



COUNCIL POLICY
Administration

1.2.14

Title:	1.2.14 PUBLIC INTEREST DISCLOSURES POLICY
Adopted:	16 February 2022
Reviewed:	Biennially (last reviewed 14 December 2022)
Associated Legislation:	Local Government Act 1995 Public Interest Disclosure Act 2003
Associated Documents:	Shire of Mingenew Code of Conduct for Council Members, Committee Members and Candidates Shire of Mingenew Code of Conduct for Employees PSC Code of Conduct and Integrity
Review Responsibility:	Governance & Community Manager
Delegation:	Chief Executive Officer

Previous Policy Number/s -

Objective:

The Shire of Mingenew will receive disclosures of public interest information in accordance with the provisions of the *Public Interest Disclosure Act 2003*.

Scope

This policy applies to all employees, elected members, contractors and volunteers.

Policy Statement:

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

The Shire of Mingenew is committed to the aims and objectives of the *Public Interest Disclosure Act 2003* (PID Act). The Shire recognises the value and importance of contributions of employees to enhance administrative and management practices and strongly supports disclosures being made by employees as to corrupt or other improper conduct.

As a proper authority, the Shire of Mingenew is responsible for:

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

The Shire of Mingenew will take all reasonable steps to provide protection to employees who make such disclosures from any detrimental action in reprisal for the making of a public interest disclosure. The Shire does not tolerate any of its elected members, employees, contractors or volunteers engaging in acts of victimisation or reprisal against those who make public interest disclosures.

The persons responsible for receiving disclosures of public interest information designated under s. 23(1)(a) of the PID Act will abide by the Public Sector Commission's (PSC) Code of Conduct and Integrity in performing their duties.



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

PID Officer Responsibilities

The Shire of Mingenew's designated PID Officer is the Chief Executive Officer in accordance with s.23(1)(a) of the PID Act.

The PID Officer's responsibilities include:

- Providing protection from detrimental action or the threat of detrimental action for any employee of the Shire of Mingenew who makes a public interest disclosure (s. 23(1)(b)).
- Ensuring the Shire of Mingenew complies with the PID Act and the Code of Conduct and Integrity established by the Public Sector Commissioner (ss. 23(1)(c) and (d)).
- Preparing and publishing internal procedures, consistent with those prepared by the Public Sector Commission, detailing how the Shire will meet its obligations under the PID Act (s.23(1)(e)). May have a role in enabling an investigation to be undertaken or taking disciplinary action against individual.
- Providing information (s. 23(1)(f)) to the Public Sector Commissioner on the:
 - a) Number of disclosures received by the Shire of Mingenew;
 - b) Results of any investigations conducted as a result of the disclosures;
 - c) Action, if any taken, as a result of each disclosure; and
 - d) Any matters as prescribed.
- Providing information to potential disclosers about their rights and responsibilities consistent with the code of conduct and integrity established under s. 20(1).
- Receiving and managing public interest disclosures in accordance with the PID Act (s. 5(3)).
- Notifying 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, investigating or causing an investigation of, the matters in the disclosures (s. 8(1)).
- Where appropriate, providing information to subjects of a disclosure about their rights, responsibilities, duties and potential offences (s.9(2), s. 14, s. 15, s. 16 and s. 24).
- Where appropriate, taking such action as is necessary and reasonable, within their functions and powers in accordance with s.9.
- Maintaining 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).
- Providing progress reports, where requested, and a final report to the discloser in accordance with s. 10.
- Creating and maintaining 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.
- Completing a PID Register for each disclosure lodged (s. 23(1)(f)).
- Acting in accordance with the rules of natural justice (s. 9(2) and s.16(1)(b)).
- Acting 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 PID Officer may engage an appropriately qualified and/or experienced person to assist or conduct an investigation on their behalf. A paid engagement for services must have regard to Budget allocations and approvals, and an appropriate procurement process.

Discloser Responsibilities

- Makes a public interest disclosure to a proper authority or our PID Officer if the matter relates to the Shire of Mingenew (s. 5(1)).
- Believes on reasonable grounds that 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)).

Subject of a Disclosure under the PID Act

- 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 victimization by taking or threatening to take detrimental action against the person making or intending to make a disclosure (s. 15(1)).