



Government of **Western Australia**  
Pilbara Development Commission

# PUBLIC INTEREST DISCLOSURE POLICY



Making the PILBARA *the place to live, work, visit and invest*



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**Policy:** Public Interest Disclosure Policy

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## INTRODUCTION

The *Public Interest Disclosure Act 2003* provides the foundation for increasing accountability and confidence in the public sector. The Act both facilitates and encourages the disclosure of public interest information, and provides protection for those who make disclosures and for those whom disclosures are made. The Act is a significant step towards reducing and eliminating corrupt conduct and maladministration in the public sector.

### *Definition of a 'Public Interest Disclosure'*

A public interest disclosure is made when a person discloses to 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. 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 Pilbara Development Commission does not tolerate corrupt or other improper conduct, including mismanagement of public resources, in the exercise of the public functions of the Pilbara Development Commission and its officers, employees and contractors. The Pilbara Development Commission is committed to the aims and objectives of the *Public Interest Disclosure Act 2003*. It recognises the value and importance of contributions of staff to enhance administrative and management practices and strongly supports disclosures being made by staff as to corrupt or other improper conduct.

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

The Pilbara Development Commission does not tolerate any of its officers, employees or contractors engaging in acts of victimisation or reprisal against those who make public interest disclosures.

### **Guidelines**

The *Public Interest Disclosure Act 2003* commenced operation on 1 July 2003. The object of the Act is to:

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

This is achieved by:

- protecting the person making the disclosure from legal or other action;
- providing for the confidentiality of the identity of the person making the disclosure and a person who is the subject of a disclosure; and
- providing remedies for acts of reprisal and victimisation that occur substantially because the person has made a disclosure.

Further information about Public Interest Disclosures visit [www.publicsector.wa.gov.au](http://www.publicsector.wa.gov.au), alternatively contact the PID Advice and Referral Line on 1800 676 607

## RESPONSIBILITY OF AGENCIES

Under the *Public Interest Disclosure Act 2003* agencies are responsible for:

- ensuring all employees are made aware of the rights and obligations associated with the Public Interest Disclosure Act 2003 and internal processes;
- following the guidelines and developing and implementing internal procedures;
- receiving disclosures;
- investigating disclosures;
- taking appropriate action; and
- reporting on disclosures and outcomes.

See also Attachment 1 *Obligations of principal executive officers of public authorities*.

*What is Improper Conduct to Which Public Interest Information Must Relate?*

Public interest information must tend to show the involvement of a public body in:

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

A public authority can receive many different types of complaints. These can range from workplace disputes, through harassment, bullying or occupational health concerns, to allegations of improper conduct or corruption. Not all of these disclosures will be of public interest information to which the Act will apply. For example, the chart below identifies some of the differences between a grievance to which the Act would not apply and a public interest disclosure.

GRIEVANCE	PUBLIC INTEREST DISCLOSURE
Aims to resolve a complaint or dispute	Does not aim to resolve a grievance or dispute
Aims to deal with the complaint as close to the source as possible, i.e. to resolve differences directly between the parties concerned	This principle is not relevant to the handling of a public interest disclosure
Usually a dispute between an employee and management, or between two parties	More than a dispute between two parties – relates to a matter of public interest
A complainant generally 'owns' the complaint and can withdraw it at any stage	The discloser doesn't 'own' the disclosure once it has been made and cannot withdraw it
Generally can be resolved by agreement between the parties	The aim is not to resolve the issue between two or more parties

### Procedures

These internal procedures provide for the manner in which the Pilbara Development Commission will comply with its obligations under the *Public Interest Disclosure Act 2003*. They provide for the manner in which:

- disclosures of public interest information shall be made to the Public Interest Disclosure Officer (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;
- the PID Officer shall report to the discloser as to the progress and outcome of that investigation and the action taken as a consequence;

- the confidentiality of the discloser, and any person who may be the subject of a public interest disclosure, shall be maintained; and
- records as to public interest disclosures shall be maintained and reporting obligations complied with.

Further information on the following procedures can be found in *Guidelines for Internal Procedures in Public Authorities* available at [www.opssc.wa.gov.au](http://www.opssc.wa.gov.au).

## DESIGNATION OF PUBLIC INTEREST DISCLOSURE OFFICER

Under the *Public Interest Disclosure Act 2003* the Chief Executive Officer is required to designate the occupant of a specified position with the Commission as the person responsible for receiving disclosures of public interest information. The person who holds or acts in that specified position is designated as the PID Officer of the Pilbara Development Commission. The specified position for the Pilbara Development Commission is the Assistant Director Governance and Corporate.

The PID Officer is responsible for receiving disclosures of public interest information relating to matters falling within the sphere of responsibility of the Pilbara Development Commission.

The contact details of the Pilbara Development Commission's PID Officer are as follows:  
Assistant Director Governance and Corporate  
Pilbara Development Commission, Shop 2, 6 Wedge Street, Port Hedland 6721

The person holding or acting in the position of Assistant Director Governance & Corporate at the commencement of these procedures shall forward a completed PID Officer's Declaration to the Office of the Public Sector Standards Commissioner (OPSSC) as soon as is practicable (see Attachment 7). A copy of the completed PID Officer's Declaration shall be retained on a file to be kept for that purpose.

## RECEIVING PUBLIC INTEREST DISCLOSURES

### 1. Advice to Disclosers

Before a discloser makes a public interest disclosure to a PID Officer, the PID Officer shall advise the discloser of the following matters:

- (a) If they choose to make a public interest disclosure they will not as a result:
  - incur any civil or criminal liability;
  - be liable to any disciplinary action under State law;
  - be liable to be dismissed or have his or her services dispensed with or otherwise terminated; or
  - be liable for any breach of a duty of secrecy or confidentiality or any other applicable restriction on disclosure.
- (b) If they choose to make a public interest disclosure they may have the right to take civil proceedings if they are subject to detrimental action as a result of making the disclosure.
- (c) If they choose to make a public interest disclosure then their identity will not be disclosed except in accordance with the Act (disclosure of their identity may be required in the course of the investigation or in taking action in some circumstances).
- (d) If they choose to make a public interest disclosure then they will have the right to be informed of the progress and outcome of the investigation and action taken as a result.
- (e) If they choose to make a public interest disclosure:
  - They are only protected if they believe on reasonable grounds that the information to be disclosed is or may be true.
  - They will commit an offence, and lose the protection of the Act, if they know the information to be false or misleading in a material particular, or are reckless about whether the information is false or misleading in a material particular.

- They will forfeit the protection given by the Act if they disclose the information otherwise than under the Act (i.e. if they provide the information to the media or a person who is not a proper authority).
  - They will forfeit the protection given by the Act if they fail, without reasonable excuse, to assist a person investigating the matter to which the information relates, by supplying any information requested.
  - They may commit an offence if they disclose information that might identify or tend to identify anyone as a person in respect of whom a disclosure of public interest information has been made.
- (f) The disclosure will only be protected if the PID Officer is the proper authority for receiving that kind of information, as indicated in the following table:

*Proper Authorities for Receiving Disclosures of Public Interest Information*

When the disclosure relates to...	The proper authority is ...
The sphere of responsibility of a public authority (e.g. matters about the public authority or its officers, or which the public authority has the function of investigating).	The Public Interest Disclosure Officer (PID Officer) of the Public Authority.
Offences under State law.	A police officer or the Corruption and Crime Commission.
Substantial unauthorised or irregular use of, or substantial mismanagement of, public resources.	The PID Officer of the public authority concerned or the Auditor General.
Matters of administration affecting someone in their personal capacity falling within the jurisdiction of the Ombudsman.	The PID Officer of the public authority concerned or the Ombudsman.
A police officer.	The Commissioner of Police or Corruption and Crime Commission.
A Member of the Legislative Council.	The President of the Legislative Council.
A Member of the Legislative Assembly.	The Speaker of the Legislative Assembly.
A judicial officer.	The Chief Justice.
A public officer who is not a member of Parliament, a Minister, a Judicial Officer or a Commissioned or other officer specified in schedule 1 of the Parliamentary Commissioner Act 1971.	The PID Officer of the public authority concerned, the Ombudsman or the Commissioner for Public Sector Standards.
A person or a matter of a prescribed class.	A person declared by the regulations to be a proper authority.

Important Note: In addition, the information disclosed must be public interest information as defined in the Act.

Not all proper authorities to which a disclosure may be made will be required or have the power to investigate the information disclosed. In some cases it may be necessary for the discloser or information to be referred to another proper authority with power to investigate the information.

## 2. Assessing a Public Interest Disclosure

The PID Officer must, on receiving the information confirm that the discloser, after receiving the advice referred to in section 1, wishes to make a public interest disclosure under the Act. If they do the PID Officer must make an initial assessment of whether:

- the information disclosed relates to a public authority, a public officer or a public sector contractor;
- the information disclosed relates to the performance of a public function;

- the information disclosed tends to show improper conduct;
- the improper conduct is of the kind for which the PID Officer is the proper authority (see the above table);
- the discloser believes on reasonable grounds that the information is or may be true;
- the information is not protected by legal professional privilege.

If the above questions are all answered "yes", then the disclosure of information is a public interest disclosure to which the Act will apply.

In assessing whether a disclosure is a public interest disclosure, the PID Officer should consider the *Flowchart for Receiving and Assessing Disclosures* at Attachment 2, as well as complete Part 1 of the *Assessment Form for Public Interest Disclosure* (see Attachment 8).

### 3. Form of Public Interest Disclosure

If a disclosure is a public interest disclosure, the discloser and the PID Officer should complete the *Public Interest Disclosure Lodgement Form* (see Attachment 9). The PID Officer should also complete Part 1 of the *Assessment Form for Public Interest Disclosures* (see Attachment 8).

On completion of this form, the PID Officer should create a separate file for the Public Interest Disclosure, with the following text clearly marked on the front of the File.

#### **CONFIDENTIAL**

**The material in this file relates to a public interest disclosure made under the *Public Interest Disclosure Act 2003*. Disclosure of information that might identify or tend to identify either the discloser or a person in respect of whom the disclosure has been made is an offence, unless the disclosure occurs in accordance with the Act. Penalty: \$24,000 or imprisonment for two years.**

The making of the public interest disclosure should also be recorded in the Public Interest Disclosure Register, for reporting to the Commissioner for Public Sector Standards.

## **INVESTIGATING A PUBLIC INTEREST DISCLOSURE**

### **1. Determining whether the matter must be investigated**

After receiving a disclosure, the PID Officer must consider whether:

- the disclosure relates to the Pilbara Development Commission, its officers or contractors;
- the disclosure relates to a matter or person that the Pilbara Development Commission has a function or power to investigate.

If the answer to both of these questions is "no", the PID Officer is not required by the Act to investigate the matter.

Where the PID Officer considers that he or she lacks sufficient power to effectively investigate the matter, but the information received causes him or her to form the opinion that a public authority, public officer or public sector contractor may have engaged in improper conduct, the PID Officer should refer the matter to another appropriate investigative body. For example, an allegation of an offence supported by cogent evidence may need to be referred by a PID Officer to the Police for investigation.

The PID Officer must also consider whether:

- 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 occurrence of the matter;
- the matter is being or has been adequately or properly investigated by another proper authority to which an appropriate disclosure of public interest information has been made under the Act.

If the answer to any of these questions is “yes”, the PID Officer is not required by the Act to investigate the matter.

The questions to be considered in the initial assessment by the PID Officer are indicated in the *Flowchart for Investigating Information Disclosed* at Attachment 3, and Part 1 of the *Assessment Form for Public Interest Disclosures* (see Attachment 8) should be completed.

In assessing whether a public interest disclosure should be investigated, a PID Officer should consider the *Flowchart for Investigating Information Disclosed* at Attachment 3 and complete Part 3 of the *Assessment Form for Public Interest Disclosures* (see Attachment 8).

## **2. Investigating information received in a Public Interest Disclosure**

Where the PID Officer determines that the disclosure is a public interest disclosure that should be investigated, the officer must investigate the disclosed matter himself or herself or engage another person to carry out the investigation.

In conducting an investigation the following represents typical investigative processes:

- Drawing up terms of reference, which should clarify the key issues identified by the disclosure.
- Specifying a date by which the investigation should be completed.
- Ensuring the objectives of the investigation include collecting and collating information relating to the disclosure, considering the information collected and drawing conclusions objectively and impartially.
- Maintaining procedural fairness for the person who is the subject of the disclosure.
- Giving information to the person who is the subject of a disclosure about their rights and obligations under the Act, the Code of Conduct and Integrity that applies to PID Officers, and the Pilbara Development Commission’s Code of Conduct, and the law.
- The investigator making contemporaneous notes of discussions and interviews and, where practicable and appropriate, recording discussions and interviews on audio or videotape.
- Ensuring strict security with all investigations, so as to maintain the confidentiality requirements of the Act.

If a disclosure is withdrawn, the Pilbara Development Commission may still continue to investigate the issues raised.

## **3. Maintaining Confidentiality in an Investigation**

The Act imposes strict confidentiality requirements in relation to the identity of the discloser and persons in respect of whom a public interest disclosure has been made. The disclosure of information that might identify or tend to identify these persons, except in accordance with the Act, is a serious offence, punishable with a maximum penalty of \$24,000 or two years.

The confidentiality provisions of the Act do not apply to all information disclosed in a public interest disclosure, but only to information that might identify or tend to identify the discloser and persons in respect of whom a public interest disclosure has been made.

One of the circumstances in which identifying information may be disclosed is with the consent of the person concerned. It is important that this consent be recorded. The *Consent to Disclosure of Identifying Information* form should be used for this purpose (see Attachment 10).

Identifying information relating to a discloser may be disclosed without the discloser’s consent 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.

However, before information is disclosed for these reasons the person making the disclosure must take all reasonable steps to inform the person whose identity is to be disclosed:

- that the disclosure is being made; and
- the reasons for the disclosure being made.

This information should be given, where practicable, in the form for *Notification of Disclosure of Identifying Information* (see Attachment 11).

Where identifying information in relation to a discloser is conveyed to another person for these reasons, the other person should be warned that disclosure of the information to a third person may involve a serious offence.

Identifying information relating to a person in respect of whom a public interest disclosure has been made can be disclosed at the investigation stage where the disclosure:

- is necessary to enable the matter to be investigated effectively;
- there are reasonable grounds to believe that the disclosure of identifying information is necessary to prevent or minimise the risk of injury to any person or damage to any property.

In addition, disclosures made in accordance with section 152 or 153 of the *Corruption and Crime Commission Act* are exempt from these confidentiality requirements.

Particularly where a discloser works for the Pilbara Development Commission, protecting the identity of them is an important part of protecting the discloser from reprisals and victimisation. Careful consideration must be given as to whether the disclosure of information that might identify or tend to identify a discloser is necessary for the effective investigation of the matter or having regard to the rules of natural justice.

Where the PID Officer appoints a third person to conduct an investigation in relation to the public interest disclosure, he or she must consider whether it is necessary to inform the investigator of the identity of the discloser. In some cases it may not be necessary to provide the investigator with the identity of the discloser. Where it is necessary, to enable an effective investigation, or having regard to the rules of natural justice, to provide identifying information to the investigating officer, then the discloser should be notified in the manner described above.

#### **4. Recording the Outcome of an Investigation**

The outcome of an investigation should be clearly and comprehensively recorded. In addition to any investigation report, the person conducting the investigation should complete part 4 of the *Assessment Form for Public Interest Disclosure* (see Attachment 8).

The result of the investigation should also be recorded in the Public Interest Disclosure Register, (see Attachment 5). All reporting requirements to the Commissioner for Public Sector Standards required under the Act will be based on extracts from this Register.

## **TAKING ACTION FOLLOWING AN INVESTIGATION**

### **1. General**

The PID Officer must take action where he or she forms the opinion that a person may be, or has been or may in the future be, involved in improper conduct. Action that may be taken includes:

- preventing the matter to which the disclosure relates from continuing or occurring;
- referring the matter to the Police or other appropriate body, or
- taking disciplinary action against a person responsible for the matter.

Before taking any action, the person against whom the action is to be taken is to be given the opportunity to make written or oral submissions.

In taking that action the PID Officer remains limited by the powers and functions that are conferred by the legislation under which the Officer operates. The Act does not give the PID Officer additional powers to take action. As well as being limited to matters within the functions and powers of the PID Officer, the action to be taken is guided by what is necessary and reasonable.

### **2. Maintaining Confidentiality when Taking Action**

When taking action, the confidentiality of identifying information must be maintained, unless its disclosure is authorised by the Act. The only additional exception, beyond those identified in relation to investigations, is

where disclosure of the identity of a person who is the subject of a public interest disclosure is necessary in taking action following the investigation.

### 3. Recording Action Taken

In addition to keeping other records, the PID Officer shall complete Part 5 of the *Assessment Form for Public Interest Disclosures* (see Attachment 8) and record a summary of the action taken in the Public Interest Disclosure Register. All reporting requirements to the Commissioner for Public Sector Standards required under the Act will be based on extracts from this Register.

#### *Reporting to a Discloser on the Progress and Outcome of an Investigation*

Where the PID Officer decides not to investigate information disclosed under the Act, or discontinues an investigation, the Officer must give the person who made the disclosure reasons for doing so. Within three months of the disclosure being made the PID Officer must notify the discloser of the action taken or proposed to be taken in relation to the disclosure.

A discloser may also request a progress report.

If an investigation is not complete, the PID Officer may provide to the discloser a progress report on the current status of the investigation.

If an investigation is complete, the PID Officer must provide a final report to the discloser, stating the outcome of the investigation and the reason for taking action following the investigation. In providing information and reports to disclosers, the PID Officer must not give information that, in the officer's opinion, would be likely to adversely affect:

- any person's safety;
- the investigation of an offence or possible offence; or
- necessary confidentiality as to the existence or identity of another person who has made a disclosure of public interest information under the Act.

## PROTECTING DISCLOSERS

### 1. Victimisation and Reprisals

The Pilbara Development Commission will not tolerate any acts of victimisation or reprisal as a result of a person making, or proposing to make, a public interest disclosure. Any victimisation or reprisals must be reported immediately to the Chief Executive Officer or the PID Officer, 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 they will be accessible for reference, should legal action be taken against the Pilbara Development Commission.

### 2. Confidentiality

The confidentiality requirements in relation to information that might identify or tend to identify a discloser or a person in respect of whom a public interest disclosure has been made must be complied with at all times. As noted above, the disclosure of this identifying information, except in accordance with the Act, is an offence.

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. It is strongly recommended that sensitive information is not emailed or faxed to machines with general or shared access.

## PUBLIC INTEREST DISCLOSURE REGISTER

The Pilbara Development Commission shall maintain a Public Interest Disclosure Register recording a unique register number and key information for each disclosure. The Office of the Public Sector Standards Commissioner provides a Register in the form of an Excel spreadsheet on their website [www.opssc.wa.gov.au/pid](http://www.opssc.wa.gov.au/pid). Public authorities are encouraged to use this Register to record public interest disclosures. Information required for reporting to the Commissioner for Public Sector Standards can be extracted from the completed register. See also Attachment 5.

In completing the Register it is important to observe the confidentiality obligations under section 16 of the Act and to not include any information in the Register that **might identify or tend to identify** anyone as a person who has made an appropriate disclosure of public interest information or the subject of the disclosure. A breach of confidentiality requirements is an offence punishable with a penalty of \$24,000 or imprisonment for two years.

The Pilbara Development Commission must ensure that the *Public Interest Disclosure Register*, both in electronic and hardcopy forms, is kept strictly confidential and in a secure place. To assist with confidentiality provisions a password protection function is offered in the Excel spreadsheet provided by the OPSSC.

### *Reporting Requirements*

Annual reports will be made to the Commissioner for Public Sector Standards. Information supplied to the Commissioner will be extracted from the *Public Interest Disclosure Register*.

### Chief Executive Officer Report

Under section 23 (f) of the Act, the Pilbara Development Commission will report annually to the Commissioner for Public Sector Standards on:

- the number of public interest disclosures received over the report period;
- the results of any investigations conducted as a result of the disclosures;
- the action, if any, taken as a result of each investigation;
- Commissioner's Compliance Report.

### Commissioner's Compliance Report

Under section 19 and 22 of the Act, the Commissioner for Public Sector Standards will monitor compliance with the Act, to assist public authorities to comply with the Act and the Code and to provide an Annual Report to Parliament. Under section 27 of the Act the Minister will carry out a review of the Act in 2006.

To enable the Commissioner and the Minister to meet these obligations Pilbara Development Commission will provide a report each year on compliance with and administration of the Act as requested by the Commissioner.

### Report Format and Submission

An electronic format for the Chief Executive Officer Report and the information for the Commissioner's Compliance Report will be provided each year by the Commissioner and both will be able to be submitted in a single electronic submission. The reports will cover the period 1 July in any year to 30 June in the subsequent year.

Where there has been no action on a disclosure in the reporting period the format of the report will provide for a simple nil return. Where action relating to one or more disclosures has occurred, all data required will be obtainable as an extract from the Public Interest Disclosure Register.

### *Making Information Available*

These internal procedures shall be made available for access by all staff and members of the public. Copies of these internal procedures are available from the PID Officer and are to be kept at Pilbara Development Commission's Offices in Port Hedland. These internal procedures will also be published on the Pilbara

Development Commission's network. All staff will be provided with the information shown at Attachment 6. New staff will receive a copy as part of the induction process.

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

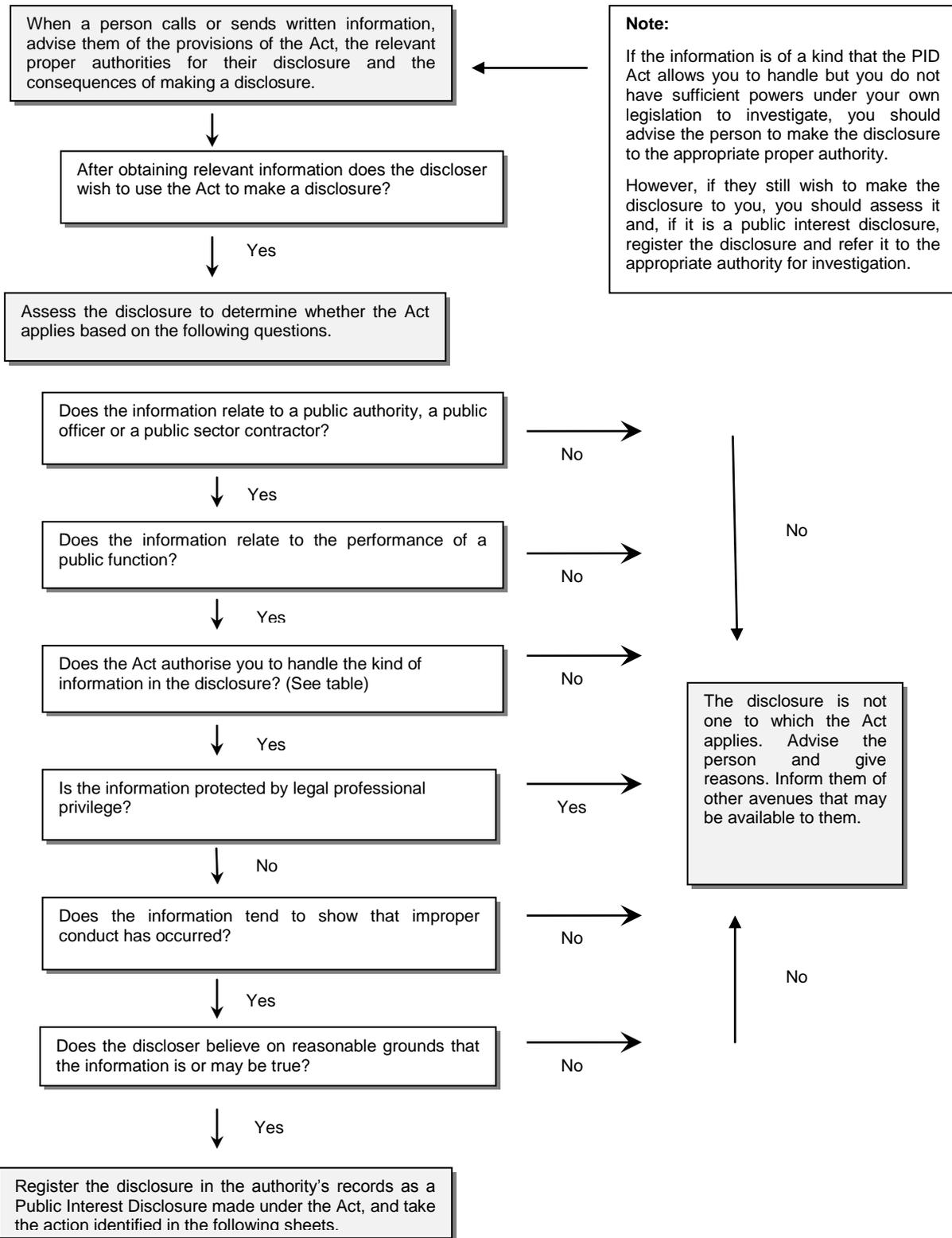
## ATTACHMENT 1

**Public Interest Disclosure Act 2003****Part 5 – Miscellaneous****23. Obligations of principal executive officers of public authorities**

- (1) The principal executive officer of a public authority must —
  - (a) designate the occupant of a specified position with the authority as the person responsible for receiving disclosures of public interest information;
  - (b) 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;
  - (c) ensure that his or her public authority complies with this Act;
  - (d) ensure that his or her public authority complies with the code established by the Commissioner under section 20;
  - (e) prepare and publish internal procedures relating to the authority's obligations under this Act; and
  - (f) provide information annually to the Commissioner on —
    - (i) the number of public interest disclosures received by a responsible officer of the authority over the report period;
    - (ii) 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
    - (iii) such other matters as are prescribed.
- (2) Internal procedures prepared under subsection (1) (e) must be consistent with guidelines prepared by the Commissioner under section 21.

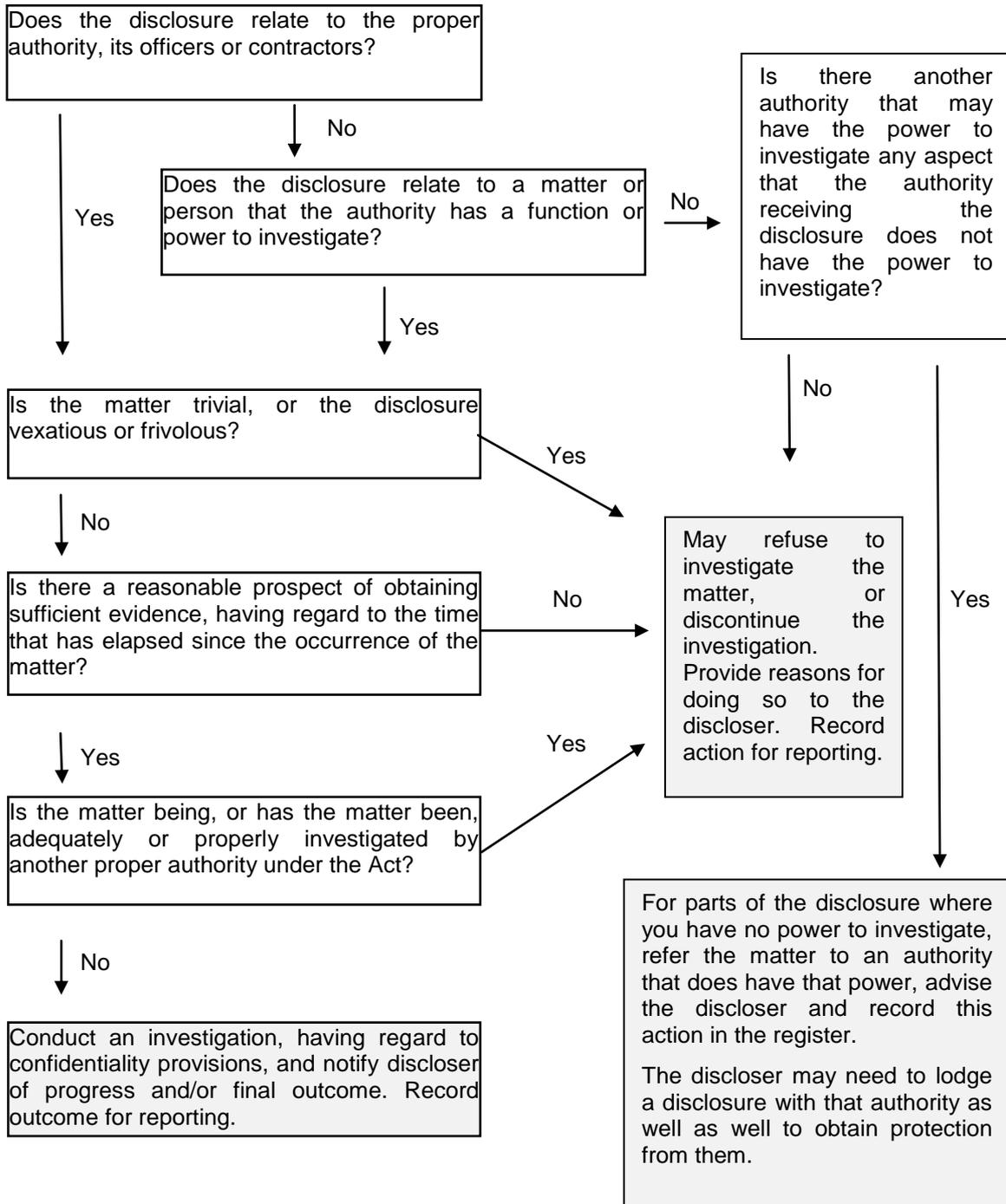
ATTACHMENT 2

# Flowchart for Receiving and Assessing Disclosures

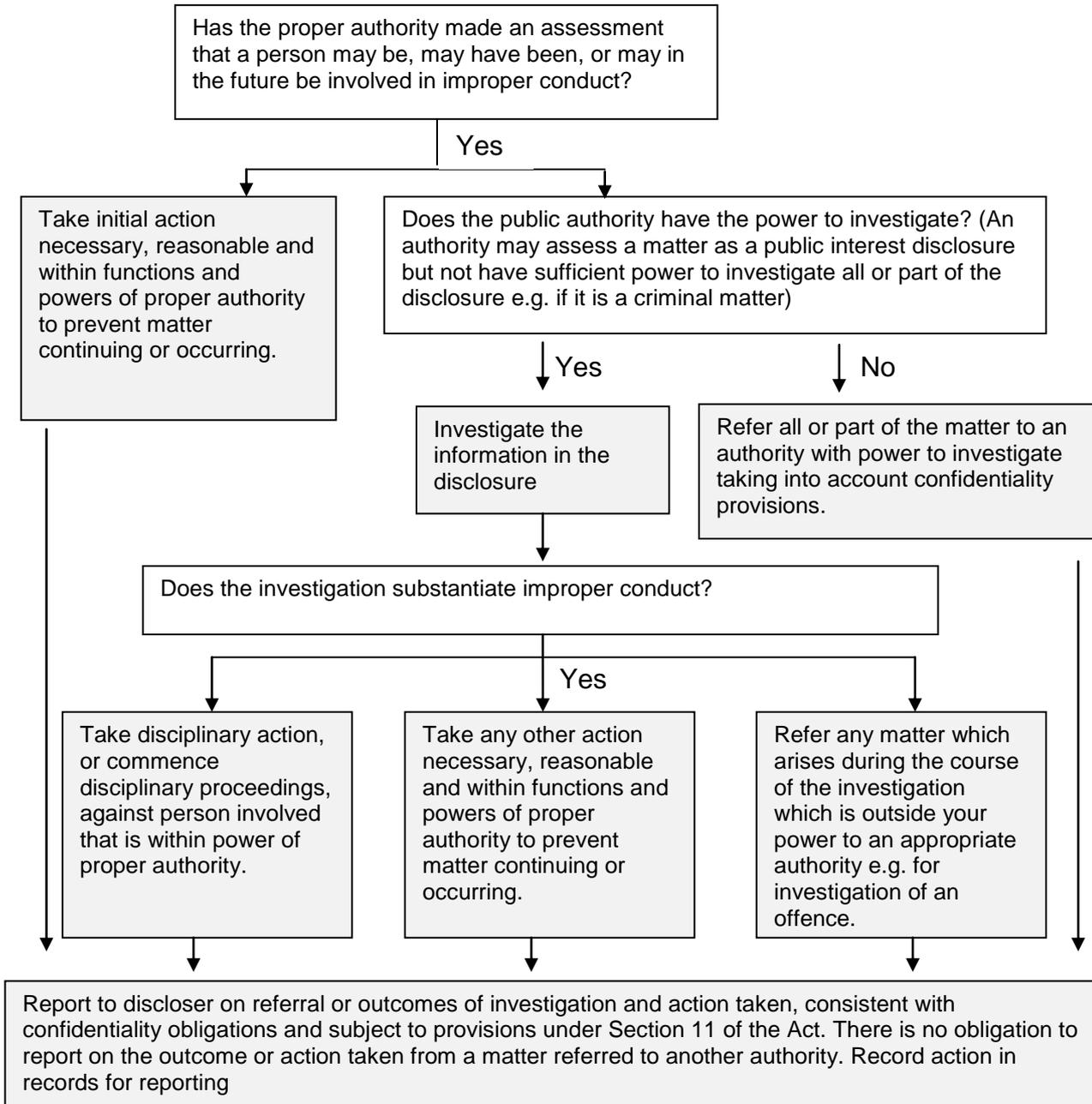


ATTACHMENT 3

**Flowchart for Investigating Information Disclosed**



## ATTACHMENT 4

**Flowchart for Taking Action****Note on Referrals**

The confidentiality provisions apply when you refer a matter and the authority to whom the matter is referred is bound by the confidentiality provisions of the Act. However, they will treat it in accordance with their own powers and are not required to treat the matter as a PID for the purposes of reporting the outcome to the discloser.

Nothing precludes the discloser from lodging the matter as a PID in the new authority if they wish to extend the legal protections available to them under the Act and receive reports from the new authority on the outcome and action taken.

## ATTACHMENT 5

**Public Interest Disclosure Act 2003  
PILBARA DEVELOPMENT COMMISSION**

## PUBLIC INTEREST DISCLOSURE REGISTER

The Pilbara Development Commission will use this Register to record public interest disclosures. All information required for reporting to the Commissioner for Public Sector Standards will be able to be extracted from this register.

The *Public Interest Disclosure Register*, both in electronic and hardcopy forms, will be kept strictly confidential and in a secure place.

This Register is also provided in electronic format at [www.opssc.wa.gov.au](http://www.opssc.wa.gov.au). In the electronic version most of these fields have drop down menus with choices from which to select. If a hard copy is to be used, as below, it is advised that a list of choices is obtained from the Office of the Public Sector Standards Commissioner.

- **Disclosure Number:** \_\_\_\_\_
- **Disclosure Code (Unique Register No)** \_\_\_\_\_
- **Person Making the Disclosure (Discloser)**

Name of Discloser: \_\_\_\_\_

Gender of Discloser: \_\_\_\_\_

Name of public authority employing the discloser (if applicable) \_\_\_\_\_

Relationship of discloser to public authority about which disclosure is made \_\_\_\_\_

\_\_\_\_\_

- **First Public Authority about which the Disclosure is made**

Name of public authority \_\_\_\_\_

Individuals named in the disclosure \_\_\_\_\_

\_\_\_\_\_

- **Second Public Authority about which the Disclosure is made**

Name of public authority \_\_\_\_\_

Individuals named in the disclosure \_\_\_\_\_

\_\_\_\_\_

- **Nature of Disclosure**

Type of disclosure \_\_\_\_\_

Brief description of nature of disclosure \_\_\_\_\_

\_\_\_\_\_

- **Investigation Process and Action Taken**

Investigation undertaken  Yes  No

Reason if no investigation or investigation discontinued \_\_\_\_\_

\_\_\_\_\_

Outcome of investigation \_\_\_\_\_

\_\_\_\_\_

Brief description of results of Investigation \_\_\_\_\_

\_\_\_\_\_

Brief description of action taken if investigation has substance \_\_\_\_\_

\_\_\_\_\_

- **Key Dates**

Date lodged \_\_\_\_\_

Date of decision on whether to investigate \_\_\_\_\_

Date Investigation completed or discontinued \_\_\_\_\_

Date of decision on action to be taken \_\_\_\_\_

- **Communication with Discloser**

Total number of written progress reports to discloser \_\_\_\_\_

	Yes/No	Date
First advice to discloser of action taken or proposed within 3 months		
Reasons given if no investigation or Investigation discontinued		
Final report requested by discloser		
Final report provided to discloser		

- **Disclosure of Identity of Discloser**

	Yes/No	Date
Discloser's identity disclosed		
Discloser advised of reasons for disclosure		
Claim of unlawful disclosure made		
Reason for disclosure of identity		

- **Disclosure of Identity of Persons Named in the Disclosure**

	Yes/No	Date
Person's identity disclosed		
Person advised of reasons for disclosure		
Claim of unlawful disclosure made		
Reason for disclosure of identity		

- **Unlawful Disclosure of Discloser's Identity**

Outcome of investigation \_\_\_\_\_

Brief description of results of investigation \_\_\_\_\_

Brief description of action taken if claim has substance \_\_\_\_\_

- **Unlawful Disclosure of Identity of Person Named in Disclosure**

Outcome of investigation \_\_\_\_\_

Brief description of results of investigation \_\_\_\_\_

Brief description of action taken if claim has substance \_\_\_\_\_

- **Claim of Victimisation**

Claim of victimisation made  Yes  No Date \_\_\_\_\_

Brief description of nature of claim of victimisation \_\_\_\_\_

Internal or Equal Opportunity Commission Investigation \_\_\_\_\_

**Internal Handling of Victimisation Claim (if applicable)**

Outcome of investigation \_\_\_\_\_

Brief description of results of investigation \_\_\_\_\_

Brief description of action taken if claim has substance \_\_\_\_\_

- **Victimisation Claims Lodged with Equal Opportunity Commission (if applicable)**

Outcome of investigation \_\_\_\_\_

Brief description of results of investigation \_\_\_\_\_

Brief description of action taken if claim has substance \_\_\_\_\_

## ATTACHMENT 6

**Public Interest Disclosure Act 2003  
PILBARA DEVELOPMENT COMMISSION****INFORMATION FOR STAFF ON MAKING A PUBLIC INTEREST  
DISCLOSURE****What is a Public Interest Disclosure?**

The Public Interest Disclosure Act came into effect on 1 July 2003. The Act facilitates the disclosure of public interest information by providing protection for those who make disclosures and those who are the subject of disclosures.

The Pilbara Development Commission is committed to the aims and objectives of the Public Interest Disclosure Act 2003. It recognises the value and importance of contributions of staff to enhance administrative and management practices and strongly supports disclosures being made by staff regarding corrupt or other improper conduct.

**What do I need to know before making a disclosure?**

The Public Interest Disclosure Act 2003 (the Act) enables people to make disclosures about wrongdoing within the State public sector, local government and public universities without fear of reprisal. The Act aims to ensure openness and accountability in government by encouraging people to make disclosures and protecting them when they do. Making a public interest disclosure (a disclosure) enables public authorities to investigate and deal straight away with matters that may otherwise have gone unnoticed or unreported.

Making a disclosure is a serious matter and in many cases it will take courage and trust for people holding information to come forward.

The Office of the Public Sector Standards Commissioner has developed a brochure *Your Guide to Public Interest Disclosures* to help you to decide whether making a disclosure under the Act is the best avenue for you to use. It can be found at [www.opssc.wa.gov.au](http://www.opssc.wa.gov.au).

The Act deals with disclosures by anyone (not just government employees) but the information must be specific to the following areas:

- Improper conduct
- An offence under State law, including corruption
- Administration matter(s) affecting you
- Irregular or unauthorised use of public resources
- Substantial unauthorised or irregular use of, or 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

If your information falls outside the above areas then you may still be able to make a complaint, but this will not be a public interest disclosure under the Act.

A disclosure is more than a general complaint about dissatisfaction with a product or service or a decision by government, and is more than a personal grievance that can be resolved by agreement between parties. In order to be covered by the Act, the information needs to relate to a matter of public interest.

The information must also relate to the performance of a public function of the public body. For example, the Act would not apply to information that an employee of a public authority had engaged in criminal behavior unconnected with their employment

Before making a disclosure it is important that you are aware of the rights and responsibilities imposed on disclosers and others under the Act. Three issues are worth highlighting are:

- it is an offence to make a disclosure if you know, or are reckless about, it being false and misleading;
- with some exceptions, the public authority will investigate your information and in doing so you will be expected to cooperate; and
- you will have to keep your information confidential – or else you may lose protection under the Act and may commit an offence under the Act

The Act only confers protection where a disclosure is made to an appropriate proper authority. The identity of the appropriate proper authority will vary according to the kind of information to be disclosed.

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

Assistant Director Governance & Corporate

Pilbara Development Commission

Shop 2

6 Wedge Street

Port Hedland 6721

This Officer is responsible for receiving disclosures of public interest information relating to matters falling within the sphere of responsibility of the Pilbara Development Commission.

### **What you should ask yourself**

Making a disclosure is a serious matter and needs to be fully considered. You should ask yourself:

- whether you have reasonable grounds to believe the information you are thinking of disclosing is or may be true;
- if the information is something that you think is important to be disclosed because it is in the public interest. The information should not be tied to any personal agenda;
- if you have sought proper advice; and
- if you fully understand your responsibilities under the Act if you make a disclosure.

### **I have made a disclosure – what next?**

After assessing your information the public authority will have to investigate unless it considers:

- the matter to be trivial;
- the disclosure to be vexatious or frivolous;
- there is no reasonable prospect of obtaining sufficient evidence, due to the lapse of time;
- the matter is being, or has already been, adequately or properly investigated by a proper authority under the Act;
- the information does not relate to the proper authority, an officer or contractor of the authority or a matter that the proper authority has the function or power to investigate.

### **Will I be kept informed?**

Yes – the public authority must inform you within three months of making the disclosure of what they intend to do about your disclosure.

Where the information is under investigation you will be able to request a progress report.

You are entitled to a report on the outcome and any action taken when the investigation is complete.

### **What about confidentiality and my protection?**

As the disclosure is about a public interest matter rather than a specific complaint, the Act requires confidentiality to be maintained on:

- the identity of the person making the disclosure;
- the identity of any person named in the disclosure.

There are exceptions to these rules and anyone thinking of making a disclosure should seek advice from OPSSC on these prior to making a disclosure.

A person making a disclosure is provided with protection under the Act for:

- any reprisals;
- civil and criminal liability in the event of making a disclosure;
- dismissal or having services dispensed with; and
- breach of confidentiality or secrecy agreements.

A person alleging victimisation as a result of a disclosure can complain to the Equal Opportunity Commission or may be able to take civil action.

### **After the Investigation**

After making a disclosure you will not normally be required to do anything else other than cooperate with an investigation. If you are unhappy with the public authority's response to your disclosure there is no right of appeal under the Act to challenge the public authority's actions. You may, however, be able to make another disclosure to a different proper authority.

### **What about victimisation and reprisals?**

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

The Pilbara Development Commission does not tolerate any of its officers, employees or contractors engaging in acts of victimisation or reprisal against those who make public interest disclosures. These acts should be reported immediately to the Public Interest Disclosure Officer or the Chief Executive Officer.

### **Named Proper Authorities**

When a public authority deals with a relevant disclosure it is referred to in the Act as a proper authority. There are some public authorities that are named as proper authorities in the Act that may be able to offer you assistance. These are listed below.

- The Corruption and Crime Commission will be able to provide advice on corruption.
- The Ombudsman will be able to provide advice on matters of administration.
- The Office of the Auditor General will be able to provide advice on proper use and management of public resources and more generally public authorities' accountability and performance requirements.
- The Police Service will be able to provide advice on offences under a State law.
- The Office of the Public Sector Standards Commissioner will be able to provide assistance to public authorities and public officers to comply with the Code of Conduct and Integrity, and with the Act.

### **Important Things to Remember**

- Seek advice from the PID officer in the public authority concerned, or call the PID Advice and Referral Line on 1800 355 835 before making a disclosure.
- Be careful about whom you make your disclosure to and how you make it. To be protected under the Act you must make your disclosure to a proper authority.
- Be discreet by keeping your intentions to yourself. Do not broadcast the fact that you are going to make or have made a disclosure. Ensure your information is provided discreetly.
- Don't breach confidentiality by going to the media or any other person with the information after you have made a disclosure. You may lose your immunity under the Act and you may incur a penalty.
- Check your information is or may be true. Making false or misleading disclosures is an offence under the Act and carries a penalty.

### **Useful Contacts**

*For advice on the Code of Ethics and Public Sector Standards:*  
Office of the Public Sector Standards Commissioner

Phone: (08) 9260 6600  
Fax: (08) 9260 6611  
Email: [pssc@opssc.wa.gov.au](mailto:pssc@opssc.wa.gov.au)  
Website: [www.opssc.wa.gov.au](http://www.opssc.wa.gov.au)

*For advice about misconduct and corruption:*

Corruption and Crime Commission  
Phone: (08) 9215 4888  
Outside metro: 1800 809 000  
Fax: (08) 9215 4884  
Email: [info@ccc.wa.gov.au](mailto:info@ccc.wa.gov.au)  
Website: [www.ccc.wa.gov.au](http://www.ccc.wa.gov.au)

*For advice on public authorities' accountability and performance requirements:*

Office of the Auditor General  
Phone: (08) 9222 7500  
Fax: (08) 9322 5664  
Email: [info@audit.wa.gov.au](mailto:info@audit.wa.gov.au)  
Website: [www.audit.wa.gov.au](http://www.audit.wa.gov.au)

*For advice on offences under a State law:*

WA Police  
Phone: (08) 9223 1000  
Fax: (08) 9223 1010  
Website: [www.police.wa.gov.au](http://www.police.wa.gov.au)

*For advice on matters of State and local government administration:*

WA Ombudsman  
Phone: (08) 9220 7555  
Outside metro: 1800 117 000  
Fax: (08) 9325 1107  
Email: [mail@ombudsman.wa.gov.au](mailto:mail@ombudsman.wa.gov.au)  
Website: [www.ombudsman.wa.gov.au](http://www.ombudsman.wa.gov.au)

*For advice on remedies for acts of victimisation under the Equal Opportunity Act 1984:*

Equal Opportunity Commission  
Phone: (08) 9216 3900  
Fax: (08) 9216 3690  
Website: [www.equalopportunity.wa.gov.au](http://www.equalopportunity.wa.gov.au)

*PID Advice and Referral*

PID Advice and Referral Line 1800 355 835  
Tel. (08) 9260 6600 Fax (08) 9260 6611  
National Relay Service 133677  
Website: [www.opssc.wa.gov.au/pid](http://www.opssc.wa.gov.au/pid)  
Email: [pid@opssc.wa.gov.au](mailto:pid@opssc.wa.gov.au)

ATTACHMENT 7

Public Interest Disclosure Act 2003  
PILBARA DEVELOPMENT COMMISSION

**PUBLIC INTEREST DISCLOSURE OFFICER'S DECLARATION**

To: The Office of the Public Sector Standards Commissioner  
17<sup>th</sup> Floor St Martins Tower  
44 St Georges Terrace  
Perth WA 6000  
Facsimile: (08) 9260 6611  
Email pssc@opssc.wa.gov.au

Name of PID Officer: \_\_\_\_\_  
Position of PID Officer in Public Authority: \_\_\_\_\_  
Name of Public Authority: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_  
Facsimile: \_\_\_\_\_  
Email: \_\_\_\_\_  
Date of Commencement as PID Officer: \_\_\_\_\_

I declare that I understand my obligations as a PID Officer for the above authority.  
In particular, I am aware that it is an offence to make a disclosure of information that might identify or tend to identify anyone:

- as a person who has made a public interest disclosure under the Act, or
- as a person in respect of whom such a disclosure has been made, except in accordance with the Act.

Signed by PID Officer: \_\_\_\_\_  
Date: \_\_\_\_\_

Signed by CEO / Principal Executive Officer: \_\_\_\_\_  
Date: \_\_\_\_\_

## ATTACHMENT 8

Public Interest Disclosure Act 2003  
PILBARA DEVELOPMENT COMMISSION**ASSESSMENT FORM FOR PUBLIC INTEREST DISCLOSURE****PART ONE****RECEIVING THE DISCLOSURE –****ASSESSMENT OF WHETHER INFORMATION IS A VALID DISCLOSURE**Register #  
\_\_\_\_\_

	Tick Box	Notes
Does the disclosure relate to a public authority, a public officer or a public sector contractor?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Does the information relate to the performance of a public function?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Does the information tend to show matters which public information can relate? <sup>1</sup>	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Does the information tend to show public interest information for which the person receiving the information is the proper authority?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Does the discloser believe on reasonable grounds that the information is or may be true?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
After being informed of the consequences, does the discloser wish to disclose the information under the Act?	<input type="checkbox"/> Yes <input type="checkbox"/> No	

***If any of the “No” boxes have been ticked then the disclosure is unlikely to be one that the Public Interest Disclosure Act applies to. The Public Interest Disclosure officer should ensure a proper record is made of the reasons for the “No” response and should provide his or her response to the discloser.***

<sup>1</sup> Matter to which public interest information can relate

- Improper conduct.
- An offence against State law.
- An unauthorised 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.
- Conduct relating to a matter of administration affecting someone in their personal capacity that falls within the jurisdiction of the Ombudsman.

**Public Interest Disclosure Act 2003**  
**PILBARA DEVELOPMENT COMMISSION**  
**ASSESSMENT FORM FOR PUBLIC INTEREST DISCLOSURE**  
**PART TWO**  
**INTERNAL QUALITY CONTROL**

Register #  
\_\_\_\_\_

Does the disclosure meet the manner and form required by the Internal Procedures of the Pilbara Development Commission?	<input type="checkbox"/> Yes <input type="checkbox"/> No	If no, explain why
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**SIGNATURE:**

I, the Public Interest Disclosure Officer for the Pilbara Development Commission confirm that the disclosure made to me on the \_\_\_\_\_ day of \_\_\_\_\_ 200 by \_\_\_\_\_ (Discloser's name) is registered as a disclosure under the *Public Interest Disclosure Act 2003* in the Public Interest Disclosure Register of the Pilbara Development Commission.

Signed: \_\_\_\_\_  
*PID Officer*

Date: \_\_\_\_\_

**Public Interest Disclosure Act 2003  
PILBARA DEVELOPMENT COMMISSION  
ASSESSMENT FORM FOR PUBLIC INTEREST DISCLOSURE  
PART THREE  
ASSESSMENT OF WHETHER THE  
DISCLOSURE SHOULD BE INVESTIGATED**

Register #  
\_\_\_\_\_

	Tick Box	Notes
Does the disclosure relate to the proper authority, its officers or contractors?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Does the disclosure relate to a matter or person that the authority has a function or power to investigate?	<input type="checkbox"/> Yes <input type="checkbox"/> No	

***If any of the "No" boxes have been ticked then the disclosure is unlikely to be one that the Public Interest Disclosure Act requires be investigated. The PID officer should ensure a proper record is made of the reasons for the "No" response and should provide his or her response to the discloser.***

	Tick Box	Notes
Is the matter trivial?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Is the disclosure vexatious?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Is the disclosure frivolous?	<input type="checkbox"/> Yes <input type="checkbox"/> No	

***If any of the "Yes" boxes have been ticked then the disclosure is unlikely to be one that the Public Interest Disclosure Act requires be investigated. The PID officer should ensure a proper record is made of the reasons for the "Yes" response and should provide his or her response to the discloser.***

**Public Interest Disclosure Act 2003**  
**PILBARA DEVELOPMENT COMMISSION**  
**ASSESSMENT FORM FOR PUBLIC INTEREST DISCLOSURE**  
**PART THREE CONTINUED**  
**ASSESSMENT OF WHETHER THE DISCLOSURE SHOULD BE INVESTIGATED**

<b>Register #</b> _____
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	Tick Box	Notes
Is there a reasonable prospect of obtaining sufficient evidence, having regard to the time that has elapsed since the occurrence of the matter?	<input type="checkbox"/> Yes <input type="checkbox"/> No	

***If the "No" box has been ticked then the disclosure is unlikely to be one that the Public Interest Disclosure Act requires be investigated. The PID officer should ensure a proper record is made of the reasons for the "No" response and should provide his or her response to the discloser.***

	Tick Box	Notes
Is the matter being, or has the matter been, adequately or properly investigated by another proper authority under the Act?	<input type="checkbox"/> Yes <input type="checkbox"/> No	

***If the "Yes" box has been ticked then the disclosure is unlikely to be one that the Public Interest Disclosure Act requires be investigated. The PID officer should ensure a proper record is made of the reasons for the "Yes" response and should provide his or her response to the discloser.***

**SIGNATURE:**

I, the Public Interest Disclosure Officer for the Pilbara Development Commission confirm that the public interest disclosure made to me on the \_\_\_\_\_ day of .....200 by \_\_\_\_\_ (Discloser's name) in my opinion meets/does not meet (delete one) the requirements for a public interest disclosure to be investigated.

I also confirm that I have recorded this opinion in the Public Interest Disclosure Register of Pilbara Development Commission.

Signed: \_\_\_\_\_

(PID officer)

Date: \_\_\_\_\_

**Public Interest Disclosure Act 2003  
PILBARA DEVELOPMENT COMMISSION  
ASSESSMENT FORM FOR PUBLIC INTEREST DISCLOSURE  
PART FOUR  
INVESTIGATION**

**Register #**  
\_\_\_\_\_

Investigating Officer's Name: \_\_\_\_\_  
 Normal Designation of Investigating Officer: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Contact Telephone No. \_\_\_\_\_  
 Email address: \_\_\_\_\_  
 Date Investigation Authorised by the Proper Authority: \_\_\_\_\_  
 Details of Authorisation: \_\_\_\_\_

**REVIEW OF THE INVESTIGATION PROCESS**

	Tick Box	Notes
Has the documentation used in the assessment of the disclosure been reviewed?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Was an investigation plan developed?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Were terms of reference developed?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Were people interviewed?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Was confidentiality maintained <ul style="list-style-type: none"> <li>▪ of the discloser's identity?</li> <li>▪ of the information disclosed?</li> <li>▪ of the identity of the subject(s) of the disclosure?</li> </ul>	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Were natural justice rules followed?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Was a report prepared?	<input type="checkbox"/> Yes <input type="checkbox"/> No	

***The investigation process is not prescribed under the Public Interest Disclosure Act, but the above serves as a useful checklist for a proper investigation.***

**Public Interest Disclosure Act 2003  
PILBARA DEVELOPMENT COMMISSION  
ASSESSMENT FORM FOR PUBLIC INTEREST DISCLOSURE  
PART FOUR CONTINUED**

<b>Register #</b> _____
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**INVESTIGATION**

**RECOMMENDATION**

It is recommended that the proper authority form the opinion that:

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**SIGNATURE:**

I, the investigating officer appointed by Pilbara Development Commission to investigate the public interest disclosure No \_\_\_\_\_ (file reference number) confirm that the above is a summary of my investigation undertaken as a result of a disclosure made in accordance with the *Public Interest Disclosure Act 2003*

Signed: \_\_\_\_\_  
(*investigating officer for public authority*)

Date: \_\_\_\_\_

**Public Interest Disclosure Act 2003**  
**PILBARA DEVELOPMENT COMMISSION**  
**ASSESSMENT FORM FOR PUBLIC INTEREST DISCLOSURE**  
**PART FIVE**  
**FURTHER ACTION**

Register #  
\_\_\_\_\_

	Tick Box	Notes
Does the proper authority accept the recommendation contained in Part Four?	<input type="checkbox"/> Yes <input type="checkbox"/> No	

***If the 'yes' box has been ticked, please indicate action to be taken by proper authority.***  
**Action taken by the proper authority**

	Tick Box	Notes
Take action necessary, reasonable and within functions and powers of proper authority to prevent matter continuing or occurring	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Refer matter to another body with power to investigate the matter	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Take disciplinary action, or commence disciplinary proceedings, against person involved, within power of proper authority	<input type="checkbox"/> Yes <input type="checkbox"/> No	

***Report to discloser on outcome of investigation and action taken, or to be taken consistent with confidentiality obligations. Record action(s) in records for reporting.***

**SIGNATURE:**

I, the Public Interest Disclosure Officer for the Pilbara Development Commission confirm that the above action was taken or will be taken following the public interest disclosure made by \_\_\_\_\_ (Discloser's name) and that I have recorded the outcome of the investigation and the action taken or to be taken in the Public Interest Disclosure Register of the Pilbara Development Commission.

Signed: \_\_\_\_\_

(PID Officer)

Date: \_\_\_\_\_

## ATTACHMENT 9

**Public Interest Disclosure Act 2003  
PILBARA DEVELOPMENT COMMISSION**

## PUBLIC INTEREST DISCLOSURE LODGEMENT FORM

This is an official lodgement form for a disclosure made under the Public Interest Disclosure Act 2003. A discloser should ensure that they fully understand the rights and responsibilities required under this legislation before the form is completed and signed.

### 1. PERSONAL DETAILS

Family Name: \_\_\_\_\_  
 Given Name: \_\_\_\_\_ Gender (please circle): M / F \_\_\_\_\_  
 Title (please circle): Mr, Ms, Mrs, Miss \_\_\_\_\_ Date of Birth: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 \_\_\_\_\_  
 Home Telephone No: \_\_\_\_\_ Work Telephone No: \_\_\_\_\_  
 Mobile: \_\_\_\_\_ Email address: \_\_\_\_\_

### 2. DISCLOSURE DETAILS

Name of the Public Authority (ies)  
 the Disclosure Relates To: \_\_\_\_\_

Do you work for a public authority?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, which public authority and what is your position title?	
Does the disclosure relate to one or more individuals?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If yes, please provide names and positions held by person(s) in the public authority	

Public Interest Disclosure Act 2003

Public Interest Disclosure Lodgement Form

**Public Interest Disclosure Act 2003  
 PILBARA DEVELOPMENT COMMISSION  
 PUBLIC INTEREST DISCLOSURE LODGEMENT FORM CONTINUED**

Please tick box(es) on the area relevant to your disclosure:

- |   |  |
|---|--|
| <input type="checkbox"/> Improper conduct                                 | <input type="checkbox"/> Irregular or unauthorised use of public resources   |
| <input type="checkbox"/> An offence under State law, including corruption | <input type="checkbox"/> Substantial unauthorised or irregular use of, or substantial mismanagement of public resources                                      |
| <input type="checkbox"/> Administration matter(s) affecting you           | <input type="checkbox"/> Conduct involving a substantial and specific risk of injury to public health, prejudice to public safety or harm to the environment |

When did the alleged events occur? \_\_\_\_\_

Summary of disclosure: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Description of any documentation provided or names of witnesses: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Have you reported this information to any other person or agency?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If yes, please provide details	

**Public Interest Disclosure Act 2003  
PILBARA DEVELOPMENT COMMISSION  
PUBLIC INTEREST DISCLOSURE LODGEMENT FORM CONTINUED**

**YOU SHOULD READ THE FOLLOWING  
INFORMATION AND SIGN AT THE END OF THIS FORM**

**3. ACKNOWLEDGMENT**

I acknowledge that I believe on reasonable grounds that the information contained in this disclosure is or may be true.

I have been informed and am aware that:

1. I will commit an offence if I know that the information contained in this disclosure is false or misleading in a material particular, or am reckless as to whether it is false or misleading in a material particular.

**Penalty: \$12,000 or imprisonment for one (1) year**

2. I will forfeit protection provided by the *Public Interest Disclosure Act 2003* if I fail, without reasonable excuse, to assist a person investigating the matter by supplying requested information.
3. I will forfeit the protection provided by the *Public Interest Disclosure Act 2003* if I subsequently disclose this information to any person other than a proper authority under the Act.
4. I will commit an offence if I subsequently make a disclosure of information that might identify or tend to identify anyone as a person in respect of whom this disclosure has been made under the *Public Interest Disclosure Act 2003*, except in accordance with section 16(3) of that Act.

**Penalty: \$24,000 or imprisonment for two (2) years**

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

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**For Office Use Only:**

Register Number: \_\_\_\_\_

Public Interest Disclosure Act 2003  
PILBARA DEVELOPMENT COMMISSION

**CONSENT TO DISCLOSURE OF IDENTIFYING INFORMATION**

PERSONAL DETAILS

Family Name: \_\_\_\_\_

Given Name: \_\_\_\_\_ Gender (please circle): M / F \_\_\_\_\_

Title (please circle): Mr, Ms, Mrs, Miss Date of Birth: \_\_\_\_\_

Address: \_\_\_\_\_

Home Telephone No: \_\_\_\_\_ Work Telephone No: \_\_\_\_\_

Mobile: \_\_\_\_\_ Email address: \_\_\_\_\_

Please tick relevant box(es):

**Consent to disclosure of identifying information by Discloser**

- I consent to the disclosure of information that might identify or tend to identify me as a person who has made an appropriate disclosure of public interest information under the *Public Interest Disclosure Act 2003*.

**Consent to disclosure of identifying information by person in respect of whom a public interest disclosure has been made**

- I consent to the disclosure of information that might identify or tend to identify me as a person in respect of whom a disclosure of public interest information has been made under the *Public Interest Disclosure Act 2003*.

**Limitations on consent (optional)**

- This consent only applies to disclosures made to the following persons:

\_\_\_\_\_

- This consent only applies to the following information:

\_\_\_\_\_

\_\_\_\_\_

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

Public Interest Disclosure Act 2003  
PILBARA DEVELOPMENT COMMISSION

**NOTIFICATION OF DISCLOSURE OF IDENTIFYING  
INFORMATION**

**TO:**

Title (please circle): Mr, Ms, Mrs, Miss \_\_\_\_\_ Gender (please circle): M / F \_\_\_\_\_

Name (in full): \_\_\_\_\_

Address: \_\_\_\_\_

I intend to make a disclosure of information that might identify or tend to identify you as a person who has made an appropriate disclosure of public interest information under the *Public Interest Disclosure Act 2003*.

The disclosure of this information:

*[Please tick relevant box(es)]*

- Is necessary, having regard to the rules of natural justice.
- Is necessary to enable the matter to be investigated effectively.

The reason(s) why the disclosure of this information is necessary for these purposes / this purpose is that (specify reason):

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Important: A person making an identifying disclosure for these reasons must take all reasonable steps to provide this information to the discloser a reasonable time before making the disclosure

Signed: \_\_\_\_\_

*(person proposing to make disclosure)*

Name: \_\_\_\_\_

Position: \_\_\_\_\_

Date: \_\_\_\_\_

Contact details:

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## ATTACHMENT 12

**Public Interest Disclosure Act 2003**  
**PILBARA DEVELOPMENT COMMISSION**  
**CODE OF CONDUCT AND INTEGRITY**

The Code of Conduct and Integrity for PID Officers was established by the Commissioner for Public Sector Standards under Section 20 of the Public Interest Disclosure Act 2003. The Code operates from 1 July 2003.

The Code is to be complied with by any person to whom a disclosure is made under the Public Interest Disclosure Act 2003.

*The Code*

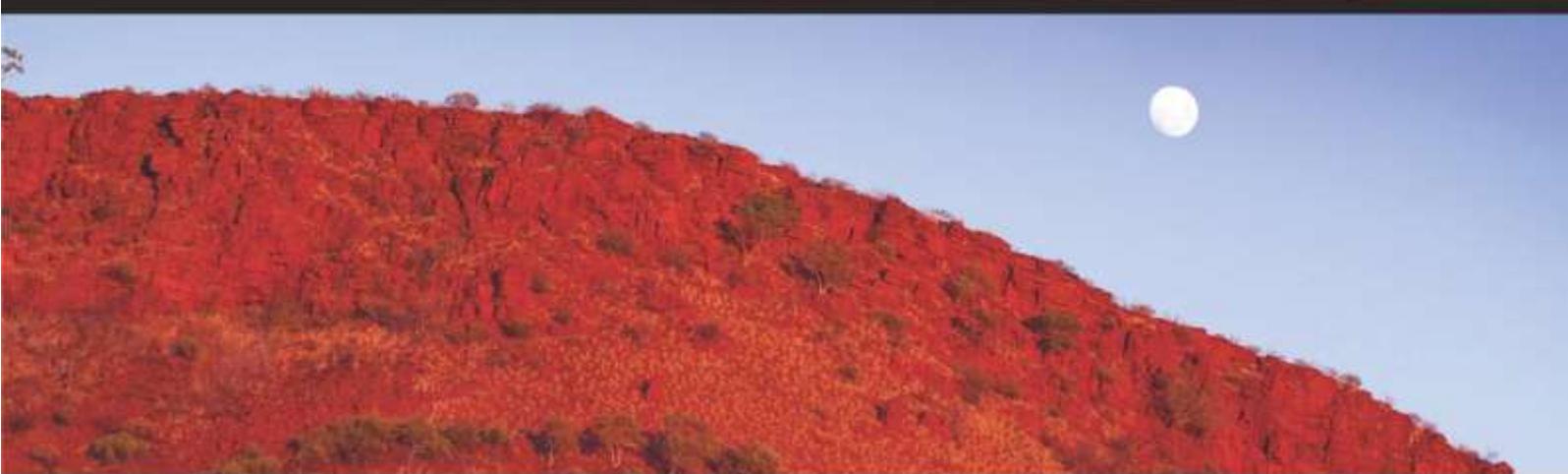
The Code uses as its ethical base the principles of justice, respect for persons and responsible care as referred to in the *Western Australian Public Sector Code of Ethics*.

Consistent with those principles, to meet the minimum standards of conduct and integrity, persons receiving disclosures, must:

- 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 Public Interest Disclosure Act 2003.
- 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 Public Interest Disclosure Act 2003.
- 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.

Provide information to the informant about their rights and responsibilities and the possible implications of lodging a public interest disclosure.





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