

2018

# Public Interest Disclosure Guidelines



SHIRE OF GNOWANGERUP  
28 YUGENUP ROAD  
GNOWANGERUP WA 6335

## Table of Contents

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A. Organisational commitment for reporting public interest information .....	1
B. Purpose of the internal procedures .....	2
C. Objective of the Act.....	2
D. Overview of roles and responsibilities of parties involved in the disclosure process at the Shire of Gnowangerup .....	2
Roles.....	2
E. Managing a Public Interest Disclosure .....	6
Overarching requirements of the Public Interest Disclosure Act 2003 .....	6
What is 'public interest information'? .....	6
Confidentiality.....	6
Confidentiality regarding the discloser .....	7
Confidentiality Plan .....	7
Confidentiality regarding the person, that is, the subject of the disclosure.....	7
Protections .....	8
Notification requirements.....	8
Record keeping .....	8
PID Register .....	9
F. How to make a public interest disclosure .....	9
1. Before you make a disclosure .....	9
What is 'sphere of responsibility'?.....	10
Proper Authorities for Receiving Disclosures of Public Interest Information .....	10
2. Making the disclosure .....	11
3. Determining whether a matter is an appropriate disclosure.....	11
4. Determining whether your public interest disclosure will be investigated .....	11
Functions and powers to investigate .....	12
5. Referring public interest matters .....	12
6. Investigating the disclosure.....	12
Internal investigation procedures.....	13
Determining whether a Public Interest Disclosure .....	13
Investigating information received in a Public Interest Disclosure.....	13
What are your responsibilities if you are the subject of a disclosure? .....	14
7. Taking action .....	14
Confidentiality and record keeping when taking action .....	15
8. After the public interest disclosure process has been finalised.....	15
9. Making a disclosure to a journalist.....	16

10. Contact details and further information .....	16
Forms .....	17
Public Interest Disclosure Officer's declaration form .....	18
Public interest disclosure lodgement form .....	20
Consent to disclosure of identifying information form .....	23
Notification of disclosure of identifying information form.....	24
Assessment and case management form for a public interest disclosure .....	25



# Shire of Gnowangerup

## Public Interest Disclosure Guidelines 2018

### A. Organisational commitment for reporting public interest information

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The Shire of Gnowangerup (Shire) does not tolerate corrupt or other improper conduct.

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 identify and address wrongdoing.

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

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

The Shire will take all reasonable steps to protect employees from any detrimental action in reprisal for the making of 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 section 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. We 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 procedures are accessible to all employees and contractors. Copies are available from the designated person appointed as the proper authority (Public Interest Disclosure (PID) Officer)) and will be kept at the Shire's Administration Office from which internal procedures are available.

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 at <http://www.gnowangerup.wa.gov.au/>. While these procedures 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 staff members making reports from any reprisals.

**Note:** Throughout this document, unless the text indicates otherwise, all references to a section, e.g. section 23(1)(a), refers to a section of the Public Interest Disclosure Act 2003.

## B. Purpose of the internal procedures

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The Chief Executive Officer must prepare and publish these internal procedures under section 23(1)(e).

These procedures outline how the Shire will meet its obligations under the PID Act. They cover the roles and responsibilities of the Chief Executive Officer and the persons designated as the 'proper authority' in accordance with sections 23(1)(a) and 5(3)(h) referred to in this document as the Public Interest Disclosure Officer (PID Officer), the discloser and the subject of the disclosure.

They provide for the manner in which -

- *disclosures of public interest information shall be made to the PID Officer.*
- *the PID Officer shall investigate the information disclosed, or cause that information to be investigated.*
- *the PID Officer may take action following the completion of the investigation.*
- *the PID Officer shall report to the discloser as to the progress and outcome of that investigation and the action taken as a consequence.*
- *the confidentiality of the discloser, and any person who may be the subject of a public interest disclosure, shall be maintained.*
- *records as to public interest disclosures shall be maintained and reporting obligations complied with.*

The procedures are to be read in conjunction with the PID Act, *Public Interest Disclosure Regulations 2003* and the Public Sector Commission's brochure titled [\*Don't be afraid to speak up\*](#).

## C. Objective of the Act

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These procedures apply to all people involved in the public interest disclosure process, including the Chief Executive Officer, PID Officers, other employees of the Shire, elected members, any person making a public interest disclosure and any subject(s) of a disclosure. These procedures should be read in conjunction with the -

- *Public Interest Disclosure Act 2003*
- *Public Interest Disclosure Regulations 2003*
- *Local Government Act 1995*
- *Local Government (Administration) Regulations 1996*
- *Local Government (Rules of Conduct) Regulations 2007*
- *Shire of Gnowangerup's Code of Conduct*

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

## D. Overview of roles and responsibilities of parties involved in the disclosure process at the Shire of Gnowangerup

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### Roles

- **Principal Executive Officer (PEO)** – Chief Executive Officer, Shire of Gnowangerup
- **Public Interest Information Officer (PID Officer)** – Deputy Chief Executive Officer, Shire of Gnowangerup

The PID Officer is responsible for receiving disclosures of public interest information relating to matters falling within the sphere of responsibility of the Shire of Gnowangerup.

The contact details of the PID Officer are as follows:

**Vin Fordham Lamont**

Deputy Chief Executive Officer

Phone: 9827 1007

Email: [vin.fordhamlamont@gnowangerup.wa.gov.au](mailto:vin.fordhamlamont@gnowangerup.wa.gov.au)

After assuming or beginning to act in one of the above named positions and once that Officer has completed PID Officer training through the Public Sector Commission, that Officer holding that position must forward a completed [Public interest disclosure officer's declaration form](#) to the Office of the Public Sector Standards Commissioner. A copy of the completed PID Officer's Declaration shall be retained on a file to be kept for that purpose.

**Note:** Any reference to a PID Officer in this Guideline, where the text permits, only refers to an employee of the Shire of Gnowangerup designated as a PID Officer.

Person / role	Responsibilities
<b>Principal executive officer (s. 23) (in the Shire of Gnowangerup, the Chief Executive Officer):</b>	<ul style="list-style-type: none"><li>• Designates the occupant of a specified position (a PID Officer) to receive public interest disclosures related to the Shire of Gnowangerup (s. 23(1)(a).</li><li>• Provides protection from detrimental action or the threat of detrimental action for any employee of the Shire of Gnowangerup who makes a public interest disclosure (s. 23(1)(b)).</li><li>• Ensures the Shire of Gnowangerup complies with the PID Act and the code of conduct and integrity established by the Public Sector Commissioner (ss. 23(1)(c) and (d)).</li><li>• Prepares and publishes internal procedures, consistent with those prepared by the Public Sector Commission, detailing how the Shire of Gnowangerup will meet its obligations under the PID Act (s. 23(1)(e)).</li><li>• Provides information (s. 23(1)(f)) to the Public Sector Commissioner on the:<ul style="list-style-type: none"><li>○ number of disclosures received by the Shire of Gnowangerup</li><li>○ results of any investigations conducted as a result of the disclosures</li><li>○ action, if any taken, as a result of each disclosure</li><li>○ any matters as prescribed.</li></ul></li><li>• 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.</li></ul>

Person / role	Responsibilities
<b>The Proper Authority (s. 5(3), s. 7 and s. 18) or PID Officer(s 23(1)(a)):</b>	<ul style="list-style-type: none"> <li>• As is designated by ss. 5(3)(a-g) or by the Chief Executive Officer of Shire of Gnowangerup, under s. 23(1)(a) the PID Officer is to receive disclosures related to the Shire of Gnowangerup.</li> <li>• Provides information to potential disclosers about their rights and responsibilities consistent with the Code of conduct and integrity established under s. 20(1).</li> <li>• Receives and manages public interest disclosures in accordance with the PID Act (s. 5(3)).</li> <li>• Notifies the discloser within three months of the disclosure being made about what action is planned in dealing with the disclosure (s. 10(1)).</li> <li>• Where appropriate, investigates, or causes an investigation of, the matters in the disclosures (s. 8(1)).</li> <li>• 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).</li> <li>• Where appropriate, takes such action as is necessary and reasonable, within their functions and powers in accordance with s. 9.</li> <li>• 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).</li> <li>• Provides progress reports where requested and a final report to the discloser in accordance with s. 10.</li> <li>• 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>.</li> <li>• Completes a PID Register for each disclosure lodged (s. 23(1)(f)).</li> <li>• Acts in accordance with the rules of natural justice (s. 9(2) and s. 16(1)(b)).</li> <li>• 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.</li> </ul>

Person / role	Responsibilities
<b>The discloser:</b>	<ul style="list-style-type: none"> <li>• Makes a public interest disclosure to a proper authority or our PID Officer if the matter relates to the Shire of Gnowangerup (s. 5(1)).</li> <li>• Believes on reasonable grounds the information in their disclosure is, or may be, true (s. 5(2)).</li> <li>• Does not disclose information subject to legal professional privilege (s. 5(6)).</li> <li>• Does not knowingly and recklessly make a false or misleading disclosure (s. 24(1)).</li> <li>• 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)).</li> <li>• Assists any person investigating the matter to which the disclosure relates by supplying the person with any information requested (s. 17(1)(a)).</li> </ul>
<b>The subject of the disclosure (person about whom disclosure is made):</b>	<ul style="list-style-type: none"> <li>• 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)).</li> <li>• Maintains confidentiality of the identity of the discloser, in accordance with the requirements of the PID Act (s. 16(1)).</li> <li>• Is to be treated in accordance with the rules of natural justice (s. 16(1)(b)).</li> <li>• 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)).</li> <li>• Does not incite another person to take detrimental action against another because they have made or intend to make a disclosure (s. 14(2)).</li> <li>• 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)).</li> </ul>
<b>An investigating officer:</b>	<ul style="list-style-type: none"> <li>• May investigate matters of public interest information on behalf of a proper authority of the Shire of Gnowangerup, in accordance with the terms of reference given to them.</li> <li>• Maintains confidentiality of the identity of the discloser and any persons subject to the disclosure, in accordance with s. 16.</li> <li>• Makes, and keeps secure, comprehensive records of any investigation undertaken.</li> </ul>



## E. Managing a Public Interest Disclosure

The following procedures describe how the Shire of Gnowangerup 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 we 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 section 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 (section 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;
- 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 tend to identify the discloser (section 16(1)) or any person, that is, the subject(s) (section 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 us in dealing with the disclosure, a PID Officer will record this using the [Consent to disclosure of identifying information form](#).

Sometimes the Shire may need to identify the discloser, without the discloser's consent (section 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 s.152 or 153 of the *Corruption, Crime and Misconduct Act 2003*.

Before the Shire identifies the discloser for any of the reasons above, the PID Officer will take all reasonable steps to inform the discloser that this will happen and the reasons why. The PID Officer will use the [Notification of disclosure of identifying information form](#) to do this.

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

The 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 PID Officer will notify as described above.

## Confidentiality Plan

To ensure the confidentiality of the discloser and information, it is important that a confidentiality plan be developed that is relevant to the particular disclosure.

A plan, unique to the disclosure should be developed with the discloser involved to ensure support and protection from any potential risk against detrimental action.

The plan should include such information including –

- communications methods and frequency of communication;
- meetings locations; and
- frequency and delivery of progress reports.

## 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 section 16(3)(a). The PID Officer will use the [Consent to disclosure of identifying information form](#) to record this.

Additionally, the Shire may need to reveal identifying information about the subject(s) of a disclosure without their consent, (sections 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 section.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;
- we are ordered by a court or any other person or body having authority to hear, receive or examine evidence; or
- we are required by sections 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 (section 23(1(b))).

The Public Sector Commissions brochure [Don't be afraid to speak up: Guide for disclosers](#) contains general information about the protections provided by the PID Act. The PID Officer will be able to expand on this information specific to the Shire of Gnowangerup.

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 we take 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 section 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

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

Provided that 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 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 (section 10(4)).

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

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

PID Officers are also prevented from giving any information they must not disclose under sections 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.

### PID Register

Although a formal PID Register is not required to be developed under the PID Act, the maintenance of a PID Register is considered good practice. We have created a PID Register Template in accordance with the requirements of the Public Service Commission to assist the Shire with the effective management of PID disclosures and to comply with the reporting requirements of sections 19 and 23(1)(f).

To assist with annual reporting to the Public Sector Commissioner the Shire will maintain an electronic public interest disclosure register. The Shire will assign a unique register number to each disclosure and record key information about the disclosure, any investigation and the outcome in the public interest disclosure register. This register (paper and/or electronic) is kept strictly confidential and maintained in a secure location.

## F. How to make a public interest disclosure

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### 1. Before you make a disclosure

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

A number of 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 the brochure [Don't be afraid to speak up: Guide for disclosers](#), available from the Public Sector Commission website at [www.publicsector.wa.gov.au](http://www.publicsector.wa.gov.au) and the Shire's Administration Office so that potential disclosers can access the publication.

At the Shire, the PID Officer designated and listed in Part D - Overview of roles and responsibilities of parties involved in the disclosure process at the Shire of Gnowangerup, is specified as the person(s) responsible for receiving disclosures of public interest information in accordance with section 23(1)(a) of the PID Act.

For the purposes of this procedure a PID Officer is the proper authority designated under section 5(3)(h) of the PID Act for dealing with information that falls within the sphere of responsibility for the Shire of Gnowangerup.

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 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 they cannot withdraw the disclosure once it is made. Once the Shire receives a disclosure, the PID Officer is obliged to take action and the Shire may continue to look into the matters within a disclosure irrespective of any 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 PID Officer will be able to provide more detailed information about the Shire's disclosure process and what people can expect from it.

The Public Sector Commission Advisory Line may also be contacted on (08) 6552 8888 (or 1800 676 607 for country callers) for general information about the disclosure process.

### What is 'sphere of responsibility'?

Under section 5(3)(h), the PID Officer for an authority can receive information relating to a matter which falls within the 'sphere of responsibility' for their public authority. 'Sphere of responsibility' is not defined in the PID Act but may include –

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

The proper authority to which a disclosure needs to make the disclosure depends on the type of disclosure information. Where the information is outside of our 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 the Public Sector Commission's brochure [Don't be afraid to speak up](#) and is tabled below –

Proper Authorities for Receiving Disclosures of Public Interest Information

When the disclosure relates to...	The proper authority is...
Offences under State law.	A police officer or the Corruption and Crime Commission (s5(3)(a))
Substantial unauthorised or irregular use of, or substantial mismanagement of, public resources	Auditor General (s5(3)(b)) or the PID Officer of the public authority concerned (s5(3)(h))
Matters of administration affecting someone in their personal capacity falling within the jurisdiction of the Ombudsman Western Australia	Ombudsman Western Australia (s5(3)(c)) or the PID Officer of the public authority concerned (s5(3)(h))
A police officer	Commissioner of Police or the Corruption and Crime Commission (s5(3)(d))
A judicial officer	Chief Justice (s5(3)(e))
A Member of the Legislative Assembly	The Speaker of the Legislative Assembly (s5(3)(f))
A Member of the Legislative Council	The President of the Legislative Council (s5(3)(f))
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 Parliamentary Commissioner Act 1971	Ombudsman Western Australia or the Public Sector Commissioner (s5(3)(g)) or the PID Officer of the public authority concerned (s5(3)(h))
A public authority or an officer of the public authority	PID Officer of the public authority (s5(3)(h))

## 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, a [Public interest disclosure lodgement form](#) has been developed which can be used for the purpose of making such a disclosure:

However, there is no requirement to use the form. The form will help to define the details of the disclosure and a discloser may fill out the form themselves or a PID Officer may complete the form if they are speaking with the discloser and then have the person making the disclosure 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 a PID Officer to investigate or take action about the disclosure. This is because he/she cannot come back to seek any further information. The Shire is 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 a 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.

## 3. Determining whether a 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 an anonymous disclosure was made), 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 PID Officer will notify the discloser within three months about what the Shire 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, our PID Officer will consider whether it will be investigated, guided by the requirements in section 8. The reasons a 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, (section 5(3)).

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

## Functions and powers to investigate

The Shire of Gnowangerup has the power to investigate a disclosure that is in respect to the Shire of Gnowangerup (the public authority), or an officer of the public authority.

In a broad sense, the matters for which an investigation may take place can be found in the *Preamble* of the Shire's Code of Conduct, where it states:

### *"Preamble*

*The Code of Conduct provides Council Members and staff of the Shire of Gnowangerup with consistent guidelines for an acceptable standard of professional conduct. The Code addresses in a concise manner the broader issue of ethical responsibility and encourages greater transparency and accountability in individual Local Governments.*

*The Code of Conduct is complementary to the principles adopted in the Local Government Act 1995, Regulations and local laws which incorporate four fundamental aims:*

- (a) better decision-making by local governments;*
- (b) greater community participation in the decisions and affairs of local governments;*
- (c) greater accountability of local governments to their communities; and*
- (d) more efficient and effective local government.*

*The Code of Conduct has been developed to assist Council Members and staff to:*

- (a) understand the standard of conduct that is expected of them;*
- (b) enable them to fulfil their statutory duty to act honestly and exercise a reasonable degree of due care and diligence; and*
- (c) act in ways that enhance public confidence in the integrity of local government."*

## 5. Referring public interest matters

Where a 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, a 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

A 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 of Gnowangerup 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 section 16 of the PID Act.

**When investigating the disclosure, the PID Officer or investigator is limited by the functions and powers derived from the Shire's operating legislation. The PID Act does not provide for any additional investigative powers.** For example, if a power of entry is required to enter a property then the PID Officer if undertaking the entry must ensure that he/she has the authority to do so.



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 our Code of Conduct at all times.

Employees who are the subject of the disclosure can clarify the process and what to expect with a PID Officer.

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

## Internal investigation procedures

Determining whether a Public Interest Disclosure

The PID Officer must, on receiving the information, confirm that the discloser, after receiving the advice referred to in [section E of these Guidelines](#), wishes to make a public interest disclosure under the PID Act. If they do, the PID Officer must make an initial assessment of whether:

- a) the information disclosed relates to a public authority, a public officer or a public sector contractor;
- b) the information disclosed relates to the performance of a public function;
- c) the information disclosed tends to show improper conduct;
- d) the improper conduct is of the kind for which the PID Officer is the proper authority (refer to the table above - *Proper Authorities for Receiving Disclosures of Public Interest Information*);
- e) the discloser believes on reasonable grounds that the information is or may be true; and
- f) the information is not protected by legal professional privilege.

If the above questions are all answered “yes”, then the disclosure of information is a public interest disclosure to which the Act will apply.

In assessing whether a disclosure is a public interest disclosure, the PID Officer should complete [Part 1 of the Assessment and case management for a public interest disclosure form](#).

## Investigating information received in a Public Interest Disclosure

Where the PID Officer determines that the disclosure is a public interest disclosure that should be investigated, the officer must investigate the disclosed matter himself or herself or engage another person to carry out the investigation.

In conducting an investigation, typical procedures could include –

- developing the terms of reference for the investigation, clarifying the key issues in the disclosure
- ensuring the objectives of the investigation include
  - collecting and collating information related to the disclosure
  - considering the information collected
  - drawing conclusions objectively and impartially
- specifying a date by which the investigation should be completed and a report provided to the discloser about the final outcome, bearing in mind that the discloser may be able to disclose to a journalist if -
  - the PID Officer does not notify the discloser within three months of them making their disclosure about how they plan to deal with the disclosure;
  - the PID Officer discontinues an investigation;



- the PID Officer does not complete the investigation within six months;
- the PID Officer does not provide a final report to the discloser about the outcome and any action taken, including the reasons for that action
- informing the subject of the disclosure about their rights and obligations under the PID Act, the PID Officer's code of conduct and integrity, any agency code of conduct and the law
- maintaining procedural fairness for the person who is the subject of the disclosure
- the investigator making contemporaneous notes of discussions and interviews and, where practicable and appropriate, recording discussions and interviews on audio or videotape (ensuring people are made aware they are being recorded)
- ensuring strict security to maintain the confidentiality requirements of the PID Act.

### 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.

We will treat the person fairly and impartially throughout the process, and inform them of their rights and obligations. We will generally keep the parties involved informed during any investigation, although we cannot release any information to the person that may prejudice our investigation. As an employee it is expected that they will act in accordance with the Shire's Code 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 section 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 section 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; and
- it is made in accordance with sections 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 take any disciplinary or other action against the person under section 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 you think might be the discloser, as they also have rights to confidentiality under the PID Act. It is an offence under section 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).

## 7. Taking action

The PID Officer will take action where they form the opinion that a person may be, 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 section 9 includes, but is not limited to –

- preventing the matter disclosed from continuing or occurring;
- referring the matter to the Western Australia Police or other appropriate body; or
- taking disciplinary action against a person responsible for the matter.

The options above are not mutually exclusive. The 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 action, the PID Officer and/or the Shire of Gnowangerup is limited by the powers and functions derived from the Shire's operating legislation. The PID Act does not provide for any additional powers to take action. We are also guided by what is necessary and reasonable in the circumstances.

Before taking any action the Shire will give the person against whom the action is to be taken (the subject of the disclosure) an opportunity to respond, either verbally or in writing, to ensure procedural fairness.

### 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 using the [Template - Public Interest Disclosure Register](#) for reporting to the Commissioner for Public Sector Standards.

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**

### 8. After the public interest disclosure process has been finalised

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

The PID Act does not provide for an appeal of the outcome of the disclosure process. The discloser may be able to make another disclosure to another proper authority, if the information relates to their functions or sphere of responsibility (section 5). See [Proper Authorities for Receiving Disclosures of Public Interest Information](#) for the correct proper authority for your disclosure.

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

## 9. 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 (section. 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 section. 5 or the brochure. [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 and we are not obliged to provide the discloser with any notifications about what happens to the disclosure.

## 10. Contact details and further information

Contact details for the Shire of Gnowangerup PID Officers are listed in this guideline at –

[Overview of roles and responsibilities of parties involved in the disclosure process at the Shire of Gnowangerup;](#)

The Shire of Gnowangerup's procedures for PID may be found on its website at <http://www.gnowangerup.wa.gov.au/>; and

the Public Sector Commission information on its website at [www.publicsector.wa.gov.au](http://www.publicsector.wa.gov.au).

# Forms

Please note that all forms and brochures referred to in this document can be obtained from the Public Section Commission website <https://publicsector.wa.gov.au/> under Public Information Disclosures.

# Public Interest Disclosure Officer's declaration form

## *Public Interest Disclosure Act 2003*

To: Public Sector Commission  
Dumas House  
2 Havelock Street  
WEST PERTH WA 6005  
Email: [admin@psc.wa.gov.au](mailto:admin@psc.wa.gov.au)

Upon commencing as a proper authority (Public Interest Disclosure (PID) Officer) complete this form and have it authorised by your Principal Executive Officer (PEO). Send it to the Public Sector Commission.

### PID Officer's details

Name of proper authority (PID Officer)	
Position within the public authority	
Name of public authority	
Address	
Telephone	
Email	
Date of commencement as proper authority/PID Officer	

I declare that I understand my obligations as a proper authority (PID Officer) for the above authority.

In particular, I am aware that it is an offence to make a disclosure of information that might identify or tend to identify anyone as a person who has made a public interest disclosure under the *Public Interest Disclosure Act 2003* (PID Act) or is the subject of any such disclosure, except in accordance with section 16 of the PID Act.

Authorisation	
Signature of proper authority/PID Officer	
Date	
Signature of Principal Executive Officer	
Date	
Name of public authority	
Email	
Date of commencement as proper authority/PID Officer	

<input type="checkbox"/>	I consent for my name and office phone number to be published on the Public Sector Commission's website to identify me as a proper authority (PID Officer) for my public authority.
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OFFICE USE ONLY

Register No: #

Date: / /



# Public interest disclosure lodgement form

## *Public Interest Disclosure Act 2003*

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

Position	
Name of PID Officer	
Contact details	

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 Gnowangerup's proper authority (PID Officer), not the Public Sector Commission.

### Personal Details

Family name					
Given name					
Title	<input type="checkbox"/> Mr	<input type="checkbox"/> Ms	<input type="checkbox"/> Mrs	<input type="checkbox"/> Dr	<input type="checkbox"/> 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		<input type="checkbox"/>
An offence under written State law		<input type="checkbox"/>
Substantial unauthorised or irregular use of, or substantial mismanagement of, public resources		<input type="checkbox"/>
Conduct involving a substantial and specific risk of injury to public health, or prejudice to public safety or harm to the environment		<input type="checkbox"/>
Administration matter(s) affecting you personally		<input type="checkbox"/>

Disclosure Details	
Name of the public authority(ies) the disclosure relates to	
Do you work for a public authority?	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, which public authority and what is your position title?
Does the disclosure relate to one or more individuals?	<input type="checkbox"/> Yes <input type="checkbox"/> 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	

Additional Information	
Description of any documents provided or names of witnesses	
Have you reported this information to any other person or agency?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If yes, did you report this information as a Public Interest Disclosure matter?	<input type="checkbox"/> Yes <input type="checkbox"/> 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: / /

# 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	
<b>Consent to disclosure of identifying information by discloser</b> 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> .	<input type="checkbox"/>
<b>Consent to disclosure of identifying information by subject</b> 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> .	<input type="checkbox"/>

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	

OFFICE USE ONLY

Register No: #

Date: / /



# Notification of disclosure of identifying information form

*Public Interest Disclosure Act 2003*

## To

Title	<input type="checkbox"/> Mr	<input type="checkbox"/> Ms	<input type="checkbox"/> Mrs	<input type="checkbox"/> Dr	<input type="checkbox"/> Other:
Given name					
Family name					
Provided by	<input type="checkbox"/> email <input type="checkbox"/> mail <input type="checkbox"/> 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 *Public Interest Disclosure Act 2003*.**

## The disclosure of this information

Is necessary, having regard to the rules of natural justice (section 16(1)(b))	<input type="checkbox"/>
Is necessary to enable the matter to be investigated effectively (section 16(1)(c))	<input type="checkbox"/>
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	

# Assessment and case management form for a public interest disclosure

## *Public Interest Disclosure Act 2003 (PID Act)*

### Part 1: Receiving the disclosure: Assessment of whether the information is a valid disclosure for the purposes of the PID Act

Assessment of disclosure	Decision	Notes
Does the disclosure relate to a public authority, a public officer or a public sector contractor? (s. 8)	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Does the information relate to the performance of a public function? (s. 8)	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Does the information show or tend to show matters of public interest information? <sup>1</sup> (s. 3)	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Does the information show or tend to show public interest information for which the person receiving the information is the proper authority (Public Interest Disclosure (PID Officer))? (s. 5(3)(h) and s. 23(1)(a))	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Does the discloser believe on reasonable grounds that the information is, or may be, true? (s. 5(2))	<input type="checkbox"/> Yes <input type="checkbox"/> No	
After being informed of the consequences does the discloser wish to disclose the information under the PID Act, that is, make a public interest disclosure? (s. 5(1))	<input type="checkbox"/> Yes <input type="checkbox"/> No	

**Note for proper authority/PID Officer:** If any of the 'No' boxes have been ticked, then the disclosure is unlikely to be one to which the PID Act applies. Make proper and secure records about your determination of whether the disclosure is a valid public interest disclosure under the PID Act. Inform the discloser of your determination and reasons (s. 10).

<sup>1</sup> Matter to which public interest information can relate:

- improper conduct
- an offence against State law
- a substantial unauthorised or irregular use of public resources
- a substantial mismanagement of public resources
- conduct involving a substantial and specific risk of injury to public health, prejudice to public safety or harm to the environment
- conduct relating to a matter of administration affecting someone in their personal capacity that falls within the jurisdiction of the Ombudsman.

## Confirmation

I [insert name], the proper authority (Public Interest Disclosure Officer) for [insert name of public authority], confirm that the disclosure made to me on [insert date] by [insert discloser's name, if appropriate] shows or tends to show that the matters described are public interest information. I have registered these matters as a disclosure under the PID Act in the public interest disclosure register of [insert name of public authority] with the registered number [insert number].

Signed (proper authority)		Date	
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## Case Management note for the proper authority/PID Officer

## Decision

I have created a case file which complies with the recordkeeping plan of the Shire of Gnowangerup, as required by the *State Records Act 2000*.

☐ Yes ☐ No

I have notified the discloser of the proposed action to be taken or the action taken in relation to the disclosure in accordance with s. 10(1) of the PID Act (if applicable, at this point of the enquiry).

☐ Yes ☐ No

This has been in accordance with the requirements of s. 11 and s. 16 of the PID Act.

☐ Yes ☐ No

I have recorded the action(s) in the public interest disclosure register.

☐ Yes ☐ No

## Part 2: Assessment of whether the disclosure should be investigated

Assessment of disclosure	Decision	Notes
Does the disclosure relate to the public authority, its officers or contractors? (s. 5(3) and s. 8(1))	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Does the disclosure relate to a matter or person that you or your public authority has a function or power to investigate? (s. 5(3)(h) and s. 8(1))	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Is there a reasonable prospect of obtaining sufficient evidence, having regard to the time that has elapsed since the occurrence of the matter? (s. 8(2))	<input type="checkbox"/> Yes <input type="checkbox"/> No	

**Note for proper authority/PID Officer:** If any of the 'No' boxes have been ticked, then the disclosure is unlikely to be one that the PID Act requires you to investigate (or cause to investigate). Ensure you make proper and secure records of the reason(s) for which you will not be investigating and provide these reasons to the discloser.

Assessment of disclosure	Decision	Notes
Is the matter trivial? (s. 8(2))	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Is the disclosure vexatious? (s. 8(2))	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Is the disclosure frivolous? (s. 8(2))	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Is the matter being, or has the matter been, adequately or properly investigated by another proper authority under the PID Act? (s. 8(2))	<input type="checkbox"/> Yes <input type="checkbox"/> No	

**Note for proper authority/PID Officer:** If any of the 'Yes' boxes have been ticked, then the disclosure is unlikely to be one that the PID Act requires you to investigate (or cause to investigate). Ensure you make proper and secure records of the reason(s) for which you will not be investigating and provide these reasons to the discloser.

## Confirmation

I [insert name], the proper authority (Public Interest Disclosure Officer) for [insert name of public authority], confirm that the public interest disclosure registered number [insert number] made to me on [insert date] by [insert discloser's name if appropriate] in my opinion meets/does not meet (delete as appropriate) the requirements of the PID Act for a public interest disclosure to be investigated.

I also confirm that I have recorded my opinion in the public interest disclosure register of [insert name of public authority].

Signed (proper authority)		Date	
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## Case Management note for the proper authority/PID Officer

## Decision

I have notified the discloser of the proposed action to be taken, or the action taken in relation to the disclosure in accordance with s. 10(1) (if not previously provided) or I have provided a progress report to the discloser on the current progress on dealing with the matter in accordance with ss. 10(2) or (3).

This is consistent with the requirements of s. 11 and s. 16.

☐ Yes ☐ No

☐ Yes ☐ No

I have recorded the action(s) in the public interest disclosure register.

☐ Yes ☐ No

## Part 3: Engaging an external investigator to investigate the public interest disclosure

Investigating officer's name	
Normal designation of investigating officer	
Address	
Telephone number	
Email address	
Details of authorisation and scope of investigation	
Date investigation was authorised by the proper authority	
Procedures and guidelines provided to external investigator	

The investigation process is not prescribed under the PID Act but the following table is a useful checklist for an investigation.

Assessment of disclosure	Decision	Notes
Have the documents used in the assessment of the disclosure been reviewed?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Was an investigation plan developed?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Were terms of reference developed?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Were people interviewed?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Was confidentiality maintained (s. 16): <ul style="list-style-type: none"> <li>• of the discloser's identity</li> <li>• of the information disclosed</li> <li>• of the identity of the subject(s) of the disclosure?</li> </ul>	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Were the rules of natural justice followed? (s. 9 and s. 16)	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Was a report prepared?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Have all documents/evidence/reports been provided to the proper authority?	<input type="checkbox"/> Yes <input type="checkbox"/> No	



## Recommendation

I recommend that the proper authority (PID Officer)/public authority form the opinion that

I [insert name], the investigating officer appointed by [insert name of public authority] to investigate the public interest disclosure registered number [insert number], confirm that the above is a summary of my investigation undertaken as a result of a disclosure made in accordance with the PID Act.

Signed (investigating officer for  
public authority)

Date

## Case Management note for the proper authority/PID Officer

## Decision

I have provided a progress report to the discloser on the current progress on dealing with the matter in accordance with ss. 10(2) or (3).

☐ Yes ☐ No

This is consistent with the requirements of s. 11 and s. 16.

☐ Yes ☐ No

I have recorded the action(s) in the public interest disclosure register.

☐ Yes ☐ No

## Part 4: Taking action

Assessment of disclosure	Decision	Notes
Where the matters have been investigated by an external investigator, do you (the proper authority) accept the recommendation contained in Part 3?	<input type="checkbox"/> Yes <input type="checkbox"/> No	

**Note for proper authority/PID Officer:** If you have ticked the 'yes' box, please indicate below the action you will take.

Assessment of disclosure	Decision	Notes
Take action that is necessary, reasonable and within your functions and powers to prevent the matter continuing or occurring.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Refer the matter to another person, body or organisation with the power to investigate.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Take disciplinary action, or commence disciplinary proceedings, against the person involved, within your powers and functions.	<input type="checkbox"/> Yes <input type="checkbox"/> No	

**Note for proper authority/PID Officer:** Report to the discloser on the outcome of the investigation and any action taken or proposed to be taken (s. 10), consistent with the requirements of the PID Act (particularly sections 11 and 16). Record the action(s) in the public interest disclosure register.

### Details of the actions taken

I recommend that the proper authority (PID Officer)/public authority form the opinion that

## Confirmation

I [insert name], the proper authority (Public Interest Disclosure Officer) for [insert name of public authority], confirm that the above action was taken or will be taken following the public interest disclosure registered number [insert register number]. I confirm that I have recorded the outcome of the investigation and the action taken or to be taken in the public interest disclosure register of [insert name of public authority].

Signed (proper authority)		Date	
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## Case Management note for the proper authority/PID Officer

## Decision

I have provided a final report to the discloser on the current progress on dealing with the matter in accordance with s. 10(4).

☐ Yes ☐ No

This is consistent with the requirements of s. 11 and s. 16.

☐ Yes ☐ No

The final report details the outcome of the investigation, any action taken, or proposed to be taken, and the reasons for taking those actions (s. 10(4)).

☐ Yes ☐ No

I have recorded the action(s) in the public interest disclosure register.

☐ Yes ☐ No