WHISTLEBLOWER POLICY

COUNCIL POLICY

PURPOSE

The purpose of this policy is to promote a culture of integrity, transparency and accountability by supporting the reporting of suspected improper conduct, ensuring compliance with obligations under the Independent Commissioner Against Corruption Act 2017 (NT) (the Act), protecting persons who make disclosures in good faith from retaliation, and ensuring disclosures are managed fairly, confidentially and in accordance with the principles of natural justice.

PRINCIPLES

City of Palmerston is committed to fostering a culture of integrity, transparency and accountability. Council encourages the disclosure of suspected improper conduct, misconduct, corruption, maladministration and other unlawful or unethical behaviour.

City of Palmerston is committed to creating an environment in which employees, Elected Members, contractors, volunteers and members of the public feel confident and supported to raise concerns in good faith, without fear of retaliation, victimisation or adverse treatment.

Council will ensure disclosures are managed confidentially, fairly and in accordance with legislative requirements, while supporting the principles of natural justice, procedural fairness and public accountability.

DEFINITIONS

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

TERM	DEFINITION
Code of Conduct	The City of Palmerston and Elected Members Code of Conducts as they apply to staff and Elected Members.
ICAC	Independent Commissioner Against Corruption.

TERM	DEFINITION
Improper Conduct	Section 9 of the Act defines improper conduct as: (a) corrupt conduct; (b) misconduct; (c) unsatisfactory conduct; (d) anti-democratic conduct; (e) conduct constituting an offence against the Act; (f) conduct (the secondary conduct) engaged in by any person in relation to conduct mentioned in paragraphs (a) to (e) (the primary conduct). Secondary conduct is conduct that would constitute an offence against one of the following sections of the *Criminal Code Act 1983* (NT) on the assumption that the primary conduct is an offence, whether or not the primary conduct is in fact an offence: (a) attempt (b) complicity and common purpose (c) innocent agency (d) incitement (e) conspiracy. Secondary conduct is taken to be the same type of improper conduct as the primary conduct to which it relates. Examples are available in section 9 of the Act.
Nominated Recipient	Pursuant to section 97 of the Act, a nominated recipient is a person appointed by the Chief Executive Officer. Nominated recipients act on behalf of City of Palmerston and are responsible for providing advice about the process of making a disclosure, receiving disclosures from employees, facilitating disclosures to the ICAC and protecting employees from retaliation.
Protected Action	Section 92 of the Act states that a person takes protected action if: (a) the person, being an individual, makes a protected communication or (b) the person (whether or not an individual) takes another action in the course of, or for the purpose of: (i) complying with the ICAC Act or (ii) cooperating with a person or body performing functions under the ICAC Act. An action is not protected action if the person providing or communicating the information knows or believes the information is misleading.

TERM	DEFINITION
Protected Disclosure/Communication	Protected communication is information in a report made by a person to the ICAC when making a disclosure of improper conduct.
Protected Person	A Protected Person is a person who takes or has taken protected action.
Public Officer	Section 16(2) of the Act defines a Public Officer as a person who: (a) the holder of an office established under an Act who appointed by the Administrator or a minister; (b) a member, officer or employee of a public body; or (c) any other person engaged, whether under the *Contracts Act 1978* (NT) or otherwise, by or on behalf of a person mentioned above in relation to the performance of official functions.
Whistleblower	A Whistleblower is a person who makes a disclosure about improper conduct.

POLICY STATEMENT

1. Council Commitment

1.1. City of Palmerston is committed to the objectives of the Act and to ensure that its responsibilities under the Act are properly fulfilled.

1.2. City of Palmerston is a public body as defined in section 16(1) of the Act.

1.3. Mandatory reporting of suspected improper conduct applies to all public bodies and associated public officers as defined in section 16(2) of the Act.

1.4. Whistle-blowing protections are applicable to any person reporting suspected improper conduct as per section 146A of the Act.

1.5. City of Palmerston will provide education to staff to ensure they are aware of their mandatory reporting obligations under the Act.

1.6. Disclosures will be taken seriously, and prompt action will be taken to address any alleged improper conduct whilst any investigation by ICAC is undertaken.

1.7. Any person who communicates their suspicion or allegation in good faith and out of genuine concern will be protected from reprisal and retaliation, regardless of the outcome.

1.8. The identity of a Whistleblower will be kept confidential wherever possible as anonymity is the best protection of a person from retaliation.

1.9. This policy is designed to complement normal communication channels between City of Palmerston management, staff and the public. Employees are encouraged to continue to raise matters at any time with their managers/team leaders, unless the matter is a mandatory report according to the Act.

1.10. City of Palmerston will adhere to the Act and any directions and guidelines issued by the ICAC to allow employees or members of the public to provide information in accordance with the Act.

1.11. Serious and proven fraud and corruption will be referred to the Northern Territory Police.

2. Mandatory Reporting

2.1. All public officers of City of Palmerston must report any suspected corrupt conduct of anti-democratic conduct as soon as practical to ICAC. Using an internal process to report the conduct does not discharge this duty.

2.2. City of Palmerston will ensure that the mandatory reporting directions and guidelines issued by ICAC are made available to all employees and Elected Members either electronically or by hard copy.

2.3. City of Palmerston will provide mandatory training to ensure that all staff and Elected Members are aware of their reporting obligations under the Act, in particular, which types of conduct are required to be mandatory reported.

3. Making a disclosure/report

3.1. The Chief Executive Officer must appoint one or more Nominated Recipients under section 97 of the ICAC Act.

3.2. Mandatory disclosures can be made directly to ICAC or to City of Palmerston's Nominated Recipient.

3.3. City of Palmerston's Nominated Recipient must report mandatory disclosures about corrupt conduct and anti-democratic conduct to ICAC.

3.4. Voluntary reports about improper conduct (other than corrupt conduct and anti-democratic conduct) can be made to ICAC or the Nominated Recipient at any time.

3.5. Disclosures can be made verbally, in writing, by telephone or by email.

3.6. Disclosures can be made anonymously.

4. Prescribed public officers

4.1. In addition to reporting obligations for public officers, prescribed public officer must:

4.1.1. Comply with the mandatory reporting directions issued in respect of all public officers.

4.1.2. Report to the ICAC suspected misconduct or unsatisfactory conduct, unless the prescribed public officer knows that the conduct has already been reported to the ICAC.

4.1.3. Report suspected misconduct or unsatisfactory conduct to the ICAC within four weeks of the conduct coming to that person's attention. The report should be accompanied by an explanation of action that has been, or is being, or is to be taken in respect of the matter.

4.2. The following are prescribed public officers:

4.2.1. a nominated recipient

4.2.2. the Chief Executive Officer of a local council; or

4.2.3. the public officer who is responsible for the control and management of a public body, however described.

5. Whistleblower protection

5.1. City of Palmerston recognises the value of transparency and accountability in its administrative and management practices. City of Palmerston supports reporting that reveals improper conduct involving substantial mismanagement of public resources or conduct involving a substantial risk to public health and safety or the environment.

5.2. City of Palmerston does not tolerate improper conduct by its public officers, nor the taking of reprisals against those who come forward to report such conduct.

5.3. City of Palmerston will take every care to keep the identity of any person making a report confidential, subject to any legal requirements that are imposed on City of Palmerston 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 their identity being disclosed or disclosure is otherwise required so that the matter may be properly investigated.

5.4. 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 City of Palmerston's Code of Conduct against persons who indulge in harassment, intimidation or reprisal action.

6. People who are the subject of disclosures

6.1. City of Palmerston will afford natural justice to a person who is the subject of a report whilst the investigation is completed by ICAC.

6.2. City of Palmerston will give its full support to a person who is the subject of a report where ICAC has determined the allegations are unfounded or unsubstantiated.

6.3. If the matter has been reported, 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.

6.4. City of Palmerston will follow the strategies outlined in the Act and associated regulations and guidelines to ensure that Whistleblower protections are in place.

6.5. Reporting alleged improper conduct to persons other than the above named, including the media, will not be protected under the Act.

ASSOCIATED DOCUMENTS

- City of Palmerston - Codes of Conduct for Staff and Elected Members.
- City of Palmerston Risk Management Policy.
- City of Palmerston Fraud and Corruption Prevention Policy.
- Office of the Independent Commissioner Against Corruption, Guidelines for the minimisation of retaliation against protected persons, January 2024.
- Office of the Independent Commissioner Against Corruption, Dealing with voluntary protected communications - directions and guidelines, January 2024.
- Office of the Independent Commissioner Against Corruption, Mandatory reporting directions and guidelines, November 2023.
- Comprehensive information regarding disclosure, the role and powers of the Independent Commissioner Against Corruption, as well as links to the Act and the associated regulations and guidelines, are available on their website https://icac.nt.gov.au/home.

REFERENCES AND RELATED LEGISLATION

- *Independent Commissioner Against Corruption 2017 (NT)*
- *Integrity and Ethics Commissioner Act 2025* (NT)
- *Information Act 2002 (NT)*
- *Local Government Act 2019 (NT)*
- *Local Government (General) Regulations 2021*

POLICY DETAILS

OWNER	Chief Executive Officer	RESPONSIBLE OFFICER	General Manager Finance and Governance
APPROVAL DATE	1 September 2026	NEXT REVIEW DUE	1 September 2028
RECORDS NUMBER	611186	COUNCIL DECISION	11/0590