLOGY AND REFERENCES

Corruption – is defined by the Crime and Misconduct Commission as behaviour that may involve fraud, theft, misuse of position or authority or other acts that are unacceptable to an organisation and which may cause loss to the organisation, its clients, or the general community. It may also include such elements as breaches of trust and confidentiality. The behaviour need not necessarily be criminal. The Australian Standard on Fraud and Corruption Control defines corruption as dishonest activity in which a director, executive manager, employee or contractor of the entity acts contrary to the interests of the entity and abuses their position of trust in order to achieve some personal gain or advantage for themselves or for another person or entity.

Fraud – can be viewed as a major subset of corruption and is a deliberate, intentional and premeditated dishonest act or omission acted out for the purpose of deceiving to gain advantage from a position of trust or authority. It includes such acts as theft, making false statements or representations, evasion, manipulation of information, criminal deception and abuse of property or time. The Australian Standard on Fraud and Corruption Control defines fraud as dishonest activity causing actual or potential financial loss to any person or entity including theft of monies or other property by employees or persons external to the entity and whether or not deception is used at the time, immediately before or immediately following the activity. This also includes the deliberate falsification, concealment, destruction or use of falsified documentation used or intended for use for a normal business purpose or the improper use of information or position.

Whistle Blower – refers to someone who exposes wrong doing, fraud or dishonesty within an organisation.

REFERENCES

Local Government Act

Public Interest Disclosure Act

FURTHER INFORMATION:

Chief Executive Officer