



Pilbara Development Commission

# Public Interest Disclosure Policy



**DOCUMENT REFERENCES**

Policy Title	Corporate: COR10
Associated Policies	COM04 – Freedom of Information FIN09 – Gifts, Benefits & Hospitality COR05 – Code of Conduct
Associated Documents	Commissioner’s Instruction No.7 - Public Sector Code of Ethics Board Charter
Associated Legislation	Public Sector Management Act 1994 Public Interest Disclosure Act 2003
Policy Owner	Regional Development Director

## Introduction

The Pilbara Development Commission (Commission) does not tolerate corrupt or other improper conduct, including mismanagement of public resources, in the exercise of the public functions of the Commission and its officers, employees and contractors. The *Public Interest Disclosure Act 2003* (PID Act) enables people to make disclosures about wrongdoing within the state public sector, local government and public universities without fear of reprisal. It aims to ensure openness and accountability in government by encouraging people to make disclosures and protecting them when they do.

The Commission is committed to the aims and objectives of the PID Act. The PID Act recognises the value and importance of reporting as a means to identify and address wrongdoing. The PID Act allows someone to disclose public information and provides them with protection for doing so. Making a public interest disclosure enables public authorities to investigate and deal with matters straight away that may otherwise have gone unnoticed or unreported.

## Objective

The aim of this policy is to ensure that the Commission complies with the PID Act by:

- facilitating the disclosure of public interest information;
- providing protection for those who make disclosures; and
- providing protection for those who are the subject of a disclosure.

## Scope

This policy applies to Board members, employees and contractors of the Pilbara Development Commission, regardless of classification or level, full time or part-time status and whether on permanent or on fixed term contracts.

## Definitions

A **public interest disclosure** is made when a person discloses to a **Proper Authority** information that tends to show past, present or proposed future **Improper Conduct** by a public body in the exercise of its public functions.

The **Proper Authority** is the person designated as the Public Interest Disclosure Officer (PID Officer) of the public authority to which the disclosure relates.

**Improper Conduct** comprises:

- an offence against State law;
- a substantial unauthorized 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; or
- conduct relating to matters of administration affecting someone in their personal capacity falling within the jurisdiction of the Ombudsman.

## Policy

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

The Commission does not tolerate any of its officers, employees, contractors or subcontractors engaging in acts of victimisation or taking reprisal action against anyone who makes or proposes to make a public interest disclosure.

The Commission will take all reasonable steps to provide protection to individuals who make such disclosures from any detrimental action in reprisal for the making of a public interest disclosure.

### Roles and Responsibilities

The Commission will:

- ensure all employees are made aware of the rights and obligations associated with the *Public Interest Disclosure Act 2003* and internal processes;
- develop and implement internal procedures to manage disclosures;
- investigate any disclosures received;
- take appropriate action on disclosures; and
- report on disclosures and outcomes.

The Chief Executive Officer (CEO) will:

- designate the occupant of a specified position as the person responsible for receiving disclosures of public interest information;
- provide protection from detrimental action or the threat of detrimental action for any employee of the public authority who makes an appropriate disclosure of public interest information;
- ensure that the Commission complies with the PID Act;
- ensure that the Commission complies with the code established by the Commissioner under section 20;
- prepare and publish internal procedures relating to the Commission's obligations under the PID Act; and
- provide information annually to the Commissioner on —
  - the number of public interest disclosures received by a responsible officer of the authority over the reporting period;
  - the results of any investigations conducted as a result of the disclosures and the action, if any, taken as a result of each investigation; and
  - such other matters as are prescribed.

The commitment to effectively manage public interest disclosures extends to a Proper Authority. 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.

### Making Disclosures

Every employee and Board member of the Commission has an ethical responsibility to report suspected improper conduct in the exercise of public conduct.

All disclosures must be made in accordance with the *Public Interest Disclosure Act 2003* to the Public Interest Disclosure (PID) Officer. The person from time to time holding or acting in the position of PID Officer of the Department of Primary Industries and Regional Development is designated as the Public Interest Disclosure Officer of the Pilbara Development Commission.

The contact details of the Pilbara Development Commission's PID Officer are as follows:

Public Interest Disclosure Officer  
Pilbara Development Commission  
Shop 2, 6 Wedge Street  
Port Hedland WA 6721

General information about public interest disclosures and how the Commission will manage a disclosure is available for external clients and members of the community on our [website](#).

Where a person makes an allegation about improper conduct, but the person has not referred to the PID Act, the person should be advised that they might want to make a public interest disclosure under the Act. If they wish to do so, they should be referred to the PID Officer for guidance on how to make a disclosure under the PID Act and on the implications of having done so.

### [Receiving Disclosures](#)

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

Persons receiving disclosures, must:

- immediately refer the matter to the Commission's PID Officer;
- be professional and courteous to those involved in a disclosure, and give prompt attention to all their lawful requirements;
- not use any circumstance or information connected to a disclosure for personal profit or gain;
- take all reasonable steps to seek to ensure informants who make a public interest disclosure are protected in accordance with the provisions specified in the PID Act;
- take all reasonable steps to seek to ensure that persons who are the subject of a disclosure are also provided with appropriate safeguards and protections as specified in the PID Act;
- maintain records that ensure all action taken about the receipt and processing of a disclosure is reviewable;
- declare to an appropriate person, in writing, any interests that may conflict with their obligations to impartially receive and process disclosures;
- immediately report corrupt behaviour that has been, or may be occurring, to an appropriate authority; and
- provide information to the informant about their rights and responsibilities and the possible implications of lodging a public interest disclosure.

### [Records](#)

Records as to public interest disclosures shall be maintained and reporting obligations complied with. All public interest disclosures will be recorded in the Public Interest Disclosure Register, for reporting to the Commissioner for Public Sector Standards.

All files relating to a public interest disclosure, whether paper or electronic, must be secure and accessible only by authorised persons. Files should carry clear warnings that there are penalties for unauthorised divulgence of information concerning a disclosure.

### [Victimisation or Reprisals](#)

Any victimisation or reprisals resulting from a disclosure must be reported immediately to the CEO, who must take immediate action to prevent the continuance of this unlawful conduct.

Where victimisation or reprisals are reported, a record of the report and the action taken must be placed on the file relating to the public interest disclosure. Steps taken to prevent acts of victimisation or reprisal should be recorded in a manner that will be accessible for reference, should legal action be taken against the Commission.

<b>DOCUMENT RECORD</b>	
Policy Number	COR10
CEO Approved date	27 January 2023
Audit, Governance and Risk Sub-Committee Approved date	27 April 2023
Board Approved date	09 May 2023
To be reviewed by	Executive Officer
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