



## OPERATIONAL GUIDELINES

### PUBLIC INTEREST DISCLOSURE

<b>Responsible Department</b>	<i>Governance</i>
<b>Last Amendment Date</b>	<i>29/06/2022</i>
<b>Shire Related Documents</b>	<p><i>Public Interest Disclosure Register</i></p> <p><i>Policy 4.1 Employee Code of Conduct</i></p> <p><i>Policy 4.2 SOW Elected Member, Committee Member &amp; Candidates</i></p> <p><i>Policy 6.9 Complaints Against Elected members and CEO</i></p> <p><i>Policy 6.10 Complaints Management</i></p>
<b>Related Legislation</b>	<p><i>Public Interest Disclosure Act 2003</i></p> <p><i>Public Interests Disclosure Regulations 2003</i></p> <p><i>Local Government (Rules of Conduct) Regulations 2007</i></p>

#### Introduction

This document gives an overview of the requirement to disclose any information in the public's best interest under the *Public Interest Disclosure Act 2003*.

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

- |   |  |
|---|--|
| <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 |

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.

---

## Background

The *Public Interest Disclosure Act* came into effect on 1 July 2003. The Act recognises the value and importance of reporting as a means to identify and address wrongdoing and facilitates the disclosure of public interest information by providing protection for those who make disclosures and those who are the subject of disclosures.

The Shire of Wyalkatchem is committed to the aims and objectives of the *Public Interest Disclosure Act 2003*. (PID Act). The Act 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.

The Shire of Wyalkatchem 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 and 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 s. 23(1)(a) of the PID Act will abide by the [PID Code of conduct and integrity](#) in performing their duties.

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

The Shire will provide as much information as possible to people considering making a public interest disclosure. These internal procedures are accessible to all employees and contractors. Copies are available from the Public Interest Disclosure Officer and will be made available on request. This information is also on our website [www.wyalkatchem.wa.gov.au](http://www.wyalkatchem.wa.gov.au)

## Purpose

These procedures outline how we will meet our obligations under the PID Act. They cover the roles and responsibilities of the Governance Executive Officer – the person designated as the proper authority (PID Officer) in accordance with s. 23(1)(a) and s. 5(3)(h), the discloser and the subject of the disclosure.

These procedures are to be read in conjunction with the PID Act, *Public Interest Disclosure Regulations 2003* and 'Don't be afraid to speak up' publication.

The behaviour of all employees involved in the public interest disclosure process must accord with our Code of Conduct at all times. A breach of the Code of Conduct may result in disciplinary action.

## Procedure

The following procedures describe how the Shire of Wyalkatchem will manage the Public Interest Disclosure process.

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.

---

## 1. What is ‘public interest information’?

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

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 the following –

- **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).**

## 2. How is confidentiality maintained?

The confidentiality requirements of the PID Act (s.16) protects the discloser, but also any other people affected by the disclosure. The confidentiality requirements do not apply to all information in a disclosure.

We are 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**
- **information relating to a disclosure that, if known, may cause detriment**

Throughout the disclosure process and after its completion, the identity of any persons/ any subject of the disclosure are to be kept confidential, except in certain circumstances.

*Disclosing information which might identify, or tend to identify the disclosers s. 16(1)) or any person, that is, the subject(s) (s. 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.*

### 2.1 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 PID Officer will record this using the *Consent to Disclosure of Identifying Information* form.

Sometimes we may need to identify the discloser, without the discloser’s consent (s. 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**
  - **we are ordered by a court or any other person or body having authority to hear, receive or examine evidence or**
  - **we are required by ss.152 or 153 of the *Corruption, Crime and Misconduct Act 2003*.**

Before we identify the discloser for any of the reasons above, the PID Officer will take all reasonable steps to inform the discloser that this will happen and the reasons why. The PID Officer will use the *Notification of Disclosure of Identifying Information* form to do this.

If we need to provide information about the identity of the discloser to another person for the reasons above, the PID Officer will inform the other person that further disclosure to a third person may put them at risk of committing an offence. The PID Officer 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, the PID Officer will notify as described above.

## 2.2. Confidentiality Plan

Although a formalised confidentiality plan is not required under the PID Act, the development of such a plan is considered good practice.

Involving the discloser in the plan openly and with effective communication will build rapport and trust and will enable collaboration, particularly when difficult decision points are encountered. The plan should outline methods to provide support and protect the discloser from the risk of reprisal. Consider strategies that cover:

- **communication methods and frequency of communication**
- **meeting locations**
- **frequency of progress reports.**

## 2.3 Confidentiality regarding the person that is subject of the disclosure

The subject of a disclosure may consent to having their identity revealed to assist with the disclosure process s. 16(3)(a). The PID Officer will use the *Consent to Disclosure of Identifying Information* form to record this.

Additionally, we may need to reveal identifying information about the subject(s) of a disclosure without their consent, ss. 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 s. 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**
- **we are ordered by a court or any other person or body having authority to hear, receive or examine evidence or**
- **we are required by ss. 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.

---

### 3. Protections

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

*'Don't be afraid to speak up'* contains general information about the protections provided by the PID Act. The PID Officer will be able to expand on this information specific to the Shire of Wyalkatchem.

We are committed to ensuring that 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, tell the PID Officer who is handling the disclosure immediately.

*Note the Act also provides that the discloser may lose the protections (provided in s. 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.*

### 4. Notification Requirements

Provided it is not an anonymous disclosure, the 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 (s. 10(1))**
- **when the disclosure process has concluded, the outcome of the investigation and the reasons for taking any action following the investigation (s. 10(4)).**

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

The PID Officer has 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 PID Officer is also prevented from giving any information they must not disclose under ss. 151, 152 or 153 of the *Corruption, Crime and Misconduct Act 2003*.

During the investigation the PID Officer may make comprehensive and contemporaneous 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.

To assist with annual reporting to the Public Sector Commissioner we will maintain a Public Interest Disclosure Register. We will assign a unique register number to each disclosure and record key information about your disclosure, any investigation and the outcome in the public interest disclosure register. This register is kept strictly confidential and maintained in a secure location.

---

## 5. Making a Disclosure

We strongly encourage anyone thinking about making a public interest disclosure to seek advice from the PID Officer ('proper authority') before they do. A disclosure must be made to a proper authority for it to be covered by the PID Act.

PID Officer – Governance Executive Officer - Stephanie Elvidge.

Contact – 9681 1166 or [admin2@wyalkatchem.wa.gov.au](mailto:admin2@wyalkatchem.wa.gov.au)

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.

- **Ensure you know your rights and responsibilities under the PID Act.**
- **You cannot withdraw a disclosure once made.**
- **The PID Officer will ascertain if the information meets the requirements under 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, our general complaints or grievance resolution process.**
- **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 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. See Appendix 2**
- **As we expect that most disclosures will be made in writing the Shire of Wyalkatchem has developed a form which can be used. There is no requirement to use the form. The Public Interest Disclosure Lodgement form (*Appendix 3*) helps define the details of the disclosure. A discloser may fill out the form themselves or with the PID Officer. The form must be signed to acknowledge the disclosure is being made voluntarily and consciously. The form is also available on the Shires website.**
- **Anonymous disclosures may be more difficult for the PID Officer to investigate or take action. This is because they cannot come back to seek any further information. We are 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 the 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.**

## 6. Investigating a Disclosure

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 s. 8. The PID Officer will make proper and adequate records of their decision and reasons about whether to investigate or not. They may engage a suitable skilled staff member or an externally contracted investigator. The PID Officer will

---

only provide the name of the discloser and that of the subject of the disclosure to the investigator in accordance with s. 16 of the PID Act.

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 our Code of conduct at all times.

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

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

The discloser may be able to disclose to a journalist if:

- **the PID Officer does not notify the discloser within three months of them making their disclosure about how they plan to deal with the disclosure**
- **the PID Officer discontinues an investigation**
- **the PID Officer does not complete the investigation within six months**
- **the PID Officer does not provide a final report to the discloser about the outcome and any action taken, including the reasons for that action**

In conducting an investigation, typical steps may include:

- **developing the terms of reference for the investigation, clarifying the key issues in the disclosure**
- **ensuring the objectives of the investigation include**
- **collecting and collating information related to the disclosure**
- **considering the information collected**
- **drawing conclusions objectively and impartially**
- **specifying a date by which the investigation should be completed and a report provided to the discloser about the final outcome**
- **informing the subject of the disclosure about their rights and obligations under the PID Act, the PID Officer's code of conduct and integrity, any agency code of conduct and the law**
- **maintaining procedural fairness for the person who is the subject of the disclosure**
- **the investigator making contemporaneous notes of discussions and interviews and, where practicable and appropriate, recording discussions and interviews on audio or videotape (ensuring people are made aware they are being recorded)**

- 
- **ensuring strict security to maintain the confidentiality requirements of the PID Act.**

Where the 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, the PID Officer may need to refer an allegation of an offence supported by evidence to the Western Australia Police for investigation.

### 6.1 The Investigator

Must meet the requirements of the PID Act:

- **protections, outlined in Part 3, including s. 16 (confidentiality)**
- **notifications to disclosers, s. 10 and s. 11**
- **the ability for a discloser to make a protected disclosure to a journalist as a last resort**
- **specific reasons why you can refuse to investigate or discontinue an investigation of a matter in a public interest disclosure.**

### 6.2 The Subject of Disclosure

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

The Shire of Wyalkatchem will treat the person fairly and impartially throughout the process, and inform them of their rights and obligations. We will generally keep the parties involved informed during any investigation, although we cannot release any information to the person that may prejudice our investigation. As an employee it is expected that they will act in accordance with our 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 s. 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 s. 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**
- **it is made in accordance with ss. 152 or 153 of the *Corruption, Crime and Misconduct Act 2003*.**

---

We will also provide appropriate natural justice. This means that, before we take any disciplinary or other action against the person under s. 9, we 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 s. 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 s. 14(1) of the PID Act.

## **7. Taking Action**

The 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 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 the PID Officer may take under s. 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. The PID Officer may take more than one action depending on the circumstances. EG: may seek to terminate the employment of an employee caught stealing and refer the matter to the Western Australia Police.

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

Before taking any action we 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.

### **7.1 Confidentiality and record keeping when taking action**

- Confidentiality will be maintained in accordance with the PID Act.
- The PID Officer will keep appropriate records about any action taken, as well as recording a summary of this action in the public interest disclosure register.

## **8. After the public interest disclosure process has been finalised**

The PID Act places no further obligations on the Shire of Wyalkatchem or its PID Officers after the disclosure process is complete. The confidentiality requirements of the PID Act 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 (s. 5).

See [Appendix 1](#) or [Don't be afraid to speak up](#) for the correct proper authority for your disclosure.

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

### **Further contact details**

Shire website

[www.wyalkatchem.wa.gov.au](http://www.wyalkatchem.wa.gov.au)

Public Sector Commission's website

[www.publicsector.wa.gov.au](http://www.publicsector.wa.gov.au)

*Operational Guidelines are derived from the Public Sector Commissioner guidelines developed in accordance with s. 21 of the Public Interest Disclosure Act 2003 (PID Act) to assist authorities develop their own internal procedures.*

*All references to sections (that is 's' and 'ss.') in these procedures relate to the PID Act, unless stated otherwise.*

## Overview of roles and responsibilities of parties involved in the disclosure process at [insert name of public authority]

Person / role	Responsibilities
Principal executive officer (s. 23) in the Shire of Wyalkatchem is the Chief Executive Officer who:	<p>Designates the occupant of a specified position (a PID Officer) to receive public interest disclosures related to Shire of Wyalkatchem (s. 23(1)(a)).</p> <p>Provides protection from detrimental action or the threat of detrimental action for any employee of The Shire of Wyalkatchem who makes a public interest disclosure (s. 23(1)(b)).</p> <p>Ensures The Shire of Wyalkatchem complies with the PID Act and the code of conduct and integrity established by the Public Sector Commissioner (ss. 23(1)(c) and (d)).</p> <p>Prepares and publishes internal procedures, consistent with those prepared by the Public Sector Commission, detailing how The Shire of Wyalkatchem will meet its obligations under the PID Act (s. 23(1)(e)).</p> <p>Provides information (s. 23(1)(f)) to the Public Sector Commissioner on the:</p> <ul style="list-style-type: none"><li>○ number of disclosures received by The Shire of Wyalkatchem</li><li>○ results of any investigations conducted as a result of the disclosures</li><li>○ action, if any taken, as a result of each disclosure</li><li>○ any matters as prescribed.</li></ul> <p>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.</p>

---

## Appendix 2

### **Proper authority**

To be covered under the PID Act and for the protections of the PID Act to apply, a public interest disclosure must be made to a proper authority. The proper authority for a disclosure will depend on the information or 'matter' in the disclosure. In some cases, a public interest disclosure may be made to an external 'named' proper authority, as outlined in s. 5(3).

In these named authorities, a broader range of officers may require training to receive public interest disclosures. For example, any police officer may be a proper authority for disclosures relating to offences.

### **Named authority**

If your authority is an authority named in the PID Act, your PEO also needs to appoint a PID Officer to deal with information relating to your authority (as per s. 5(3)). Include the relevant paragraph (below) in your procedures.

### **For the Corruption and Crime Commission**

The PID Act also provides for the Corruption and Crime Commission (CCC) to receive public interest disclosures of information relating to an offence under State law. Subsequent references in these procedures to the PID Officer shall be taken to include an employee or officer of the CCC who receives, on behalf of the CCC, information relating to an offence under State law.

### **For the WA Police**

The PID Act also provides for any police officer to receive public interest disclosures of information relating to an offence under State law. Subsequent references in these procedures to the PID Officer shall be taken to include a police officer who receives a public interest disclosure relating to an offence under State law.

### **For the Parliamentary Commissioner (Ombudsman Western Australia)**

The PID Act also provides for the Ombudsman to receive public interest disclosures of information relating to matters of administration within the jurisdiction of the Ombudsman, and matters relating to most public officers. Subsequent references in these procedures to the PID Officer shall be taken to include an officer of the Ombudsman who receives, on behalf of the Ombudsman, information relating to these matters.

### **For the Auditor General**

The PID Act also provides for the Auditor General to receive public interest disclosures of information relating to substantial unauthorised or irregular use or substantial mismanagement of public resources. Subsequent references in these procedures to the PID Officer shall be taken to include a person appointed by the Auditor General who receives, on behalf of the Auditor General, information relating to these matters.

### **For the Public Sector Commission**

The PID Act also provides for the Public Sector Commissioner to receive public interest disclosures of information that relates to a Public Officer (other than a Member of Parliament, a Minister of the Crown, a judicial officer or an officer referred to in Schedule 1 to the Parliamentary Commissioner Act 1971). Subsequent references in these procedures to the PID Officer shall be taken to include the Public Sector Commission.

## Code of conduct and integrity

Established by the Public Sector Commissioner under Section 20 of the *Public Interest Disclosure Act 2003* (PID Act).

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 PID Act.

### The Code

The Code uses as its ethical base the principles of personal integrity, relationships with others and accountability 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 PID Act
- take all reasonable steps to seek to ensure that persons who are the subject of a disclosure are also provided with appropriate safeguards and protections as specified in the PID Act
- maintain records that ensure all action taken about the receipt and processing of a disclosure is reviewable
- declare to an appropriate person, in writing, any interests that may conflict with their obligations to impartially receive and process disclosures
- immediately report corrupt behaviour that has been, or may be occurring, to an appropriate authority
- provide information to the informant about their rights and responsibilities and the possible implications of lodging a public interest disclosure.

---

## Appendix 4

### **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 s. 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 s. 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.**

We are committed to ensuring that we provide the notifications required under the PID Act and that the discloser understands the reasons for our 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, we would 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 we are not obliged to provide the discloser with any notifications about what happens to the disclosure.