



Public Interest Disclosure (Whistleblower) Guidelines

July 2025

Table of Contents

The City's commitment.....	1
Purpose of these guidelines.....	2
Purpose of the internal procedures	3
Awareness raising	3
Scope and application of internal procedures	4
Alternative Reporting Avenues.....	4
Overview of roles and responsibilities of parties involved in the disclosure process	5
Managing public interest disclosures	8
Overarching requirements of the <i>Public Interest Disclosure Act 2003</i>	8
What is 'public interest information'?	8
Confidentiality	8
Confidentiality regarding the discloser	9
Confidentiality regarding the person, that is, the subject of the disclosure.....	9
Protections	10
Notification requirements.....	10
Record keeping	11
How to make a public interest disclosure.....	12
Before you make a disclosure.....	12
What is 'sphere of responsibility'?	13
Making the disclosure.....	13
Determining whether your matter is an appropriate disclosure	14
Determining whether your public interest disclosure will be investigated.....	14
Referring public interest matters	15
Investigating the disclosure	15
What are your responsibilities if you are the subject of a disclosure?	16
Taking action.....	16

Confidentiality and record keeping when taking action.....	17
After the public interest disclosure process has been finalised	17
Making a disclosure to a journalist	17
Contact details and further information	18
Contact Details	19

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The City's commitment

The City of Stirling (the City) does not tolerate corrupt or other improper conduct.

The City is committed to the aims and objectives of the *Public Interest Disclosure Act 2003* (PID Act) which 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. It also strongly supports contractors 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 action against anyone who makes or proposes to make a public interest disclosure. In this regard the City will take all reasonable steps to protect employees from any detrimental action in reprisal for the making of a public interest disclosure.

The persons responsible for receiving disclosures of public interest information designated under section 23(1)(a) of the PID Act will abide by the PID Act in performing their duties. Complaints will be treated with strict confidentiality.

The City is also committed to responding to the disclosure thoroughly and impartially. All people in the disclosure process will be treated fairly, including those who may be the subject of a disclosure.

The City will provide as much information as possible to people considering making a public interest disclosure. The procedures and flowchart of the PID process are accessible to all employees and contractors. Copies are available on both the City's intranet (CoSi) and City's website.

General information about public interest disclosures and how the City will manage a disclosure is available for external clients and members of the community on the City's website.

While these procedures focus on public interest disclosures, the City is committed to dealing with all reports of suspected wrongdoing. The City encourages people to report, if they witness any such behaviour. The City will consider each matter under the appropriate reporting pathway and make every attempt to protect employees making reports from any reprisals.



Stevan Rodic
Chief Executive Officer

Purpose of these guidelines

Under section 23(1)(e) and section 23(2) of the PID Act principal executive officers of public authorities (including local governments) are required to prepare and publish internal procedures relating to their obligations under the PID Act. Internal procedures must be consistent with the PID Act and guidelines developed by the Public Sector Commissioner under section 21 of the PID Act.

These guidelines are to be used in conjunction with the following documents provided by the Public Sector Commission:

- the *Public Interest Disclosure Act 2003*;
- the *Public Interest Disclosure Regulations 2003*;
- *Guidelines for public authorities*;
- *Public Interest Disclosure (PID): Supporting Information for Principal Executive Officers and PID Officers (proper authorities)*;
- *Guide for disclosers: Don't be afraid to speak up*; and
- *Guide for managers: When someone speaks up*.

All references to sections in these guidelines relate to the PID Act, unless otherwise stated.

While information provided in these guidelines reflects the requirements of the PID Act, there will be, from time to time, circumstances that raise complex questions of law. In these cases, further legal or other professional advice will be sought by the City before action is taken.

Purpose of the internal procedures

These internal procedures outline how the City will meet its obligations under the PID Act. They cover the roles and responsibilities of the person designated as the proper authority in accordance with section 23(1)(a) and section 5(3)(h) referred to in this document 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* and other supporting documents. These documents can be found on the Public Sector Commission website.

Awareness raising

The City's Employee Induction Program includes training and awareness on a range of conduct and integrity matters, and introduces employees to the City's integrity framework, code of conduct, fraud and corruption controls and public interest disclosure rights and responsibilities.

Relevant training on legislative obligations is also provided to Elected Members (being the Mayor and Councillors) at various sessions and training activities. The *Local Government Act 1995* stipulates mandatory training will be provided to Elected Members to ensure they understand and meet their governance obligations and responsibilities.

The City has also adopted a *Statement of Business Ethics* which provides guidance for all sectors of the community when conducting business with the City. It outlines the City's ethical standards and its expectation that goods and service providers will comply with these standards in all their dealings with the City. This Statement also outlines what goods and service providers can expect of the City and encourages reporting of alleged unethical practices through a range of mechanisms, including public interest reporting and disclosures.

Scope and application of internal procedures

These procedures apply to all people involved in the public interest disclosure process, including the City's Chief Executive Officer, PID Officers, employees of the City and/or any person making a public interest disclosure and any subject(s) of a disclosure.

These procedures should be read in conjunction with:

- *Public Interest Disclosure Act 2003;*
- *Public Interest Disclosure Regulations 2003;*
- *Code of Conduct for Council Members, Committee Members and Candidates;*
- *Code of Conduct for Employees;*
- *the City's Integrity Strategy;*
- *Public Interest Disclosure Management Practice;* and
- *Integrity and Misconduct Management Practice.*

The behaviour of all employees involved in the public interest disclosure process must accord with the above documents, and other legislative requirements at all times. Breaches by employees may result in disciplinary action or referral to external investigatory agencies (such as the Public Sector Commission or the Corruption and Crime Commission). Breaches by Elected Members, Committee Members and local government election candidates may result in investigations by the City, the Local Government Standards Panel, or the Corruption and Crime Commission.

Alternative Reporting Avenues

The City uses the Guidelines developed by the Public Sector Commissioner to manage public interest disclosures. Submissions received by the City will follow the processes outlined in this document which is based on the Guidelines developed by the Public Sector Commission.

Alternatively, disclosures can also be made through:

- the Public Sector Commission;
- the Corruption and Crime Commission for serious misconduct;
- Western Australia Police for criminal matters;
- Ombudsman Western Australia for matters governing administration affecting individuals; or
- Equal Opportunity Commission Western Australia for matters regarding discrimination.

Overview of roles and responsibilities of parties involved in the disclosure process

Person / role	Responsibilities
Principal Executive Officer (section 23) (the Chief Executive Officer)	• Designates the occupant of a specified position (a PID Officer) to receive public interest disclosures related to the City (section 23(1)(a)). • Provides protection from detrimental action or the threat of detrimental action for any employee of the City who makes a public interest disclosure (section 23(1)(b)). • Ensures the City complies with the PID Act and the code of ethics (sections 23(1)(c) and (d)). • Prepares and publishes internal procedures, consistent with those prepared by the Public Sector Commission, detailing how the City will meet its obligations under the PID Act (section 23(1)(e)). • Provides information (section 23(1)(f)) to the Public Sector Commissioner on the: • number of disclosures received by the City; • results of any investigations conducted as a result of the disclosures; • action, if any taken, as a result of each disclosure; and • any matters as prescribed. • May have a role in enabling an investigation to be undertaken or taking disciplinary action against individuals under functions and powers separately from the PID Act.

Person / role	Responsibilities
Principal PID Officer and PID Officer(s) (s 23(1)(a)):	Is designated by sections 5(3)(a-g) or by the Chief Executive Officer of the City, under section 23(1)(a) the PID Officer is to receive disclosures related to the City.
Note: The City has a Principal PID Officer and other PID Officers. The City's Principal PID Officer performs the functions and has the responsibilities of a PID Officer as listed. Additionally, the Principal PID Officer is responsible for supporting and advising other PID officers and coordinating reporting requirements to the Public Sector Commissioner.	- Provides information to potential disclosers about their rights and responsibilities consistent with the code of ethics and integrity established under section 20(1). - Receives and manages public interest disclosures in accordance with the PID Act (section 5(3)). - Notifies the discloser within three months of the disclosure being made about what action is planned in dealing with the disclosure (section 10(1)). - Where appropriate, investigates, or causes an investigation of, the matters in the disclosures (section 8(1)). - Where appropriate, provides information to subjects of a disclosure about their rights, responsibilities, duties and potential offences (section 9(2), section 14, section 15, section 16 and section 24). - Where appropriate, takes such action as is necessary and reasonable, within their functions and powers in accordance with section 9. - Maintains confidentiality of the identity of the discloser and subject(s) of disclosures, in accordance with the requirements of the PID Act (section 11 and section 16). - Provides progress reports where requested and a final report to the discloser in accordance with section 10. - Creates and maintains proper and secure records in relation to the disclosures in accordance with the Code of conduct and integrity established under section 20(1) and the <i>State Records Act 2000</i>. - Completes a PID Register for each disclosure lodged (section 23(1)(f)). - Acts in accordance with the rules of natural justice (section 9(2) and section 16(1)(b)). - Acts in accordance with the code of conduct and integrity established by the Public Sector Commissioner (section 20(1)) and any authority-specific code of conduct established separately from the PID Act.

Person / role	Responsibilities
The discloser:	• Makes a public interest disclosure to a proper authority or a PID Officer if the matter relates to the City (section 5(1)). • Believes on reasonable grounds the information in their disclosure is, or may be, true (section 5(2)). • Does not disclose information subject to legal professional privilege (section 5(6)). • Does not knowingly and recklessly make a false or misleading disclosure (section 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 (section 16 and section 17(1)(b)). • Assists any person investigating the matter to which the disclosure relates by supplying the person with any information requested (section 17(1)(a)).
The subject of the disclosure (person about whom 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 (section 9(2)). • Maintains identity confidentiality of the discloser, in accordance with the PID Act (section 16(1)). • Is to be treated in accordance with the rules of natural justice (section 16(1)(b)). • Does not take or threaten to take detrimental action (defined in section 3) against a person because they have made or intend to make a disclosure (section 14(1)). • Does not incite another person to take detrimental action against another because they have made or intend to make a disclosure (section 14(2)). • Does not commit an act of victimisation by taking or threatening to take detrimental action against the person making or intending to make a disclosure (section 15(1)).
An investigating officer:	• May investigate matters of public interest information on behalf of a proper authority of City, in accordance with the terms of reference given to them. • Maintains confidentiality of the identity of the disclosure and any persons subject to the disclosure (section 16). • Makes, and keeps secure, comprehensive records of any investigation undertaken.

Managing public interest disclosures

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

Overarching requirements of the *Public Interest Disclosure Act 2003*

The PID Act has some overarching requirements for handling disclosures. These requirements separate the public interest disclosure process from other reporting or complaint handling processes. The PID Act does not, however, displace the notification or reporting requirements of the *Corruption, Crime and Misconduct Act 2003*, which are paramount. The following section outlines how the City will meet these requirements, as well as expectations of you, as a discloser, and any subject(s) of your disclosure.

What is ‘public interest information’?

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

- relates to the performance of a public function by a public authority, public officer or public sector contractor (either before or after the commencement of the PID Act); and
- shows or tends to show that a public authority, a public officer, or a public sector contractor is, has been or proposes to be involved in:
 - improper conduct; or
 - an act or omission that constitutes an offence under a written (State) law; or
 - substantial unauthorised or irregular use of, or substantial mismanagement of, public resources; or
 - an act done or omission that involves a substantial and specific risk of injury to public health; or
 - prejudice to public safety; or
 - harm to the environment; or
- a matter of administration that can be investigated under section 14 of the *Parliamentary Commissioner Act 1971* by the Parliamentary Commissioner (Ombudsman Western Australia).

Confidentiality

Maintaining confidentiality is an important part of managing a disclosure. The confidentiality requirements of the PID Act (section 16) not only protects the discloser, but also any other people affected by the disclosure.

The confidentiality requirements do not apply to all information in a disclosure, although, the City is committed to maintaining confidentiality around:

- any information that may identify the discloser or any person who may be the subject of a disclosure, including the fact a disclosure has been made; and
- information relating to a disclosure that, if known, may cause detriment.

Throughout the disclosure process and after its completion, the PID Act provides for the discloser's identity and the identity of any persons, that is, any subject of the disclosure to be kept confidential, except in certain circumstances.

Disclosing information which might identify or tend to identify the discloser (section 16(1)) or any person, that is, the subject(s) (section 16(3)) of your disclosure, except in accordance with the PID Act, is an offence punishable with a penalty of a \$24,000 fine or imprisonment for two years.

Confidentiality regarding the discloser

Maintaining confidentiality is an important part of protecting the discloser, from any detrimental action in reprisal for making or intending to make a disclosure.

If the discloser consents to having their identity revealed to assist us in dealing with the disclosure, the City's PID Officer will record this using the *Consent to Disclose Identity* Form.

Sometimes the City may need to identify the discloser, without the discloser's consent (section 16(1)(b)-(f)) but only where:

- it is necessary to do so having regard to the rules of natural justice; or
- it is necessary to do so to enable the matter to be investigated effectively; or
- the City is ordered by a court, or any other person or body having authority to hear, receive or examine evidence; or
- the City is required by sections 152 or 153 of the *Corruption, Crime and Misconduct Act 2003*.

Before the City identifies the discloser for any of the reasons above, the City's PID Officer will take all reasonable steps to inform the discloser that this will happen and the reasons why. The City's PID Officer will use the City of Stirling *Consent to Disclose Identity* Form to do this.

If the City needs to provide information about the identity of the discloser to another person for the reasons above, the City's PID Officer will inform the other person that further disclosure to a third person may put them at risk of committing an offence.

PID Officers will also consider whether it is necessary to inform any external investigator about the identity of the discloser. Where it is necessary to provide this identifying information, PID Officers will notify as described above.

If a person's confidentiality cannot be maintained, the City will develop a plan to support and protect you from any potential risks of detrimental action. You will be involved in developing this plan.

Confidentiality regarding the person, that is, the subject of the disclosure

The subject of a disclosure may consent to having their identity revealed to assist with the disclosure process (section 16(3)(a)). The City's PID Officer will use the *Consent to Disclose Identity* Form to record this.

Additionally, the City may need to reveal identifying information about the subject(s) of a disclosure without their consent, sections 16(3)(b)-(g) where:

- it is necessary to do so to enable the matter to be investigated effectively;
- it is necessary to do so in the course of taking action under section 9;
- there are reasonable grounds to believe that it is necessary to prevent or minimise the risk of injury to any person or damage to any property;
- the City is ordered by a court, or any other person or body having authority to hear, receive or examine evidence; or
- the City is required by sections 152 or 153 of the *Corruption, Crime and Misconduct Act 2003*.

There is no obligation to advise the subject of a disclosure that identifying information will be released.

Protections

The PID Act provides a range of protections for disclosers (Part 3). It also requires that the City's Chief Executive Officer provides protection for any employees who make disclosures (section 23(1(b))).

Don't be afraid to speak up contains general information about the protections provided by the PID Act.

The City is committed to ensuring no detrimental action, including workplace reprisals by managers or other employees, occurs as a result of a person making a disclosure. If any of the above does occur, the discloser can request the City take action to protect them. Tell the PID Officer who is handling the disclosure immediately.

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

Notification requirements

The City's PID Officers (Matthew Thomas and Brad Sillence) will ensure that all reporting is completed in accordance with the legislative and administrative requirements of the PID Act.

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

- within three months of making a disclosure, the action taken, or propose to take, in relation to the disclosure (section 10(1)); and
- when the disclosure process has concluded, the outcome of the investigation and the reasons for taking any action following the investigation (section 10(4)).

PID Officers may also provide a progress report during any investigation, either on their initiative or upon your request (sections 10(2) and (3)).

The City's PID Officers have some limits on what they can include in their reports. Section 11 prevents provision of information that would be likely to adversely affect:

- any person's safety s(1)(a); or
- the investigation of an offence or possible offences s(1)(b); or
- confidentiality as to the existence or identity of any other person who made a public interest disclosure s(1)(c).

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

Record keeping

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

How to make a public interest disclosure

Before you make a disclosure

The City strongly encourage anyone thinking about making a public interest disclosure to seek advice from one of the City's PID Officers before they do. A disclosure must be made to a proper authority for it to be covered by the PID Act.

A number of other requirements apply to the discloser, so it is important to understand the rights and responsibilities in the process. This information is outlined generally in [*Don't be afraid to speak up*](#), available from the Public Sector Commission website at www.publicsector.wa.gov.au.

At the City the occupants of the following designated positions are specified as the person(s) responsible for receiving disclosures of public interest information in accordance with section 23(1)(a). For the purposes of this procedure a PID Officer(s) is the proper authority designated under section 5(3)(h) for dealing with information that falls within the sphere of responsibility for the City.

Their names and contact details are as follows:

Name of Principal Executive Officer	Stevan Rodic
Position	Chief Executive Officer
Contact details	(08) 9205 8501
Name of Principal PID Officer	Brad Sillence
Position	Manager Governance
Contact details	(08) 9205 8517 or 0457 401 919
Name of PID Officer	Matthew Thomas
Position	Chief People Officer
Contact details	(08) 9205 8513 or 0476 940 975
Name of PID Officer	Kerry Flynn
Position	Internal Auditor
Contact details	(08) 9205 8506 or 0425 388 293

Initial discussions between the discloser and a PID Officer should be general in nature and should not discuss the specific details of the disclosure until the discloser understands their rights and responsibilities under the PID Act.

The City's PID Officers will also let the discloser know that they need to make the disclosure voluntarily and consciously – The City will never force a person to make a disclosure. This is because they cannot withdraw the disclosure once it is made. Once the City receives a disclosure, the PID Officer is obliged to take action and the City may continue to look into the matters within the disclosure irrespective of a discloser's continued approval.

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

The City's PID Officers will be able to provide more detailed information about the City's disclosure process and what people can expect from it.

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

What is 'sphere of responsibility'?

Under section 5(3)(h) the PID Officer for an authority can receive information relating to a matter which falls within the 'sphere of responsibility' for their public authority. 'Sphere of responsibility' is not defined in the PID Act but may include:

- matters that relate to the City; or
- a public officer or public sector contractor of the City; or
- a matter or person that the City has a function or power to investigate.

The proper authority to which you need to make the disclosure depends on the type of disclosure information. Where the information is outside of the City's PID Officer's sphere of responsibility, it may need to be made to another proper authority for it to be considered as a public interest disclosure and for the discloser to receive the protections of the PID Act. A list of proper authorities and the information they can receive is covered in *Guide for disclosers: Don't be afraid to speak up*.

Making the disclosure

A discloser needs to clearly identify that they are making a public interest disclosure. For the purposes of accountability and certainty, persons wishing to make a disclosure of public interest information under the PID Act are encouraged to do so in writing. As the City expects most disclosures will be made in writing, the City has developed a form which can be used for the purpose of making such a disclosure.

There is no requirement to use the form. The form will help to define the details of the disclosure. A discloser may fill out the form or a PID Officer may complete the form if they are speaking with the discloser and then have them sign the form to acknowledge they are making a disclosure voluntarily and consciously.

The City must accept anonymous disclosures, but if a discloser decides to make an anonymous disclosure they should understand that it may be more difficult for the City's PID Officer to investigate or take action about the disclosure. This is because they cannot come back to seek any further information. The City is also not required to provide any reports about the progress or final outcome of the disclosure, if the discloser chooses to remain anonymous.

An anonymous disclosure may not prevent the discloser from being identified during an investigation. Additionally, if a PID Officer does not know who made the disclosure, it will be difficult for them to ensure the discloser is protected and to prevent any reprisal or detrimental action.

If you wish to submit an anonymous disclosure, you will need to submit your disclosure in writing via standard mail as any lodgement to the PID@Stirling.wa.gov.au email address may render your submission identifiable.

Determining whether your matter is an appropriate disclosure

Once a City PID Officer has received the disclosure they will assess whether it meets the requirements under the PID Act. It may be that the PID Officer undertakes initial inquiries and decides not to take the matter any further, as it does not constitute an appropriate public interest disclosure.

If the disclosure is not one to which the PID Act applies, the PID Officer will let the discloser know the reasons for their decision (unless you made an anonymous disclosure) and make proper and adequate records about it. Some matters raised within the disclosure may not be matters to which the PID Act applies and the PID Officer may discuss with the discloser other pathways to report these matters.

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

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

Determining whether your public interest disclosure will be investigated

After assessing the disclosure as one to which the PID Act applies, the PID Officer will consider whether it will be investigated, guided by the requirements in section 8. The reasons a PID Officer may not investigate the disclosure include:

- the matter is trivial;
- the disclosure is vexatious or frivolous;
- there is no reasonable prospect of obtaining sufficient evidence due to the time that has elapsed since the matter(s) occurred; or

- the matter is being or has been adequately or properly investigated by another proper authority, section 5(3).

The City's PID Officer will make proper and adequate records of their decision and reasons about whether to investigate or not.

Referring public interest matters

Where a PID Officer assesses the disclosure as one to which the PID Act applies, but they do not have the functions or power to investigate one or more matters within the disclosure, they will refer the information to the appropriate authority for investigation as provided for under the PID Act. Alternatively, a discloser may also be able to make a disclosure directly to this new authority, if they wish to receive reports from them about the disclosure. For example, a PID Officer may need to refer an allegation of an offence supported by evidence to the Western Australia Police for investigation.

Investigating the disclosure

A PID Officer will investigate, or cause to be investigated, any matters in the disclosure within the sphere of responsibility. The City's PID Officers may cause the disclosure to be investigated by engaging a suitably skilled staff member within the City or an externally contracted investigator.

If causing the disclosure to be investigated, the PID Officer will ensure the person undertaking the investigation understands the requirements of the PID Act, in particular the confidentiality requirements and protections for disclosers. City PID Officers will only provide the name of the discloser and that of the subject of the disclosure to the investigator in accordance with section 16 of the PID Act.

When investigating the disclosure, the PID Officer or investigator is limited by the functions and powers derived from the City's operating legislation. The PID Act does not provide for any additional investigative powers.

If you are an employee, you are expected to cooperate with any investigation into the disclosure to maintain the protections under the PID Act. A discloser is also expected to act in accordance with the City's *Code of Conduct for Employees* at all times.

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

City PID Officers may also decide to discontinue an investigation, in accordance with section 8(2). If this happens, they will give the discloser reasons for their decision in accordance with section 8(3), unless they made an anonymous disclosure. The PID Officer may also notify any subject(s) of the disclosure, if they discontinue the investigation.

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

What are your responsibilities if you are the subject of a disclosure?

A subject of a disclosure is a person of interest about whom an allegation of a public interest disclosure has been made.

The City will treat the person fairly and impartially throughout the process, and inform them of their rights and obligations. The City will generally keep the parties involved informed during any investigation, although it cannot release any information to the person that may prejudice the City's investigation. As an employee it is expected that they will act in accordance with the City's Code of Conduct at all times.

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

- you consent to your identity being disclosed;
- it is necessary to enable the matter to be investigated effectively;
- it is necessary to do so in taking action within section 9;
- there are reasonable grounds to believe that it is necessary to prevent or minimise the risk of injury to any person or damage to any property;
- is made in accordance with a court order or other body having authority to hear evidence; or
- it is made in accordance with sections 152 or 153 of the *Corruption, Crime and Misconduct Act 2003*.

The City will also provide appropriate natural justice. This means that, before the City takes any disciplinary or other action against the person under section 9, the City will give you the opportunity to:

- be informed of the substance of the allegations; and
- make a submission either verbally or in writing in relation to the matter.

If you are the subject of a disclosure, you must not identify or tend to identify the identity of the discloser or a person who they think might be the discloser, as they also have rights to confidentiality under the PID Act. It is an offence under section 16 to identify or tend to identify any person who has made a disclosure under the PID Act.

Also, you must not engage in reprisal action, threaten anyone with reprisal action or have someone else conduct this action on your behalf because someone has made, or intends to make, a disclosure. It is still an offence to conduct this action against any person you believe has made the disclosure even if they were not the individual who actually made the disclosure. This is an offence under section 14(1) of the PID Act.

Taking action

The City's PID Officer will take action where they form the opinion that a person may be, may have been or may in the future be involved in conduct which may be the subject of a public interest disclosure. Usually, the PID Officer will form this opinion at the conclusion of an investigation, although there may be instances where they need to take immediate action and the PID Act enables them to do this.

Action a PID Officer may take under section 9 includes, but is not limited to:

- preventing the matter disclosed from continuing or occurring;
- referring the matter to the Western Australia Police or other appropriate body; or
- taking disciplinary action against a person responsible for the matter.

The options above are not mutually exclusive. A PID Officer may take more than one action depending on the circumstances. For example, a PID Officer may seek to terminate the employment of an employee caught stealing and refer the matter to the Western Australia Police.

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

Before taking any action the City will give the person against whom the action is to be taken (the subject of the disclosure) an opportunity to respond, either verbally or in writing, to ensure procedural fairness.

Confidentiality and record keeping when taking action

The City will maintain confidentiality in accordance with the PID Act when taking action.

City PID Officers will keep appropriate records about any action taken, as well as recording a summary of this action.

After the public interest disclosure process has been finalised

The PID Act places no further obligations on City or its PID Officers after the disclosure process is complete. The confidentiality requirements of the PID Act, however, continue to apply to you and all other people involved with the disclosure.

The PID Act does not provide for you to appeal the outcome of the disclosure process. You may be able to make another disclosure to another proper authority, if the information relates to their functions or sphere of responsibility (section 5). See *Guide for disclosers: [Don't be afraid to speak up](#)* for the correct proper authority for your disclosure.

However, this 'new' proper authority may be able to decline to investigate the disclosure under section 8, if they consider the matter(s) has already been properly or adequately investigated (as a public interest disclosure).

Making a disclosure to a journalist

The PID Act provides for certain circumstances where a discloser may be able to make a protected disclosure to a journalist section 7A(d). These circumstances apply where the discloser has first made a disclosure to the PID Officer or another proper authority named in the PID Act (outlined in section 5 or Don't be afraid to speak up).

Importantly, the PID Act states that to attract the privileges and protections of the PID Act when disclosing to a journalist, the discloser must disclose information that is substantially the same as what was disclosed in the original disclosure and the PID Officer that received the original disclosure:

- did not notify the discloser within three months of making the disclosure about actions they propose to take or have already taken; or
- refused to investigate, or discontinued the investigation of, a matter raised in the disclosure; or
- did not complete an investigation within six months of the discloser making the disclosure; or
- completed an investigation but did not recommend that action be taken; or
- did not provide the discloser with a report stating the outcome of any investigation or any action proposed or taken and the reasons for those actions.

The City is committed to ensuring that it provides the notifications required under the PID Act and that the discloser understands the reasons for the City's decisions and actions. If a discloser is considering making a disclosure to a journalist because they believe their circumstances meet one or more of the requirements outlined above, the City will encourage the discloser to discuss this with the PID Officer prior to disclosure to a journalist.

It is also recommended that the discloser seek their own legal advice before taking any action in relation to matters that have been disclosed under the PID Act.

If a discloser makes an anonymous disclosure they may not be able to demonstrate they meet the above requirements and the City is not obliged to provide the discloser with any notifications about what happens to the disclosure.

Contact details and further information

If you require further information please visit the Public Sector Commission website at:

[A guide to public interest disclosures in WA public authorities \(www.wa.gov.au\)](http://www.wa.gov.au)

Contact Details

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This information is available in alternative formats on request. Please contact the Customer Contact Centre on (08) 9205 8555