

Our Ref: JBB:jh
15.19, 33.15

Your Ref:

8th August 2017

Mr Richard Connock
Ombudsman
Ombudsman Tasmania
GPO Box 960
HOBART TAS 7001

Dear Sir

RE: REVIEW OF PUBLIC INTEREST DISCLOSURE PROCEDURES

I refer to your correspondence of 8th June 2017 regarding Council's revised model procedures for public bodies (model procedures) under the Public Disclosures Act 2002 and your suggestion that public bodies consider what action they are taking to actively inform contractors of their right to make a disclosure to the Ombudsman or the Integrity Commission.

In further reviewing Council's procedures, I can advise that the following steps will be taken to address the matter and are presented for your information:

1. The insertion of the following clause into Council's existing Code for Tenders and Contracts (the Policy).

"Disclosures about Improper Conduct or Detrimental Action

The right to make a disclosure under the Public Interest Disclosures Act 2002 (the Act). That states:

A contractor who believes that the public body (George Town Council) with which the contractor has entered into a contract:

- (a) Has engaged, is engaging or proposes to engage in improper conduct in its capacity as a public body; or*
- (b) Has taken, is taking or proposes to take detrimental action in contravention of section 19 of the Act may disclose that improper conduct or detrimental action in accordance with Part 2 of the Act.*

For further information please refer to Council's Model Procedures available via Council's website www.georgetown.tas.gov.au or upon request to the Council office.

Further information is also available via The Ombudsman website www.ombudsman.tas.gov.au"



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2. The expansion of the definition of contractor within the Policy to read:

"Contractor - a person who at any time has entered into a contract with a public body for the supply of goods or services to, or on behalf of, the public body; or an employee of the contractor; or a subcontractor engaged by the contractor to fulfil all or part of a contract with a public body for the supply of goods or services to, or on behalf of, the public body."

3. All Managers and appropriate staff will be also made aware of the requirement to include information in relation to informing contractors of their rights to make a disclosure during the preparation of any form of contractual arrangement or agreement and in accordance with Council's model procedures.

The above Policy and procedure will be presented to the next available Council workshop and submitted to the September 2017 ordinary meeting of Council for endorsement.

Please find enclosed a copy of Council's Model Procedures which have since been revised for your approval.

If you have any queries in relation to the above please contact Josie Higgins Executive Officer – Governance at the Council office by phoning 6382 8800.

Yours sincerely



Justine Brooks-Bedelph
General Manager