
City of Greater Geraldton

4.17 PUBLIC INTEREST DISCLOSURE

SUSTAINABILITY THEME

Governance

OBJECTIVES

The purpose of this policy is to provide guidelines in relation to the receipt and investigation of Public Interest information made under the Public Interest Disclosure Act 2003 (PID Act).

POLICY STATEMENT

This policy applies to all City employees, contractors, subcontractors, the Mayor and Councillors.

POLICY DETAILS

1. Public Interest Information

The PID Act applies to disclosures of public interest information (defined in s.3).

Public interest information means information that:

- 1.1. Relates to the performance of a public function by a public authority, public officer or public sector contractor; and
- 1.2. 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:
 - 1.2.1. Improper conduct; or
 - 1.2.2. an act or omission that constitutes an offence under a written (State) law; or
 - 1.2.3. substantial unauthorised or irregular use of, or substantial mismanagement of, public resources; or
 - 1.2.4. 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
 - 1.2.5. A matter of administration that can be investigated under section 14 of the *Parliamentary Commissioner Act 1971 by the Parliamentary Commissioner (Ombudsman Western Australia)*.

2. Support for Employees who make public interest disclosures

The City of Greater Geraldton (the City) does not tolerate corrupt or improper conduct. The City 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 City strongly supports disclosures being made by employees about corrupt or other improper conduct. The City also strongly support contractors, subcontractors and members of the community making disclosures about corrupt or improper

conduct.

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

The City will take all reasonable steps to protect the person who makes such disclosures from any detrimental action in reprisal for the making of a public interest disclosure.

ROLES AND RESPONSIBILITIES

3. Chief Executive Officer

The Chief Executive Officer is required to:

- 3.1.** Prepare and publish internal procedures under s.23 (1) (e) of the PID Act which outline how the City will meet its obligations under the Act. The procedures will cover the roles and responsibilities of the Chief Executive Officer, the person designated as the proper authority in accordance with s.23 (1)(a) and s.5(3)(h) referred to as the PID officer, the discloser and the subject of the disclosure. The procedures are to be read in conjunction with the PID Act, *Public Interest Disclosure Regulations 2003*.
- 3.2.** Designate the occupant of a specified position (a PID Officer) to receive public interest disclosures related to the City.
- 3.3.** Provide protection from detrimental action or the threat of detrimental action for any employee of the City who makes a public interest disclosure.
- 3.4.** Ensure that the City complies with the PID Act and the code of conduct and integrity established by the Public Sector Commissioner.
- 3.5.** Provide information to the Public Sector Commissioner on the number of disclosures received, results of any investigations conducted as a result of disclosures and action if any taken as a result of each disclosure.

4. Public Interest Disclosure Office (PID officer)

The PID officer designated by the CEO is required to:

- 4.1.** Provide information to potential disclosers about their rights and responsibilities consistent with the Code of conduct and integrity established under s.20(1);
- 4.2.** Receive and manage public interest disclosure in accordance with the PID Act and create and maintain secure records in relation to disclosures;
- 4.3.** Where appropriate, investigate, or cause an investigation of the matters in the disclosure;
- 4.4.** Provide information to subjects of disclosure about their rights, responsibilities, duties and potential offences, and notify the discloser within three months of the disclosure being made about what action is planned in dealing with the disclosure; and
- 4.5.** Complete a PID Register for each disclosure lodged.

5. Discloser

The discloser is to make a disclosure to the City PID officer if the matter relates to the City, when the discloser believes on reasonable grounds that the information in their disclosure is, or may be true. The discloser must;

- 5.1.** Not disclose information subject to legal professional privilege;

- 5.2. Not knowingly and recklessly make a false or misleading disclosure;
- 5.3. Maintain 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; and
- 5.4. Assist any person investigating the matter to which the disclosure relates by supplying the person with any information requested.

6. Person about whom the disclosure is made

The person about whom the 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. The person must:

- 6.1. Maintain confidentiality of the identity of the discloser in accordance with the requirements of the PID Act;
- 6.2. Not take or threaten to take detrimental action (defined in section 3 of the PID Act) against a person because they have made or intend to make a disclosure;
- 6.3. Not incite another person to take detrimental action against a person because they have made or intend to make a disclosure;
- 6.4. Not commit an act of victimisation by taking or threatening to take detrimental action.

7. Investigating Officer

An investigating officer may investigate matters of public interest information on behalf of a proper authority of the City in accordance with the terms of reference given to them and is required to:

- 7.1. Maintain confidentiality of the identity of the discloser and any persons subject to the disclosure;
- 7.2. Make and keep secure, comprehensive records of any investigation undertaken.

8. Designation of Public Interest Disclosure Officer

A person or persons employed in a position within the Department of Corporate and Commercial Services will be designated as a Public Interest Disclosure Officer (PID Officer) of the City.

KEY TERM DEFINITIONS

Public Interest Information means information that tends to show that, in relation to its performance of a public function (either before or after the commencement of the PID Act 2003), a public authority, a public officer, or a public sector contractor is, has been or proposes to be, involved in-

- (a) improper conduct; or
- (b) an act or omission that constitutes an offence under a written law; or
- (c) a substantial unauthorised or irregular use of, or substantial mismanagement of, public resources;
- (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;

Public Officer means a member, officer, or employee of a public authority; or the holder of –

(i) An office that is established for a public purpose under a written law.

Public Sector Contractor means

- (a) a person who, other than as an employee, contracts with a public authority or the State of Western Australia to supply goods or services to or on behalf of the authority or the State or as directed in accordance with the contract; or
- (b) a person who, other than as an employee, contracts with a public authority or the State of Western Australia to perform a public function; or
- (c) a subcontractor or employee of a person referred to in paragraph (a) or (b) and each person who contracts with another person for the execution of the whole or part of the requirement of a contract referred to in those paragraphs.

Public Interest Disclosure Officer means the designated officer who is responsible for receiving disclosures of public interest information relating to matters falling within the sphere of responsibility of the City of Greater Geraldton.

Public Authority means the City of Greater Geraldton.

ROLES AND RESPONSIBILITIES

The Manager Corporate Services is responsible for implementing and maintaining this policy

WORKPLACE INFORMATION

Public Interest Disclosure Act 2003.

Public Interest Disclosure Regulations 2003.

Public Interest Disclosure (PID); supporting information for Principal Executive Officers.

Don't be afraid to speak up. Guide for managers.

POLICY ADMINISTRATION

Directorate		Officer	Review	Next Due
Corporate and Commercial		Manager Corporate	Biennial	2020
Versio	Decision Reference	Synopsis		
1.	CCS231 – 24 January 2017	CP047 EXISTING POLICY transferred to new template. Review cycle amended.		
2.	CCS317 – 27 March 2018	Policy Review – Endorsed by Council 27 March 2018		