

# Public Interest Disclosure

## Introduction

This policy ensures that the Shire of Toodyay remains committed to the aims and objectives of the *Public Interest Disclosure Act 2003* (PID Act).

## Objective

To receive disclosures of public interest information in accordance with the provisions of the *Public Interest Disclosure Act 2003*.

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

## Scope

This policy applies to all Workers and Elected Members who may need to lodge a Public Interest Disclosure (PID).

## Definitions

Definitions related to this policy are in the table below.

Term	Definition
Public interest Disclosure	A report about certain types of wrongdoing covered by the PID Act.
PID Officer	An Officer designated to be a PID Officer by the Shire (also known as 'proper authorities'.)

*Refer to the Shire of Toodyay (Shire) Glossary (Definitions) located on the Shire website for definitions not listed: [https://www.toodyay.wa.gov.au/documents/470/corporate-documents-glossary-\(definitions\)](https://www.toodyay.wa.gov.au/documents/470/corporate-documents-glossary-(definitions))*

## Policy Statement

The Shire recognises the value and importance of contributions of employees to enhance administrative and management practices and strongly supports disclosures being made by employees as to corrupt or other improper conduct.

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

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

## 1. Responsibility

### 1.1 Principal Executive Officer (in the Shire of Toodyay, the CEO)

The CEO has responsibilities under the PID Act as follows:

- (a) Designation of the PID Officer to receive public interest disclosures;

- (b) Providing protection from detrimental action or threat of such action for any employee of the Shire of Toodyay who makes a public interest disclosure;
- (c) Ensures the Shire complies with the PID Act and the Code of Conduct and Integrity established by the Public Sector Commission;
- (d) Endorses the internal procedures, consistent with those prepared by the Public Sector Commission, detailing how Shire of Toodyay will meet its obligations under the PID Act; and
- (e) Provides information to the Public Sector Commissioner on the:
  - (i) number of disclosures received by Shire of Toodyay
  - (ii) results of any investigations conducted as a result of the disclosures
  - (iii) action, if any taken, as a result of each disclosure
  - (iv) any matters as prescribed.
  - (v) 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.

## **2. Awareness raising**

- (a) Workers will be informed through staff information sessions and directives where applicable;
- (b) Induction processes will include awareness training to inform new Workers and relevant contractors, and members about public interest disclosure processes and these guidelines will be published onto the Shire's website to inform the community;
- (c) Public Interest disclosures have been integrated into the Code of Conduct for Workers and HR directives; and
- (d) Workers are informed of processes and provided with a copy of these guidelines on the Shire's enterprise management system.

## **3. PID Register**

- (a) To assist with annual reporting to the Public Sector Commissioner the Shire will maintain a public interest disclosure register;
- (b) A unique register number will be assigned to each disclosure and record key information about a person's disclosure, any investigation and the outcome in the public interest disclosure register; and
- (c) This register (paper and/or electronic) is kept strictly confidential and maintained in a secure location.

## **4. Compliance and Review**

This policy will undergo regular review to ensure alignment with legislative requirements, industry standards, and best practices. Members and Workers will be informed of any updates through standard communication channels.

## 5. Implementation

This policy will be disseminated to all relevant employees, elected officials, contractors, volunteers, and stakeholders of the Shire to ensure widespread understanding.

### Reference Information

- **PID Code of Conduct and Integrity** (Refer Link: <https://www.wa.gov.au/system/files/2020-05/PID%20Officers%20code%20of%20conduct%20and%20integrity.pdf>)
- When someone speaks up: A Guide for Managers (Refer to link: [https://www.wa.gov.au/system/files/2020-02/when\\_someone\\_speaks\\_up\\_managers\\_guide.pdf](https://www.wa.gov.au/system/files/2020-02/when_someone_speaks_up_managers_guide.pdf))
- Don't be afraid to speak up - a Guide for Disclosers (Refer to link: [https://www.wa.gov.au/system/files/2020-02/public\\_sector\\_commission\\_public\\_interest\\_disclosure\\_guide\\_for\\_disclosers\\_dont\\_be\\_afraid\\_to\\_speak\\_up.pdf](https://www.wa.gov.au/system/files/2020-02/public_sector_commission_public_interest_disclosure_guide_for_disclosers_dont_be_afraid_to_speak_up.pdf))
- Resolving Workplace Grievances Directive; and
- [Worker's Code of Conduct](#)
- [Code of Conduct for Council Members, Committee Members and Candidates](#)
- CEO Directive: Communication and Compliance.
- A Manager's Guide to difficult conversations in the workplace (Refer: <https://www.fairwork.gov.au/sites/default/files/migration/712/managers-guide-to-difficult-conversations-in-the-workplace.pdf>)

### Legislation

- [Public Interest Disclosure Act 2003](#)
- [Local Government Act 1995](#)
- [Corruption, Crime and Misconduct Act 2003](#)

### Associated documents

Public Interest disclosure procedures for the Shire of Toodyay

Consent to disclosure of identifying information form.

Notification of disclosure of identifying information form

Public interest disclosure lodgement form

Document control information	
Document Category	Governance
Document Title	Public Interest Disclosures
Document ID	GOV26

<b>Document control information</b>	
<b>Document Owner (position title)</b>	Chief Executive Officer
<b>Author (position title)</b>	Chief Executive Officer
<b>Date of approval</b>	26 June 2024 (CRN: OCM194/06/24)
<b>Approving authority</b>	Council
<b>Access restrictions</b>	Nil
<b>Date Published</b>	9 July 2024
<b>Date of last review</b>	17 April 2024
<b>Date of next review</b>	Annually