Public Interest Disclosure Guidelines

for the Public Interest Disclosure Policy adopted by Council on 26 June 2024.

These guidelines detail the procedures which the Shire of Toodyay will comply with under the *Public Interest Disclosure Act 2003.*

These guidelines are taken directly from the Public Sector Commission, July 2016 publication

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1. Organisational commitment for reporting public interest information

The Shire of Toodyay does not tolerate corrupt or improper conduct and is committed to the principles of the *Public Interest Disclosure Act 2003* (PID Act). Recognising the importance of reporting to address wrongdoing, the Shire supports disclosures from employees, contractors, and community members.

The Shire of Toodyay does not tolerate victimization or reprisals against anyone making or intending to make a public interest disclosure. It will take all necessary steps to protect those who report misconduct. This commitment extends to the proper authority under the PID Act, ensuring that 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 of Toodyay will provide as much information as possible to people considering making a public interest disclosure. These internal procedures are accessible to all employees on the Shire's Record Management System and relevant contractors upon request.

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 Centre.

General information about public interest disclosures and the Shire's management process is available on the Shire's website at this link: https://www.toodyay.wa.gov.au/documents/

While these procedures focus on public interest disclosures, the Shire is committed to addressing all reports of suspected wrongdoing, encouraging individuals to report any such behaviour. The Shire will consider each report through appropriate channels and strive to protect staff from reprisals.

2. Scope and application of internal procedures

These procedures apply to all people involved in the public interest disclosure process, including the Chief Executive Officer, Executive Managers and PID Officer(s), employees of the Shire of Toodyay 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;*
- Code of Conduct for Workers;
- Code of Conduct for Council Members, Committee Members and Candidates;
- Business Code of Ethics;
- Governance Framework; and
- Relevant HR Directives, CEO Directives, and Council policies

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

3. Overview of roles and responsibilities of parties involved in the disclosure process at Shire of Toodyay

Person / role	Responsibilities
Principal Executive Officer (s. 23) **(in Shire of Toodyay, the Chief Executive Officer)**	• Designates the occupant of a specified position (a PID Officer) to receive public interest disclosures related to Shire of Toodyay (s. 23(1)(a). • Provides protection from detrimental action or the threat of detrimental action for any employee of Shire of Toodyay who makes a public interest disclosure (s. 23(1)(b)). • Ensures Shire of Toodyay 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, consistent with those prepared by the Public Sector Commission, detailing how Shire of Toodyay 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 Shire of Toodyay; – results of any investigations conducted as a result of the disclosures; – 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.
The Proper Authority **(s. 5(3), s. 7 and s. 18)** **or**	• As is designated by ss.5(3)(a-g) or by the Chief Executive Officer of Shire of Toodyay, under s.23(1)(a) the PID Officer is to receive disclosures related to the Shire of Toodyay.

Person / role	Responsibilities
PID Officer(s 23(1)(a)):	• 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.5, 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 *State Records Act 2000*. • 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

Person / role	Responsibilities
	separately from the PID Act.
The discloser:	• Makes a public interest disclosure to a proper authority or our PID Officer if the matter relates to Shire of Toodyay (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

Person / role	Responsibilities
	intending to make a disclosure (s. 5(1)).
An Investigating Officer, procured by the Public Interest Disclosure Officer:	• May investigate matters of public interest information on behalf of a proper authority of Shire of Toodyay, 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.

4. Managing public interest disclosures

The following information describes how Shire of Toodyay will manage the public interest disclosure process as well as expectations of a disclosure and any subject of a disclosure.

4.1 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.

4.2 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:

(a) 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

(b) 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

(c) substantial unauthorised or irregular use of, or substantial mismanagement of, public resources; or

(d) an act done or omission that involves a substantial and specific risk of:

(i) injury to public health; or

(ii) prejudice to public safety; or

(iii) harm to the environment; or

(iv) a matter of administration that can be investigated under section 14 of the *Parliamentary Commissioner Act 1971* by the Parliamentary Commissioner (Ombudsman Western Australia).

4.3 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;
- 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 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.

4.4 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, our 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 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, our PID Officer will take all reasonable steps to inform the discloser that this will

happen and the reasons why. Our 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, our 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, our PID Officer will notify the discloser as described above.

4.5 Confidentiality plan

A confidentiality plan may be developed to support and protect disclosers from any potential risks of detrimental action and the discloser will be involved in the development of this plan.

The plan will outline methods to provide support and protect the discloser from the risk of reprisal. Strategies to be includes will cover:

- communication methods and frequency of communication;
- meeting locations; and
- frequency of progress reports.

4.6 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). Our 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, ss.16(3)(b)-(g) where:

(a) it is necessary to do so to enable the matter to be investigated effectively;

(b) it is necessary to do so in the course of taking action under s.9;

(c) 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;

(d) the Shire is ordered by a court or any other person or body having authority to hear, receive or examine evidence; or

(e) 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 however the Shire will endeavour to make notifications to meet the Shire's ethical obligations.

4.7 Protections

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

Don't be afraid to speak up - a Guide for Disclosers contains general information about the protections provided by the PID Act. The link to this publication is below.

https://www.wa.gov.au/system/files/2020-02/public_sector_commission_public_interest_disclosure_guide_for_disclosers_dont_be_afraid_to_speak_up.pdf)

The Shire's PID Officer will be able to expand on this information specific to Shire of Toodyay.

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 the CEO to 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 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.

4.8 Notification requirements

The Shire's 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, our PID Officer will provide the following reports:

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

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

Our 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).

Our 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.*

5. Record keeping

During the investigation our PID Officer may make comprehensive and contemporaneous records of any discussions, decisions and reasons, 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.

6. How to make a public interest disclosure

6.1 Before you make a disclosure:

The Shire encourages anyone thinking about making a public interest disclosure to seek advice from our 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 Don't be afraid to speak up, available from the Public Sector Commission website at www.publicsector.wa.gov.au.

At Shire of Toodyay the occupant(s) of the following designated position(s) are specified with the authority as the person(s) 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 Toodyay.

Their names and contact details are:

Position	Name of PID Officer	Contact details
Temporary Chief Executive Officer	Alan Hart	(08) 9574 9300
Payroll and HR Officer	Ericha McClurg	(08) 9574 9300
Governance Coordinator	Maria Rebane	(08) 9574 9300

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.

Our 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 Shire's PID Officer is obliged to take action and the Shire may continue to look into the matters within a disclosure irrespective of the discloser's continued approval.

These initial discussions with our 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, our PID Officer will discuss other mechanisms through which issues may be made, for example, our general complaints or grievance resolution process.

Our PID Officer will be able to provide more detailed information about Shire of Toodyay'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 via email on integrity@psc.wa.gov.au for general information about the disclosure process.

9.3 What is 'sphere of responsibility'?

Under s.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 Shire of Toodyay; or
- a public officer or public sector contractor of Shire of Toodyay; or
- a matter or person that the Shire of Toodyay 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 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 *Don't be afraid to speak up.*

9.2. 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.

The Shire of Toodyay has developed a form for the purpose of making such a disclosure. The form will help to define the details of the disclosure. A discloser may fill out the form themselves or our 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 Shire's PID Officer to investigate or take action about the disclosure. This is because they cannot come back to seek any further information. The Shire would also not be 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 our 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.

9.3. Determining whether your matter is an appropriate disclosure.

Once the Shire's PID Officer has received the disclosure they will assess whether it meets the requirements under the PID Act. It may be that the Shire's 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.

9.4. 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 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 (s.5(3)).

9.5. Referring public interest matters

Where the Shire's 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, the Shire's PID Officer may need to refer an

allegation of an offence supported by evidence to the *Western Australia Police* for investigation.

9.6. 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.
- may cause the disclosure to be investigated by engaging a suitably skilled staff member within the Shire of Toodyay 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 Shire's 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 Shire's PID Officer or investigator is limited by the functions and powers derived from our operating legislation. 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 our Code of conduct at all times.

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

The Shire's 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 the PID Officer, or other investigator, will be guided by the procedures below.

9.7 Internal investigative procedures

Where the PID Officer determines that the disclosure is a public interest disclosure that should be investigated, the PID Officer must investigate the disclosed matter themselves.

In conducting an investigation, typical steps may include:

(a) establishing the terms of reference for the investigation, clarifying the key issues identified in the disclosure;

(b) specifying a date by which the investigation should be completed and a report provided to the discloser about the final outcome;

(c) ensuring the objectives of the investigation include collecting and collating information related to the disclosure, considering the information collected, and drawing conclusions is carried out objectively and impartially;

(d) 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;

(e) maintaining procedural fairness for the person who is the subject of the disclosure;

(f) 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); and

(g) ensuring strict security to maintain the confidentiality requirements of the PID Act.

7. 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 it is expected that they will act in accordance with our 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 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;
- 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's PID Officer will give the discloser 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.

8. Taking action

The Shire's 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 s.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. More than one action may be taken, depending on the circumstances. For example, the Shire's 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 Shire of Toodyay is limited by the powers and functions derived from our operating legislation. 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 Shire's PID Officer 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.

9. 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 in the public interest disclosure register.

10. After the public interest disclosure process has been finalized:

The PID Act places no further obligations on Shire of Toodyay or PID Officers 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).

11. 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:

(a) did not notify the discloser within three months of making the disclosure about actions they propose to take or have already taken; or

(b) refused to investigate, or discontinued the investigation of, a matter raised in the disclosure; or

(c) did not complete an investigation within six months of the discloser making the disclosure; or

(d) completed an investigation but did not recommend that action be taken; or

(e) 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 notifications are provided, as they are a requirement under the PID Act, and the Shire will ensure 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 the Shire is not obliged to provide the discloser with any notifications about what happens to the disclosure.

12. Contact details and further information.

For further information you may:

- Contact the Shire's PID Officer on (08) 9574 9300.
- Visit the shire's website at: here
- Visit the Public Sector Commission's website at https://www.wa.gov.au/organisation/public-sector-commission or contact their Advisory Line on (08) 6552 8888 or via email on integrity@psc.wa.gov.au

13. Appendix 1 - Flowchart for handling disclosures.

