

Public Interest Disclosure Guidelines

A. Organisational commitment for reporting public interest information

The Shire of East Pilbara does not tolerate corrupt or other improper conduct.

The Shire of East Pilbara (“the Shire”) is committed to the aims and objectives of the *Public Interest Disclosure Act 2003* (PID Act). The PID Act recognises the value and importance of reporting as a means to identifying and addressing wrongdoing.

The Shire supports disclosures being made by employees about corrupt or other improper conduct. We also strongly support contractors and members of the community making disclosures about corrupt or improper conduct.

The Shire does not tolerate any of its, council members, employees, contractors or subcontractors taking reprisal against anyone who makes or proposes to make a public interest disclosure.

The commitment to effectively manage public interest disclosures extends to a proper authority of the Shire. The persons responsible for receiving disclosures of public interest information designated under s. 23(1)(a) of the PID Act will abide by the [PID Code of conduct and integrity](#) in performing their duties.

The Shire is also committed to responding to the disclosure thoroughly and impartially. The Shire will treat all people in the disclosure process fairly, including those who may be the subject of a disclosure.

The Shire will provide as much information as possible to people considering making a public interest disclosure. These internal guidelines are accessible to all council members, employees and contractors. Copies are available from the designated person appointed as the proper authority (Public Interest Disclosure (PID) Officer) and will be published on the Shire’s website, staff intranet (the Loop) and kept in the Document Centre.

General information about public interest disclosures and how the Shire will manage a disclosure is available for external clients and members of the community on the Shire’s website www.eastpilbara.wa.gov.au.

While these guidelines focus on public interest disclosures, the Shire is committed to dealing with all reports of suspected wrongdoing. The Shire encourages people to report, if they witness any such behaviour. The Shire will consider each matter under the appropriate reporting pathway and make every attempt to protect any person making reports from any reprisals.

B. Purpose of the Guidelines

The Shire’s Chief Executive Officer must prepare and publish these internal guidelines under s23(1)(e) of the PID Act.

These guidelines outline how the Shire will meet its obligations under the PID Act. They cover the roles and responsibilities of the Shire’s Chief Executive Officer, the person designated as the proper authority in accordance with s23(1)(a) and s5(3)(h) referred to in this document as the PID Officer, the discloser and the subject of the disclosure.

These guidelines are to be read in conjunction with the PID Act, *Public Interest Disclosure Regulations 2003* and [Don’t be afraid to speak up](#).

C. Scope and application of guidelines

These guidelines apply to all people involved in the public interest disclosure process, including PID Officer(s), employees of the Shire and/or any person making a public interest disclosure and any subject(s) of a disclosure.

These procedures should be read in conjunction with:

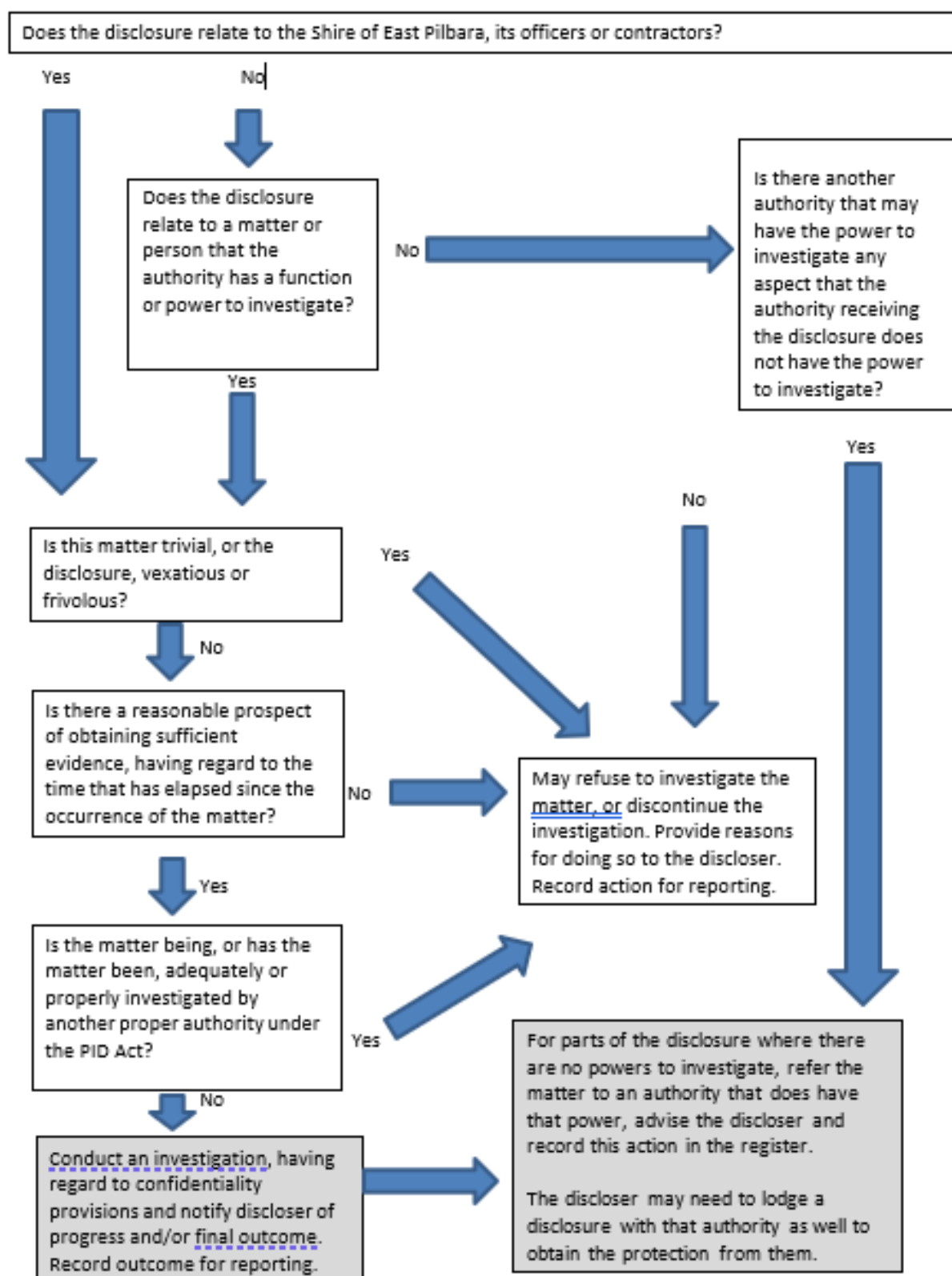
- *Public Interest Disclosure Act 2003*
- *Public Interest Disclosure Regulations 2003*
- *Local Government Act 1993* and associated regulations
- Code of Conduct for Council Members, Committee Members and Candidates
- Code of Conduct for Local Government Employees, Contractors and Volunteers
- Council's Whistleblower (Public Interest Disclosure) Policy

The behaviour of all council members and employees involved in the public interest disclosure process must accord with the Shire's codes of conduct at all times. A breach of the relevant Code of conduct may result in disciplinary action.

D. Review

These guidelines shall be reviewed every two years to ensure compliance with relevant legislation.

E. Process



F. Overview of roles and responsibilities of parties involved in the disclosure process

Person / role	Responsibilities
Principal Executive Officer (s. 23) (Chief Executive Officer)	- Designates the occupant of a specified position (a PID Officer) to receive public interest disclosures related to the Shire of East Pilbara (s. 23(1)(a)). - Provides protection from detrimental action or the threat of detrimental action for any employee of the Shire of East Pilbara who makes a public interest disclosure (s. 23(1)(b)). - Ensures the Shire of East Pilbara complies with the PID Act and the code of conduct and integrity established by the Public Sector Commissioner (ss. 23(1)(c) and (d)). - Prepares and publishes internal procedures (guidelines), consistent with those prepared by the Public Sector Commission, detailing how the Shire of East Pilbara will meet its obligations under the PID Act (s. 23(1)(e)). - Provides information (s. 23(1)(f)) to the Public Sector Commissioner on the: - number of disclosures received by the Shire of East Pilbara; - results of any investigations conducted as a result of the disclosures; and - action, if any taken, as a result of each disclosure - any matters as prescribed. - May have a role in enabling an investigation to be undertaken or taking disciplinary action against individuals under functions and powers separately from the PID Act.

Person / role	Responsibilities
PID Officer(s23(1)(a)):	- As is designated by ss. 5(3)(a-g) or by the Chief Executive Officer of the Shire of East Pilbara, under s. 23(1)(a) the PID Officer is to receive disclosures related to the Shire of East Pilbara. - Provides information to potential disclosers about their rights and responsibilities consistent with the Code of conduct and integrity established under s. 20(1). - Receives and manages public interest disclosures in accordance with the PID Act (s. 5(3)). - Notifies the discloser within three months of the disclosure being made about what action is planned in dealing with the disclosure (s. 10(1)). - Where appropriate, investigates, or causes an investigation of, the matters in the disclosures (s. 8(1)). - Where appropriate, provides information to subjects of a disclosure about their rights, responsibilities, duties and potential offences (s. 9(2), s. 14, s. 15, s. 16 and s. 24). - Where appropriate, takes such action as is necessary and reasonable, within their functions and powers in accordance with s. 9. - Maintains confidentiality of the identity of the discloser and subject(s) of disclosures, in accordance with the requirements of the PID Act (s. 11 and s. 16). - Provides progress reports where requested and a final report to the discloser in accordance with s. 10. - Creates and maintains proper and secure records in relation to the disclosures in accordance with the Code of conduct and integrity established under s. 20(1) and the <i>State Records Act 2000</i>.

Person / role	Responsibilities
	• Completes a PID Register for each disclosure lodged (s. 23(1)(f)). • Acts in accordance with the rules of natural justice (s. 9(2) and s. 16(1)(b)). • Acts in accordance with the code of conduct and integrity established by the Public Sector Commissioner (s. 20(1)) and any authority-specific code of conduct established separately from the PID Act.

Person / role	Responsibilities
The discloser:	• Makes a public interest disclosure to our PID Officer if the matter relates to the Shire of East Pilbara (s. 5(1)). • Believes on reasonable grounds the information in their disclosure is, or may be, true (s. 5(2)). • Does not disclose information subject to legal professional privilege (s. 5(6)). • Does not knowingly and recklessly make a false or misleading disclosure (s. 24(1)). • Maintains confidentiality of the information disclosed and the identity of the person(s) to whom the information relates, in accordance with the requirements of the PID Act (s. 16 and s. 17(1)(b)). • Assists any person investigating the matter to which the disclosure relates by supplying the person with any information requested (s. 17(1)(a)).

The subject of the disclosure (person about whom disclosure is made):

- Is afforded the opportunity to make a submission, either orally or in writing, in relation to the matter before preventative or disciplinary action is taken (s. 9(2)).
- Maintains confidentiality of the identity of the discloser, in accordance with the requirements of the PID Act (s. 16(1)).
- Is to be treated in accordance with the rules of natural justice (s. 16(1)(b)).
- Does not take or threaten to take detrimental action (defined in s. 3) against a person because they have made or intend to make a disclosure (s. 14(1)).
- Does not incite another person to take detrimental action against another because they have made or intend to make a disclosure (s. 14(2)).
- Does not commit an act of victimisation by taking or threatening to take detrimental action against the person making or intending to make a disclosure (s. 15(1)).

An investigating officer:

- May investigate matters of public interest information on behalf of a PID Officer of the Shire of East Pilbara, in accordance with the terms of reference given to them.
- Maintains confidentiality of the identity of the disclosure and any persons subject to the disclosure, in accordance with s. 16.
- Makes, and keeps secure, comprehensive records of any investigation undertaken.

G. Managing public interest disclosures

The following procedures describe how the Shire will manage the public interest disclosure process.

Overarching requirements of the Public Interest Disclosure Act 2003

The PID Act has some overarching requirements for handling disclosures. These requirements separate the public interest disclosure process from other reporting or complaint handling processes. The PID Act does not, however, displace the notification or reporting requirements of the *Corruption, Crime and Misconduct Act 2003*, which are paramount. The following section outlines how the Shire will meet these requirements, as well as expectations of you, as a discloser, and any subject(s) of your disclosure.

What is 'public interest information'?

The PID Act only applies to disclosures of public interest information (defined in s. 3). Public interest information means information that:

- relates to the performance of a public function by a public authority, public officer or public sector contractor (either before or after the commencement of the PID Act); and
- shows or tends to show that a public authority, a public officer, or a public sector contractor is, has been or proposes to be involved in:
 - improper conduct; or
 - an act or omission that constitutes an offence under a written (State) law; or
 - substantial unauthorised or irregular use of, or substantial mismanagement of, public resources; or
 - an act done or omission that involves a substantial and specific risk of:
 - injury to public health; or
 - prejudice to public safety; or
 - harm to the environment; or
- a matter of administration that can be investigated under section 14 of the *Parliamentary Commissioner Act 1971* by the Parliamentary Commissioner (Ombudsman Western Australia).

Confidentiality

Maintaining confidentiality is an important part of managing a disclosure. The confidentiality requirements of the PID Act (s. 16) not only protects the discloser, but also any other people affected by the disclosure.

The confidentiality requirements do not apply to all information in a disclosure, although, the Shire is committed to maintaining confidentiality around:

- any information that may identify the discloser or any person who may be the subject of a disclosure, including the fact a disclosure has been made; and
- information relating to a disclosure that, if known, may cause detriment.

Throughout the disclosure process and after its completion, the PID Act provides for the discloser's identity and the identity of any persons, that is, any subject of the disclosure to be kept confidential, except in certain circumstances. Disclosing information which might identify, or tends to identify the disclosers s. 16(1)) or any person, that is, the subject(s) (s. 16(3)) of your disclosure, except in accordance with the PID Act, is an offence punishable with a penalty of a \$24,000 fine or imprisonment for two years.

Confidentiality regarding the discloser

Maintaining confidentiality is an important part of protecting the discloser, from any detrimental action in reprisal for making or intending to make a disclosure.

If the discloser consents to having their identity revealed to assist the Shire in dealing with the disclosure, the PID Officer will record this using the Consent to disclosure of identifying information form (**Appendix 3**).

Sometimes the Shire may need to identify the discloser, without the discloser's consent s. 16(1)(b)-(f) but only where:

- it is necessary to do so having regard to the rules of natural justice; or
- it is necessary to do so to enable the matter to be investigated effectively; or
- the Shire is ordered by a court or any other person or body having authority to hear, receive or examine evidence; or
- the Shire is required by ss.152 or 153 of the *Corruption, Crime and Misconduct Act 2003*.

Before the Shire identifies the discloser for any of the reasons above, the Shire's PID Officer will inform the discloser that this will happen and the reasons why. The Shire's PID Officer will use the Notification of disclosure of identifying information form to do this (**Appendix 2**).

If the Shire needs to provide information about the identity of the discloser to another person for the reasons above, the Shire's PID Officer will inform the other person that further disclosure to a third person may put them at risk of committing an offence.

The Shire's PID Officer will also consider whether it is necessary to inform any external investigator about the identity of the discloser. Where it is necessary to provide this identifying information, the Shire's PID Officer will notify as described above.

Confidentiality regarding the person, that is, the subject of the disclosure

The subject of a disclosure may consent to having their identity revealed to assist with the disclosure process s. 16(3)(a). The Shire's PID Officer will use the Consent to disclosure of identifying information form to record this (**Appendix 3**).

Additionally, the Shire may need to reveal identifying information about the subject(s) of a disclosure without their consent, ss. 16(3)(b)-(g) where:

- it is necessary to do so to enable the matter to be investigated effectively
- it is necessary to do so in the course of taking action under s. 9;
- there are reasonable grounds to believe that it is necessary to prevent or minimise the risk of injury to any person or damage to any property;
- the Shire is ordered by a court or any other person or body having authority to hear, receive or examine evidence; or
- the Shire is required by ss. 152 or 153 of the *Corruption, Crime and Misconduct Act 2003*.

There is no obligation to advise the subject of a disclosure that identifying information will be released.

Protections

The PID Act provides a range of protections for disclosers (Part 3). It also requires that the Chief Executive Officer provides protection for any employees who make disclosures (s. 23(1(b))).

[Don't be afraid to speak up](#) contains general information about the protections provided by the PID Act. The Shire's PID Officer will be able to expand on this information specific to the Shire.

The Shire is committed to ensuring that no detrimental action, including workplace reprisals by managers or other employees, occurs as a result of a person making a disclosure. If any of the above does occur, the discloser can request that the Shire takes action to protect them. Tell the PID Officer who is handling the disclosure immediately.

The PID Act also provides that the discloser may lose the protections provided in s. 13 in some circumstances, including where they on-disclose information or fail, without reasonable excuse, to assist any person investigating the matters of the disclosure.

Notification requirements

The PID Officer will ensure that the Shire completes all reporting in accordance with the legislative and administrative requirements of the PID Act.

Provided it is not an anonymous disclosure, the PID Officer will provide the following reports:

- within three months of making a disclosure, the action taken, or proposed to be take, in relation to the disclosure (s. 10(1)); and
- when the disclosure process has concluded, the outcome of the investigation and the reasons for taking any action following the investigation (s. 10(4)).

The PID Officer may also provide a progress report during any investigation, either on their initiative or upon your request (ss. 10(2) and (3)).

The Shire's PID Officer has some limits on what they can include in their reports. Section 11 prevents provision of information that would be likely to adversely affect:

- any person's safety s(1)(a); or
- the investigation of an offence or possible offences s(1)(b); or
- confidentiality as to the existence or identity of any other person who made a public interest disclosure s(1)(c).

The Shire's PID Officer is also prevented from giving any information they must not disclose under ss. 151, 152 or 153 of the *Corruption, Crime and Misconduct Act 2003*.

Record keeping

During the investigation the PID Officer may make comprehensive and contemporaneous records of any discussions and interviews. These records along with any other documentation or files relating to the disclosure, whether paper or electronic, will be stored securely and only accessed by authorised persons.

H. How to make a public interest disclosure

1. Before you make a disclosure

The Shire strongly encourages anyone thinking about making a public interest disclosure to seek advice from the PID Officer ('proper authority') before they do so. A disclosure must be made to a proper authority for it to be covered by the PID Act.

Several other requirements apply to the discloser, so it is important to understand the rights and responsibilities in the process. This information is outlined generally in [Don't be afraid to speak up](#), available from the Public Sector Commission website at www.publicsector.wa.gov.au.

At the Shire of East Pilbara the employee) of the following designated position is specified with the authority as the person responsible for receiving disclosures of public interest information in accordance with s. 23(1)(a). For the purposes of this procedure a PID Officer(s) is the proper authority designated under s. 5(3)(h) for dealing with information that falls within the sphere of responsibility for Shire of East Pilbara. The Chief Executive may designate other officers as PID Officers, which will be updated in these guidelines.

PID Officer(s) contact details are:

Position	Name of PID Officer	Contact details
Manager Governance, Risk and Procurement	Joshua Brown	mg@eastpilbara.wa.gov.au 0498 467 447

Initial discussions between the discloser and the PID Officer should be general in nature and should not discuss the specific details of the disclosure until the discloser understands their rights and responsibilities under the PID Act. The Shire's PID Officer will also let the discloser know that they need to make the disclosure voluntarily and consciously – the Shire will never force a person to make a disclosure. This is because you cannot withdraw the disclosure once it is made. Once the PID Officer receives your disclosure, they are obliged to take action and the Shire may continue to look into the matters within your disclosure irrespective of your continued approval.

These initial discussions with the PID Officer may help in deciding whether to make a public interest disclosure and also enable the PID Officer to ascertain if the information would be covered by the PID Act. If the information appears not to be the type covered by the PID Act, the PID Officer will discuss other mechanisms through which issues may be made, for example, the Shire's general complaints or grievance resolution process.

The Shire's PID Officer will be able to provide more detailed information about the Shire's disclosure process and what people can expect from it.

You can also contact the Public Sector Commission Advisory Line on (08) 6552 8888 (or 1800 676 607 for country callers) for general information about the disclosure process.

What is 'sphere of responsibility'?

Under s. 5(3)(h) the PID Officer can receive information relating to a matter which falls within the 'sphere of responsibility' for the Shire. 'Sphere of responsibility' is not defined in the PID Act but may include:

- matters that relate to the Shire; or
- a public officer or public sector contractor of the Shire; or
- a matter or person that the Shire has a function or power to investigate.

The proper authority to which you need to make the disclosure depends on the type of disclosure information. Where the information is outside of the PID Officer's sphere of responsibility, it may need to be made to another proper authority for it to be considered as a public interest disclosure and for the discloser to receive the protections of the PID Act. A list of proper authorities and the information they can receive is covered in [Don't be afraid to speak up](#).

When the disclosure is related to.....	The proper authority is.....
The sphere of responsibility of a public authority (eg matters about the public authority or its officers, or which the public authority has the function of investigating)	The Public Interest Disclosure Officer (PID Officer) of the Public Authority
Offences under State law	A police officer or the Corruption and Crime Commission
Substantial unauthorised or irregular use of, or substantial mismanagement of, public resources	The PID Officer of the public authority concerned or the Auditor General
Matters of administration affecting someone in their personal capacity falling within the jurisdiction of the Ombudsman	The PID Offer of the public authority concerned or the Ombudsman
A police officer	The Commissioner of Police or the Corruption and Crime Commission
A Member of the Legislative Council	The President of the Legislation Council
A Member of the Legislative Assembly	The Speaker of the Legislative Assembly
A judicial officer	The Chief Justice
A public officer who is not a member of Parliament, a Minister, a Judicial Officer or a Commissioned or other officer specified in schedule 1 of the <i>Parliamentary Commissioner Act 1971</i>	The PID Officer of the public authority concerned, the Ombudsman or the Public Sector Commissioner
A person or a matter or a prescribed class	A person declared by the regulations to be a proper authority

2. Making the disclosure

A discloser needs to clearly identify that they are making a public interest disclosure. For the purposes of accountability and certainty, persons wishing to make a disclosure of public interest information under the PID Act are encouraged to do so in writing. As the Shire expects that most disclosures will be made in writing the Shire has developed a form which can be used for the purpose of making such a disclosure (**Appendix 1**).

There is no requirement to use the form. The form will help to define the details of the disclosure. A discloser may fill out the form themselves or the PID Officer may complete the form if they are speaking with the discloser and then have them sign the form to acknowledge they are making a disclosure voluntarily and consciously.

The Shire must accept anonymous disclosures, but if a discloser decides to make an anonymous disclosure they should understand that it may be more difficult for the PID Officer to investigate or take action about the disclosure. This is because they cannot come back to seek any further information. The Shire is also not required to provide any reports about the progress or final outcome of the disclosure, if the discloser chooses to remain anonymous.

An anonymous disclosure may not prevent the discloser from being identified during an investigation. Additionally, if the PID Officer does not know who made the disclosure, it will be difficult for them to ensure the discloser is protected and to prevent any reprisal or detrimental action.

On completion of this form (if being used), the PID Officer should create a separate file for the Public Interest Disclosure, with the following text clearly marked on the front of the file.

“CONFIDENTIAL”

The material in this file relates to a public interest disclosure made under the Public Interest Disclosure Act 2003

Disclosure of information that might identify or tend to identify either the discloser or a person in respect of whom the disclosure has been made is an offence, unless the disclosure occurs in accordance with the Act.

Penalty: \$24,000 or imprisonment for two years

The making of the public interest disclosure should also be recorded in the Public Interest disclosure Register by the PID Officer and maintained in a secure location.

3. Determining whether your matter is an appropriate disclosure

Once the PID Officer has received the disclosure they will assess whether it meets the requirements under the PID Act. It may be that the PID Officer undertakes initial inquiries and decides not to take the matter any further, as it does not constitute an appropriate public interest disclosure.

If the disclosure is not one to which the PID Act applies, the PID Officer will let the discloser know the reasons for their decision (unless you made an anonymous disclosure) and make proper and adequate records about it. Some matters raised within the disclosure may not be matters to which the PID Act applies and the PID Officer may discuss with the discloser other pathways to report these matters.

If the disclosure is one to which the PID Act applies, the PID Officer will ensure proper and adequate records are made and will communicate with the discloser further, unless it is an anonymous disclosure.

The Shire's PID Officer will notify the discloser within three months about what they plan to do in dealing with the disclosure, unless it is an anonymous disclosure.

4. Determining whether your public interest disclosure will be investigated

After assessing the disclosure as one to which the PID Act applies, the PID Officer will consider whether it will be investigated, guided by the requirements in s. 8. The reasons the PID Officer may not investigate the disclosure include:

- the matter is trivial;
- the disclosure is vexatious or frivolous;
- there is no reasonable prospect of obtaining sufficient evidence due to the time that has elapsed since the matter(s) occurred; or
- the matter is being or has been adequately or properly investigated by another proper authority, s. 5(3).

The PID Officer will make proper and adequate records of their decision and reasons about whether to investigate or not.

5. Referring public interest matters

Where the PID Officer assesses the disclosure as one to which the PID Act applies, but they do not have the functions or power to investigate one or more matters within the disclosure, they will refer the information to the appropriate authority for investigation as provided for under the PID Act. Alternatively, a discloser may also be able to make a disclosure directly to this new authority, if they wish to receive reports from them about the disclosure. For example, our PID Officer may need to refer an allegation of an offence supported by evidence to the Western Australia Police for investigation.

6. Investigating the disclosure

The Shire's PID Officer will investigate, or cause to be investigated, any matters in the disclosure within the sphere of responsibility. The PID Officer may cause the disclosure to be investigated by engaging a suitably skilled staff member within the Shire or an externally contracted investigator.

If causing the disclosure to be investigated, the PID Officer will ensure that the person undertaking the investigation understands the requirements of the PID Act, in particular the confidentiality requirements and protections for disclosers. The PID Officer will only provide the name of the discloser and that of the subject of the disclosure to the investigator in accordance with s. 16 of the PID Act.

When investigating the disclosure, the PID Officer or investigator is limited by the functions and powers derived from the *Local Government Act 1995*. The PID Act does not provide for any additional investigative powers.

If you are an employee, you are expected to cooperate with any investigation into the disclosure to maintain the protections under the PID Act. A discloser is also expected to act in accordance with the relevant Code of Conduct at all times.

Council members and employees who are the subject of the disclosure can clarify the process and what to expect with our PID Officer.

The PID Officer may also decide to discontinue an investigation, in accordance with s. 8(2). If this happens, they will give the discloser reasons for their decision in accordance with s. 8(3), unless they made an

anonymous disclosure. The PID Officer may also notify any subject(s) of the disclosure, if they discontinue the investigation.

To ensure the disclosure is adequately and properly investigated our PID Officer, or other investigator, will be guided by the procedures below.

7. Internal investigation procedure

In conducting an investigation, the following procedure shall be followed by our PID Officer:

- Drawing up terms of reference, which should clarify the key issues identified by the disclosure;
- Specifying a date by which the investigation should be completed;
- Ensuring the objectives of the investigation include collecting and collating information relating to the disclosure, considering the information collected and drawing conclusions objectively and impartially;
- Maintaining procedural fairness for the person who is the subject of this disclosure;
- Giving information to the person who is the subject of the disclosure about their rights and obligations under the PID Act, the Shire's Codes of Conduct, and the law;
- The investigator making contemporaneous notes of discussions and interviews and, where practicable and appropriate, recording discussions and interviews on audio or videotape; and
- Ensuring strict security with all investigations, so as to maintain the confidentiality requirements of the PID Act.

A disclosure once properly made, cannot be withdrawn. A proper authority may still continue to investigate the issues raised.

8. What are your responsibilities if you are the subject of a disclosure?

A subject of a disclosure is a person of interest about whom an allegation of a public interest disclosure has been made.

The Shire will treat the person fairly and impartially throughout the process, and inform them of their rights and obligations. The Shire will generally keep the parties involved informed during any investigation, although the Shire cannot release any information to the person that may prejudice our investigation. As an employee or council member, it is expected that they will act in accordance with our Codes of conduct at all times.

The PID Act provides the person with some rights and obligations as a person subject to a disclosure. Firstly, the subject has a right to have their identity kept confidential under s. 16(3), unless one of the following conditions apply:

- you consent to your identity being disclosed;
- it is necessary to enable the matter to be investigated effectively;
- it is necessary to do so in taking action within s. 9;
- there are reasonable grounds to believe that it is necessary to prevent or minimise the risk of injury to any person or damage to any property;
- is made in accordance with a court order or other body having authority to hear evidence; or
- it is made in accordance with ss. 152 or 153 of the *Corruption, Crime and Misconduct Act 2003*.

The Shire will also provide appropriate natural justice. This means that, before the Shire takes any disciplinary or other action against the person under s. 9, the Shire will give you the opportunity to:

- be informed of the substance of the allegations; and
- make a submission either verbally or in writing in relation to the matter.

If you are the subject of a disclosure, you must not identify or tend to identify the identity of the discloser or a person who they think might be the discloser, as they also have rights to confidentiality under the PID Act. It is an offence under s. 16 to identify or tend to identify any person who has made a disclosure under the PID Act.

Also, you must not engage in reprisal action, threaten anyone with reprisal action or have someone else conduct this action on your behalf because someone has made, or intends to make, a disclosure. It is still an offence to conduct this action against any person you believe has made the disclosure even if they were not the individual who actually made the disclosure. This is an offence under s. 14(1) of the PID Act.

9. Taking Action

The Shire's PID Officer will take action where they form the opinion that a person may be, or may have been or may in the future be, involved in conduct which may be the subject of a public interest disclosure. Usually, the PID Officer will form this opinion at the conclusion of an investigation, although there may be instances where they need to take immediate action and the PID Act enables them to do this.

Action the PID Officer may take under s 9 includes, but is not limited to:

- Preventing the matter to which the disclosure relates from continuing or occurring;
- Referring the matter to the Western Australian Police or other appropriate body, or
- Taking disciplinary action against a person responsible for the matter.

The options above are not mutually exclusive. The Shire's PID Officer may take more than one action depending on the circumstances. For example, the PID Officer may seek to terminate the employment of an employee caught stealing and refer the matter to the Western Australia Police.

In taking that action the PID Officer is limited by the powers and function derived from the *Local Government Act 1995*. The PID Act does not provide for any additional powers to take action. The Shire is also guided by what is necessary and reasonable in the circumstances.

Before taking any action, the person against whom the action is to be taken is to be given the opportunity to make written or oral submissions.

Confidentiality and record keeping when taking action

The Shire will maintain confidentiality in accordance with the PID Act when taking action.

The PID Officer will keep appropriate records about any action taken, as well as recording a summary of this action 10. After the public interest disclosure process has been finalised

The PID Act places no further obligations on the Shire or the PID Officer after the disclosure process is complete. The confidentiality requirements of the PID Act, however, continue to apply to you and all other people involved with the disclosure.

The PID Act does not provide for you to appeal the outcome of the disclosure process. You may be able to make another disclosure to another proper authority, if the information relates to their functions or sphere of responsibility (s. 5). See [Don't be afraid to speak up](#) for the correct proper authority for your disclosure.

However, this 'new' proper authority may be able to decline to investigate the disclosure under s. 8, if they consider the matter(s) has already been properly or adequately investigated (as a public interest disclosure).

12. Making a disclosure to a journalist

The PID Act provides for certain circumstances where a discloser may be able to make a protected disclosure to a journalist s. 7A(d). These circumstances apply where the discloser has first made a disclosure to the PID Officer or another proper authority named in the PID Act (outlined in s. 5 or [Don't be afraid to speak up](#)).

Importantly, the PID Act states that to attract the privileges and protections of the PID Act when disclosing to a journalist, the discloser must disclose information that is substantially the same as what was disclosed in the original disclosure and the PID Officer that received the original disclosure:

- did not notify the discloser within three months of making the disclosure about actions they propose to take or have already taken; or
- refused to investigate, or discontinued the investigation of, a matter raised in the disclosure; or
- did not complete an investigation within six months of the discloser making the disclosure; or
- completed an investigation but did not recommend that action be taken; or
- did not provide the discloser with a report stating the outcome of any investigation or any action proposed or taken and the reasons for those actions.

The Shire is committed to ensuring that it provides the notifications required under the PID Act and that the discloser understands the reasons for the Shire's decisions and actions. If a discloser is considering making a disclosure to a journalist because they believe their circumstances meet one or more of the requirements outlined above, The Shire would encourage the discloser to discuss this with the PID Officer prior to disclosure to a journalist.

It is also recommended that the discloser seek their own legal advice before taking any action in relation to matters that have been disclosed under the PID Act.

If a discloser makes an anonymous disclosure they may not be able to demonstrate they meet the above requirements, we are not obliged to provide the discloser with any notifications about what happens to the disclosure.

13. Contact details and further information

These guidelines shall be made available for access by all employees of the Shire of East Pilbara and members of the public. Copies of these guidelines are available from the PID Officer, the Shire's website, employee intranet and Document Centre.

Authorisation Details

References:	<i>Public Interest Disclosure Act 2003</i>		
Authorised by:	Chief Executive Officer		
Date:	2014	Item No.	
Review/Amendment Date	27 May 2016	Item No.	
Review/Amendment Date	28 May 2018	Item No.	
Review/Amendment Date	22 May 2020	Item No.	
Review/Amendment Date	4 November 2025	Item No.	
Next Review	Every two years		
Responsible Directorate	Executive Services		
Responsible Officer	Manager Governance, Risk & Procurement		
File No.			

Public interest disclosure lodgement form

Public Interest Disclosure Act 2003

The Shire of East Pilbara strongly encourages anyone thinking about making a public interest disclosure to seek out a nominated proper authority to discuss their issues first. Our proper authorities (Public Interest Disclosure (PID) Officer(s)) are:

Position	Manager Governance, Risk and Procurement
Name of PID Officer	Joshua Brown
Contact details	mg@eastpilbara.wa.gov.au or 0498 467 447

Ensure you understand your rights and responsibilities under the *Public Interest Disclosure Act 2003* (PID Act) before you sign this lodgement form. You may wish to seek external legal advice about those rights and responsibilities. Lodge your public interest disclosure form with the Shire of East Pilbara's proper authority (PID Officer), not the Public Sector Commission.

Personal details

Family name					
Given name					
Title	☐ Mr	☐ Ms	☐ Mrs	☐ Dr	☐ Other
Address					
Work phone					
Mobile					
Email					
☐	I wish to make an anonymous public interest disclosure. I understand that: • I will not receive any information about what happens to this disclosure • it may be more difficult for the proper authority to look into the matter(s) as they cannot come back to me for further information • it may be more difficult for the proper authority/public authority to protect me • this anonymous disclosure may not prevent me from being identified during any investigation or when action is being taken.				

Categories of public interest information		Tick relevant box(es)
Improper conduct		☐
An offence under written State law		☐
Substantial unauthorised or irregular use of, or substantial mismanagement of, public resources		☐
Conduct involving a substantial and specific risk of injury to public health, or prejudice to public safety or harm to the environment		☐
Administration matter(s) affecting you personally		☐

Disclosure details	
Name of the public authority(ies) the disclosure relates to	
Do you work for a public authority?	☐ Yes ☐ No If yes, which public authority and what is your position title?
Does the disclosure relate to one or more individuals?	☐ Yes ☐ No If yes, provide name(s) and position(s) held by person(s) in the public authority
When did the alleged events occur?	
Summary of the matters to disclose (attach additional pages if required).	

Additional information	
Description of any documents provided or names of witnesses	
Have you reported this information to any other person or agency?	☐ Yes ☐ No
If yes, did you report this information as a Public Interest Disclosure matter?	☐ Yes ☐ No If yes, please provide details

You should read the following information and sign this form prior to lodgement.

Acknowledgement

I believe on reasonable grounds that the information contained in this disclosure is or may be true.
I have been informed and I am aware that:

- I will commit an offence under section 24 of the PID Act, if I know that the information contained in this disclosure is false or misleading in a material particular, or I am reckless as to whether it is false or misleading in a material particular.
Penalty: \$12 000 or imprisonment for one (1) year.
- I will forfeit the protection provided by section 13 of the PID Act, if I fail, without reasonable excuse, to assist a person investigating the matter by supplying requested information (s17).
- I will forfeit the protection provided by section 13 of the PID Act, if I subsequently disclose this information to any person other than a proper authority under the PID Act (s17).
- I will commit an offence, if I subsequently make a disclosure of information that might identify or tend to identify anyone as a person in respect of whom this disclosure has been made under the PID Act, except in accordance with section 16(3) of the PID Act.
Penalty: \$24 000 or imprisonment for two (2) years.
- I cannot withdraw my disclosure after I have made it.

Authorisation	
Discloser's signature	
Date	

OFFICE USE ONLY

Register No: #

Date: / /

Notification of disclosure of identifying information form

Public Interest Disclosure Act 2003

To					
Title	☐ Mr	☐ Ms	☐ Mrs	☐ Dr	☐ Other:
Given name					
Family name					
Provided by	☐ email ☐ mail ☐ in person				
I intend to make a disclosure of information that might identify or tend to identify you as a person who has made an appropriate disclosure of public interest information under section 16 of the <i>Public Interest Disclosure Act 2003</i>.					
The disclosure of this information					
Is necessary, having regard to the rules of natural justice (section 16(1)(b))	☐				
Is necessary to enable the matter to be investigated effectively (section 16(1)(c))	☐				
The reason(s) why the disclosure of this information is necessary is (specify reason(s))					
Important: A person making an identifying disclosure for these reasons must take all reasonable steps to provide this information to the discloser within a reasonable time before making the disclosure in accordance with section 16(2).					
Authorisation					
Signature of person proposing to make disclosure					
Name					
Position					
Contact details					
Date					

Consent to disclosure of identifying information form

Public Interest Disclosure Act 2003

Personal details		
Family name		
Given name		
Disclosure No.		(to be completed by proper authority/Public Interest Disclosure (PID) Officer)

Consent	
Consent to disclosure of identifying information by discloser I consent to the disclosure of information that might identify or tend to identify me as a person who has made an appropriate disclosure of public interest information under section 16(1)(a) of the <i>Public Interest Disclosure Act 2003</i> .	☐
Consent to disclosure of identifying information by subject I consent to the disclosure of information that might identify or tend to identify me as a person in respect of whom a disclosure of public interest information has been made (subject) under section 16(3)(a) of the <i>Public Interest Disclosure Act 2003</i> .	☐

Limitations on consent	
This consent only applies to disclosures made to the following persons	
This consent only applies to the following information	

Authorisation	
Signature of discloser/subject: (delete as appropriate)	
Date	
Signature of proper authority/PID Officer	
Date	