

Public Interest Disclosures (PID)

The Shire of Wongan-Ballidu does not tolerate corrupt or other improper conduct including mismanagement of public resources in the exercise of the public functions of the Shire of Wongan-Ballidu and its elected members, officers, employees and contractors.

The Shire of Wongan-Ballidu is committed to the aims and objectives of the *Public Interest Disclosure Act 2003* (PID Act).

As a proper authority, the Shire of Wongan-Ballidu is responsible for:

- receiving disclosures;
- investigating disclosures;
- taking appropriate action; and

The Shire of Wongan-Ballidu will take all reasonable steps to provide protection to employees who make such disclosures from any detrimental action in reprisal for the making of a public interest disclosure.

The Shire of Wongan-Ballidu does not tolerate any of its officers, employees or contractors engaging in acts of victimisation or reprisal against those who make public interest disclosures.

What is a Public Interest Disclosure?

A Public Interest Disclosure is made when a Person discloses information to a Proper Authority that tends to show past, present or proposed future Improper Conduct by a Person of Public Authority in the exercise of their Public function, such as corruption or irregular conduct.

What is a Public Authority?

Public authorities include:

- A public authority (includes a State Government organisation, local government, regional local government, or a public university).
- A public officer (includes a State public service officer, an employee of a public authority, a minister, a member of Parliament, a judicial officer, a police officer, a holder of office under the State, or an officer of the Commonwealth exercising a function on behalf of the State).
- A public sector contractor (a person or organisation engaged by a public authority, or a subcontractor of this person, for the supply of goods and services or the performance of a public function).

What is the difference between a PID and a grievance?

The public interest disclosure process enables people to disclose certain types of wrongdoing covered by the PID Act, and where required, ensures that someone investigates the information and takes action. It is a process within government to deal with matters of a serious nature which, if resolved, would serve the public good.

A public interest disclosure is more than a general complaint or dissatisfaction with a product, service or decision of government. It is also more than a personal grievance that can be resolved by agreement.

A public interest disclosure must relate to wrongdoing, not be trivial and must be made to the right person (being a proper authority).

A public interest disclosure must be managed according to the PID Act and, once made, the person making the disclosure cannot withdraw it.

How does the PID Act protect me?

The PID Act protects you if you make an appropriate disclosure to a proper authority.

Protections under the PID Act include immunity from civil or criminal liability, disciplinary action, dismissal and termination of employment for any breach of duty of secrecy or confidentiality that may apply to you as a result of you making the disclosure.

However, be aware that, if you make a disclosure under the PID Act, you are still liable for any wrongdoing you may have been involved in, for which you may face disciplinary action or criminal charges.

If you are employed by a public authority, it will take all reasonable steps to protect you from detrimental action or the threat of detrimental action because you made a disclosure. If you are concerned about detrimental action, make this clear when you disclose.

Additionally, your identity will only be revealed in accordance with the PID Act. This includes where you consent or where it is necessary for the matter to be effectively investigated. All reasonable steps will be taken to advise you that your identity will be revealed.

What are my responsibilities?

In addition to providing protection, the PID Act imposes some responsibilities on you. Comply with the responsibilities outlined below to maintain your protection.

- **You must believe on reasonable grounds your information is or may be true.** It must be more than a mere suspicion, and show, or tend to show, that wrongdoing is occurring, has occurred or is about to occur. It is an offence to

knowingly or recklessly make a false or misleading disclosure. The penalty for doing so is \$12 000 or imprisonment for one year (section 24 of the PID Act).

- **You must assist the investigator where you can.** You need to supply information at the investigator's request where you can. If you do not, you may lose your protections (section 17(1)(a) of the PID Act). Remember, it is not your role to investigate the matter, as you may affect the integrity of any ongoing investigation.
- **You must keep your disclosure completely confidential otherwise you may forfeit your protections.** You may speak with the PID Officer, or another person investigating the matter, but you cannot speak to anyone else about your disclosure. If you believe you need to speak to someone else about it, discuss this with your PID Officer first. You must also keep the information confidential after the process is complete, including information arising throughout the process and the outcome (section 17(1)(b) of the PID Act).
- **You must not reveal the identity of the person about whom your disclosure is made.** Subject to some exceptions, you can speak about this only with the proper authority who is dealing with your disclosure or anyone investigating the matter. If you speak to others, you may commit an offence which carries a penalty of \$24 000 or imprisonment for two years (section 16(3) of the PID Act).

Report a Matter to the Shire of Wongan-Ballidu

Public Interest Disclosure Form

If you wish to make an oral or written report to the Shire of Wongan-Ballidu, please contact the Deputy Chief Executive Officer on (08) 9671 2500 or shire@wongan.wa.gov.au.

Please note that a person who knowingly reports a matter that is misleading or false, commits an offence and is liable to a fine of \$12,000 or imprisonment for one year.

For more information on how to report a minor misconduct please read the [Public Sector Commission fact sheet](#) or visit the [Public Sector Commission's website](#).

More Information

[Public Sector Commission - Guide for Disclosers](#)