



Public Interest Disclosure Procedure

1. Organisational Commitment

The Town of Mosman Park does not tolerate corrupt or other improper conduct and is committed to the aims and objectives of the [Public Interest Disclosure Act 2003](#) (PID Act), which recognises the value of reporting as a means to identify and address wrongdoing.

The Town supports disclosures made by employees, contractors or community members regarding corrupt or improper conduct. The Town 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. All reasonable steps will be taken to protect employees from any detrimental action in reprisal for making a public interest disclosure.

The persons responsible for receiving disclosures of public interest information designated under s. 23(1)(a) of the PID Act will abide by the PID Code of conduct and integrity in performing their duties.

The Town is committed to dealing with disclosures thoroughly and impartially and will treat all parties involved respectfully.

The Town will provide as much information as possible to people considering making a public interest disclosure. These internal procedures are accessible to employees and contractors.

General information about public interest disclosures and how the Town will manage a disclosure is available on our website <https://www.mosmanpark.wa.gov.au/>.

While these procedures focus on public interest disclosures, we are committed to dealing with all reports of suspected wrongdoing. We encourage people to report if they witness any such behaviour.

Note: Throughout this document, unless otherwise indicated, all references refer to the Public Interest Disclosure Act 2003 e.g. section 23 (1)(a).

2. Purpose of the Internal Procedures

The Chief Executive Officer (CEO) must prepare and publish these internal procedures under s.23(1)(e) of the PID Act.

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

These procedures 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.
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- The PID Officer shall report to the discloser as to the progress and outcome of that investigation and all appropriate action taken.
- 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: [Don't be afraid to speak up](#).

3. Raising Awareness

The Town of Mosman Park will raise awareness of PID to its employees by sharing relevant information.

Many employees raise issues with their managers in the first instance. It is the manager's responsibility to understand PID requirements. A general information guide for managers; 'When someone speaks up: Guide for managers.' Is available on the [Australian Public Sector Commissions website](#).

4. Communicating to Contractors and Community

Information will be made available to the Town's contractors and the community about the public interest disclosure process and documents will be published on the Town's [website](#).

For further information, the Public Sector Commission has a number of products on its [website](#).

5. Scope and Application for Internal Procedures

These procedures apply to all people involved in the public interest disclosure process, including the CEO, PID Officer(s), employees of the Town 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](#)
- [Local Government Act 1995](#)
- [Local Government \(Administration\) Regulations 1996](#) [Town of Mosman Park Code of Conduct](#)

The behaviour of all employees involved in the public interest disclosure process must accord with the Town of Mosman Park Code of Conduct. A breach of the Code of Conduct may result in disciplinary action.

6. Overview of roles and responsibilities of parties involved in the disclosure process at the Town of Mosman Park

Roles

- Principal Executive Officer (PEO) – Chief Executive Officer, Town of Mosman Park
- Public Interest Officers (PID Officers) - The persons holding or acting in the position of Manager People and Culture and Manager Governance and Risk (or equivalent titles).

These positions are designated as PID Officers of the Town of Mosman Park. PID Officers are responsible for receiving disclosures of public interest information relating to matters falling within the sphere of responsibility of the Town of Mosman Park.

Their names and contact details are:

Position	Name of PID Officer	Contact Details
Manager Governance and Risk	Kate Jones	pid@mosmanpark.wa.gov.au
Manager People and Culture	Karen Evans	pid@mosmanpark.wa.gov.au

Person/Role	Responsibilities
The Proper Authority (s.5(3), s.7 and s.18) or PID Officer(s.23(1)(a)):	<ul style="list-style-type: none"> i. As is designated by ss.5(3)(a-g) or by CEO of the Town of Mosman Park, under s.23(1)(a) the PID Officer is to receive disclosures related to the Town of Mosman Park. ii. Provides information to potential disclosers about their rights and responsibilities consistent with the Code of Conduct and integrity established under s.20(1). iii. Receives and manages public interest disclosures in accordance with the PID Act (s.5(3)). iv. Notifies the discloser within three months of the disclosure being made about what action is planned in dealing with the disclosure (s.10(1)). v. Where appropriate, investigates, or causes an investigation of, the matters in the disclosures (s.8(1)). vi. 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). vii. Where appropriate, takes such action as is necessary and reasonable, within their functions and powers in accordance with s.9. viii. 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). ix. Provides progress reports where requested and a final report to the discloser in accordance with s.10. x. 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. xi. Completes a PID Register for each disclosure lodged (s.23(1)(f)). xii. Acts in accordance with the rules of natural justice (s.9(2) and s.16(1)(b)). xiii. 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.
The Discloser:	<ul style="list-style-type: none"> i. Makes a public interest disclosure to a proper authority or our PID Officer if the matter relates to the Town of Mosman Park (s.5(1)). ii. Believes on reasonable grounds the information in their disclosure is, or may be, true (s.5(2)). iii. Does not disclose information subject to legal professional privilege (s.5(6)). iv. Does not knowingly and recklessly make a false or misleading disclosure (s.24(1)).

	<ul style="list-style-type: none"> v. 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)). vi. 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)	<ul style="list-style-type: none"> 1. s 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)). 2. Maintains confidentiality of the identity of the discloser, in accordance with the requirements of the PID Act (s.16(1)). 3. Is to be treated in accordance with the rules of natural justice (s.16(1)(b)). 4. 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)). 5. Does not incite another person to take detrimental action against another because they have made or intend to make a disclosure (s.14(2)). 6. Does not commit an act of victimisation by taking or threatening to take detrimental action against the person making or intending to make a disclosure (s.15(1)).
An Investigating Officer:	<ul style="list-style-type: none"> i. May investigate matters of public interest information on behalf of a Proper Authority of the Town of Mosman Park in accordance with the terms of reference given to them. ii. Maintains confidentiality of the identity of the disclosure and any persons subject to the disclosure, in accordance with s.16. iii. Makes, and keeps secure, comprehensive records of any investigation undertaken.

7. Managing Public Interest Disclosure

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

7.1 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 displace the notification or reporting requirements of the [Corruption, Crime and Misconduct Act 2003](#). The following section outlines how we will meet these requirements.

7.2 What is Public Interest Information?

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

- Relates to the performance of a public function by a public authority, public officer or public sector contractor (either before or after the commencement of the PID Act) and
- Shows or tends to show that a public authority, a public officer, or a public sector contractor is, has been, or proposes to be involved in improper conduct; or
- An act or omission that constitutes an offence under a written (State) law; or

- Substantial unauthorised or irregular use of, or substantial mismanagement of, public resources; or
- An act done or omission that involves a substantial and specific risk of:
- Injury to public health; or
- Prejudice to public safety; or
- Harm to the environment; or
- A matter of administration that can be investigated under s.14 of the [Parliamentary Commissioner Act 1971](#) by the Parliamentary Commissioner (Ombudsman Western Australia).

7.3 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, we are 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 may be the subject of the disclosure to be kept confidential, except in certain circumstances. Disclosing information which might identify or tend to identify the discloser (s.16(1)) or any person that is the subject (s. 16(3)) of the 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.

7.4 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.

The Town may need to identify the discloser, without the discloser's consent (s.16(1)(b)-(f)) 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
- We are ordered by a court or any other person or body having authority to hear, receive or examine evidence; or
- We are required to do so by ss.152 or 153 of the Corruption, Crime and Misconduct Act 2003.

7.5 Confidentiality Plan

To ensure the confidentiality of the discloser and information, it is important that a confidentiality plan be developed. The PID Officer will liaise with the discloser to develop a unique confidentiality plan to ensure support and protection from any potential risk against detrimental action. The plan should include:

- Communication methods and frequency of communication;
 - Location of meetings; and
 - Frequency and delivery of progress reports.
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7.6 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, we may need to reveal identifying information about the subject(s) of a disclosure without their consent, ss.16(3)(b)-(g) where:

- It is necessary to do so to enable the matter to be investigated effectively;
- It is necessary to do so in the course of taking action under s.9;
- There are reasonable grounds to believe that it is necessary to prevent or minimise the risk of injury to any person or damage to any property;
- We are ordered by a court or any other person or body having authority to hear, receive or examine evidence; or
- We are required to do so 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.

7.7 Protections

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

The Public Sector Commission brochure: Don't be afraid to speak up, contains general information about the protections provided by the PID Act. Our PID Officer will be able to expand on this information specific to the Town.

The Town is committed to ensuring 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 action to protect them by informing the PID Officer.

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

7.7 Notification requirements

The Town's PID officers will ensure that reporting is completed in accordance with the legislative and administrative requirements of the PID Act.

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

- Within three months of making a disclosure, the action taken, or proposed to be taken, 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)).

The PID Officer may provide a progress report during any investigation, either on their initiative or upon request (ss.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 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 has made a public interest disclosure s(1)(c).

PID Officers are also prevented from giving any information they must not disclose under ss.151, 152 or 153 of the Corruption, Crime and Misconduct Act 2003.

7.8 Record keeping

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

7.9 PID Register

Although a formal PID Register is not required under the PID Act, the maintenance of a PID Register is considered good practice and ensures compliance with the reporting requirements of ss.19 and 23(1)(f).

To assist with annual reporting to the Public Sector Commissioner, the Town will maintain a public interest disclosure register. The Town will assign a unique register number to each disclosure and record key information regarding the disclosure, any investigation and the outcomes. This register is kept strictly confidential and maintained in a secure location.

8. How to Make a Public Interest Disclosure

8.1 Before you make a Disclosure

The Town of Mosman Park strongly 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 in Don't be afraid to speak up, available from the Public Sector Commission website at www.publicsector.wa.gov.au and the Town's intranet and website.

At the Town 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 the Town of Mosman Park.

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 let the discloser know that they need to make the disclosure voluntarily and consciously. This is because they cannot withdraw the disclosure once it is made. Once we receive your disclosure, our PID Officer is obliged to take action and we may continue to look into the matters within your disclosure irrespective of your continued approval.

These initial discussions with our PID Officer may help you decide whether to make a public interest disclosure and enable the PID Officer to ascertain if the information would be covered by the PID Act. If the information appears not to be covered by the PID Act, our PID Officer will discuss other mechanisms through which issues may be dealt with, for example, our general complaints or grievance resolution process.

Our PID Officer will be able to provide more detailed information about the Town's disclosure process and what can be expected.

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

8.2 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 the Town of Mosman Park; or
- A public officer or public sector contractor to the Town of Mosman Park; or
- A matter or person that the Town of Mosman Park 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 referred 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.

8.3 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 we expect that most disclosures will be made in writing, a Public Interest Disclosure Lodgement form has been developed. However there is no requirement to use the form, but it may help to define the details of the disclosure. A discloser may fill out the form themselves or with our PID Officer, the disclosure will have to sign the form to acknowledge they are making a disclosure voluntarily and consciously.

We must accept anonymous disclosures, but if a discloser decides to make an anonymous disclosure, they should understand that it may be more difficult for our PID Officer to investigate or take action. This is because they cannot come back to seek any further information. We are 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 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.

8.4 Determining whether your matter is an appropriate Disclosure

Once our PID Officer has received the disclosure, they will assess whether it meets the requirements under the PID Act. Our PID Officer may undertake initial inquiries and decide not to take the matter further, as it does not constitute an appropriate public interest disclosure.

If the disclosure is not one to which the PID Act applies, our PID Officer will let the discloser know the reasons for their decision (unless the disclosure is made anonymously) and make proper and adequate records. Some matters raised within the disclosure may not be matters to which the PID Act applies and the PID Officer may inform the discloser of other reporting avenues.

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

Our PID Officer will notify the discloser within three months about what we plan to do in dealing with the disclosure, unless it is an anonymous disclosure.

8.5 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 and will be 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;
- The matter is being or has been adequately or properly investigated by another proper authority, s. 5(3).

The PID Officer will make proper and adequate records of their decision and reasons about whether an investigation is required.

8.6 Referring Public Interest matters

Where our 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 be able to make a disclosure directly to the new authority, if they wish to receive reports from them.

For example, the PID Officer may need to refer an allegation of an offence supported by evidence to the WAPOL for investigation.

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For example, the PID Officer may need to refer an allegation of an offence supported by evidence to the WAPOL for investigation.

10. Investigating the Disclosure

The PID Officer will investigate, or cause to be investigated, any matters in the disclosure within the sphere of responsibility. Our PID Officer may cause the disclosure to be investigated by engaging a suitably skilled staff member within the Town or an external investigator.

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

When investigating the disclosure, the PID Officer or investigator is limited by the functions and powers derived from 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 must comply with the Town's Code of Conduct at all times.

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

Our PID Officer may 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 the disclosure is made anonymously. The PID Officer may notify any subject(s) of the disclosure if they discontinue the investigation.

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

11. Determining a Public Interest Disclosure

Upon receiving a disclosure, the PID Officer must confirm that the discloser wishes to make a public interest disclosure under the PID Act. If they do, the PID Officer:

1. Must evaluate whether the disclosure has been made consciously and voluntarily. It is an offence under the PID Act for a person to knowingly provide false or misleading information (s.24). Disclosures can be anonymous.
2. Evaluate whether this disclosure shows or tends to show past, present or proposed wrongdoing by a public body in the exercise of public functions, including events that happened before July 2003.
3. Determine whether the disclosure is made to a Proper Authority as designated by s.5(3).
4. Ensures the disclosure does not contain information that is the subject of legal professional privilege.

If the above criteria is satisfied, then the disclosure can be considered a public interest disclosure to which the Act applies.

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.

12. Investigating information received in a Public Interest Disclosure

Where the PID Officer determines that the disclosure is a public interest disclosure that requires investigation, the officer must investigate the matter themselves or engage another person to carry out the investigation.

In conducting an investigation, 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:
 - i. Collecting and collating information related to the disclosure;
 - ii. Considering the information collected;
 - iii. Drawing conclusions objectively and impartially;
- Identify an investigation and a report deadline highlighting the final outcome to the discloser. It is important to note that the discloser is 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;
 - i. The PID Officer discontinues an investigation;
 - ii. The PID Officer does not complete the investigation within six months;
 - iii. 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, 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.

13. What are your responsibilities if you are the subject of a Disclosure?

If a subject of a disclosure is a person 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 keep all involved parties informed during any investigation, although we cannot release any information to the person that may prejudice our investigation. As an employee it is expected they will act in accordance with our Code of Conduct at all times.

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

1. The person consents to their identity being disclosed;
2. It is necessary to enable the matter to be investigated effectively;
3. It is necessary to do so in taking action under s.9. of the PID Act;
4. 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;
5. A court order or other body having authority to hear evidence orders accordingly;
6. It is made in accordance with ss.152 or 153 of the Corruption, Crime and Misconduct Act 2003.

The Town will provide appropriate natural justice. This means that, before we take any disciplinary or other action against the person under s.9, we 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 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 s.16 to identify any person who has made a disclosure under the PID Act.

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 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.

14. Taking Action

Our 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, our 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 our PID Officer may take under s.9 includes:

- Preventing the matter disclosed from continuing or occurring;
 - Referring the matter to WAPOL or other appropriate body;
 - Taking disciplinary action against a person responsible for the matter.
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The options above are not mutually exclusive. Our PID Officer may take more than one action depending on the circumstances. For example, our PID Officer may seek to terminate the employment of an employee caught stealing and refer the matter to WAPOL.

In taking action our PID Officer and/or the Town of Mosman Park is limited by the powers and functions derived from operating legislation. The PID Act does not provide for any additional powers to take action. The Town is guided by what is necessary and reasonable in the circumstances.

Before taking any action we will give the person, against whom the action is to be taken, an opportunity to respond, either verbally or in writing, to ensure procedural fairness.

15. Confidentiality and record keeping when taking action

We will maintain confidentiality in accordance with the PID Act when taking action

Our PID Officer will keep appropriate records regarding any action taken and a summary of this action in the public interest disclosure register.

16. After the Public Interest Disclosure process has been finalised

The PID Act places no further obligations on the Town of Mosman Park or our PID Officers after the disclosure process is complete. The confidentiality requirements of the PID Act 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).

17. 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:

1. Did not notify the discloser within three months of making the disclosure about actions they propose to take or have already taken; or
2. Refused to investigate, or discontinued the investigation of, a matter raised in the disclosure; or
3. Did not complete an investigation within six months of the discloser making the disclosure; or
4. Completed an investigation but did not recommend that action be taken; or
5. 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 Town is committed to ensuring that we provide the notifications required under the PID Act and that the discloser understands the reasons for our 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, we would encourage the discloser to discuss this with the PID Officer prior to disclosure to a journalist.



It is also recommended 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.

18. Contact details and further information

Further information can be found on the [Towns website](#) and the [Public Sector Commissions website](#).

Procedure Administration

Directorate:		Officer title:
Executive Services		Governance Officer
Next Review		Review Cycle
2022		Two years
Version	Date	Ref
1	18/12/2020	CEO approved
2		
3		

