



# Procedure & Guidelines

Public Interest Disclosures  
(PID)



# Procedure & Guidelines

## Public Interest Disclosures (PID)

### Document scope

These procedures and guidelines outline how the City will meet its obligations under the *Public Interests Disclosure Act 2003* (PID Act). They cover the roles and responsibilities of the City of Fremantle (the City) in accordance with s. 23(1)(a) and s. 5(3)(h).

This document is to be read in conjunction with the PID Act, *Public Interest Disclosure Regulations 2003*, and “don’t be afraid to speak up” ([found here](#)).

### Procedure and Guidelines

#### 1. Organisational commitment for reporting public interest information

- 1.1 The City does not tolerate corrupt or other improper conduct.
- 1.2 The City is committed to the aims and objectives of the *Public Interest Disclosure Act 2003* (PID Act). The PID Act recognises the value and importance of reporting as a means to identify and address wrongdoing.
- 1.3 The City strongly support disclosures being made by employees, contractors, subcontractors, and members of the community about corrupt or other improper conduct.
- 1.4 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.
- 1.5 The City will take all reasonable steps to protect employees from any detrimental action in reprisal for the making of a public interest disclosure.
- 1.6 The commitment to effectively manage public interest disclosures extends to a proper authority of City of Fremantle. 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.
- 1.7 The City is also committed to responding to the disclosure thoroughly and impartially. The City will treat all people in the disclosure process fairly, including those who may be the subject of a disclosure.
- 1.8 The City will provide as much information as possible to people considering making a public interest disclosure. Copies are available from the designated person appointed as the proper authority (Public Interest Disclosure (PID) Officer) and will be kept on the City’s website, intranet, and record keeping system.



- 1.9 While these procedures focus on public interest disclosures, the City are committed to dealing with all reports of suspected wrongdoing. The City encourage 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 staff members making reports from any reprisals.

## 2. Internal procedures commitment

- 2.1 These procedures apply to all people involved in the public interest disclosure process, including the Chief Executive Officer, PID Officer(s), employees, and/or any person making a public interest disclosure and any subject(s) of a disclosure.
- 2.2 The behaviour of all employees involved in the public interest disclosure process must accord with the employee code of conduct at all times.
- 2.3 The City of Fremantle must prepare and publish these internal procedures under s. 23(1)(e) of the PID Act. These procedures outline how the City will meet its obligations under the PID Act. They cover the roles and responsibilities of the person(s) designated in accordance with s. 23(1)(a) and s. 5(3)(h), referred to in this document as the PID Officer, the PID discloser, and the subject of the disclosure.
- 2.4 The procedures are to be read in conjunction with the PID Act, *Public Interest Disclosure Regulations 2003*, and "don't be afraid to speak up" ([found here](#)).

## 3. Roles and responsibilities

- 3.1 The **Chief Executive Officer** is the City's principal executive officer (PEO), and has the following responsibilities:
- a. Designates the occupant of a specified position (a PID Officer) to receive public interest disclosures (s. 23(1)(a)).
  - b. Provides protection from detrimental action or the threat of detrimental action for any employee of the City who makes a public interest disclosure (s. 23(1)(b)).
  - c. Ensures the City complies with the PID Act and the code of conduct and integrity established by the Public Sector Commissioner (ss. 23(1)(c) and (d)).
  - 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 (s. 23(1)(e)).
  - e. Provides information (s. 23(1)(f)) to the Public Sector Commissioner.
  - f. 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.



- 3.2 The **Manager Governance, Manager People and Culture, and Manager Customer Experience** are the City's designated PID Officers, and have the following responsibilities:
- a. Provides information to potential disclosers about their rights and responsibilities consistent with the code of conduct and integrity established under s. 20(1).
  - b. Receives and manages public interest disclosures in accordance with the PID Act (s. 5(3)).
  - c. Notifies the discloser within three months of the disclosure being made about what action is planned in dealing with the disclosure (s. 10(1)).
  - d. Where appropriate, investigates, or causes an investigation of, the matters in the disclosures (s. 8(1)).
  - e. Where appropriate, provides information to subjects of a disclosure about their rights, responsibilities, duties and potential offences (s. 9(2), s. 14, s. 15, s. 16 and s. 24).
  - f. Where appropriate, takes such action as is necessary and reasonable, within their functions and powers in accordance with s. 9.
  - g. Maintains confidentiality of the identity of the discloser and subject(s) of disclosures, in accordance with the requirements of the PID Act (s. 11 and s. 16).
  - h. Provides progress reports where requested and a final report to the discloser in accordance with s. 10.
  - i. Creates and maintains proper and secure records in relation to the disclosures in accordance with the code of conduct and integrity established under s. 20(1) and the *State Records Act 2000*.
  - j. Completes a PID Register for each disclosure lodged (s. 23(1)(f)).
  - k. Acts in accordance with the rules of natural justice (s. 9(2) and s. 16(1)(b)).
  - l. Acts in accordance with the code of conduct and integrity established by the Public Sector Commissioner (s. 20(1)) and the City's code of conduct for employees.
- 3.3 The **discloser** has the following responsibilities:
- a. Makes a public interest disclosure to a proper authority or our PID Officer if the matter relates to the City of Fremantle (s. 5(1)).
  - b. Believes on reasonable grounds the information in their disclosure is, or may be, true (s. 5(2)).
  - c. Does not disclose information subject to legal professional privilege (s. 5(6)).
  - d. Does not knowingly and recklessly make a false or misleading disclosure (s. 24(1)).



- e. 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 (s. 16 and s. 17(1)(b)).
- f. Assists any person investigating the matter to which the disclosure relates by supplying the person with any information requested (s. 17(1)(a)).

3.4 The **subject of the disclosure** has the following responsibilities:

- a. 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 (s. 9(2)).
- b. Maintains confidentiality of the identity of the discloser, in accordance with the requirements of the PID Act (s. 16(1)).
- c. Is to be treated in accordance with the rules of natural justice (s. 16(1)(b)).
- d. Does not take or threaten to take detrimental action (defined in s. 3) against a person because they have made or intend to make a disclosure (s. 14(1)).
- e. Does not incite another person to take detrimental action against another because they have made or intend to make a disclosure (s. 14(2)).
- f. 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 (s. 15(1)).

3.5 An **investigating officer**:

- a. May investigate matters of public interest information on behalf of the City of Fremantle, in accordance with the terms of reference given to them.
- b. Maintains confidentiality of the identify of the disclosure and any persons subject to the disclosure, in accordance with s 16.
- c. Makes and keeps secure, comprehensive records of any investigation undertaken.

## 4. Making a public interest disclosure

### Before you make a disclosure

- 4.1 The City strongly encourage anyone thinking about making a public interest disclosure to seek advice from the PID Officer 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](#), and available from the Public Sector Commission website at [www.publicsector.wa.gov.au](http://www.publicsector.wa.gov.au).

For the purposes of this procedure a PID Officer(s) is the proper authority designated under s. 5(3)(h) for dealing with information that falls within the sphere of responsibility for the City of Fremantle

Their names and contact details are:



Position	Name	Contact details
Manager Customer Experience	Kath Philp	kathp@fremantle.wa.gov.au
Manager Governance	Melody Foster	melodyc@fremantle.wa.gov.au
Manager People and Culture	Mieke Lopez	miekel@fremantle.wa.gov.au

- 4.2 Initial discussions between the discloser and the 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 PID Officer 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.
- 4.3 The discloser cannot withdraw the disclosure once it is made. Once the City receives your disclosure, our PID Officer is obliged to take action and the City may continue to look into the matters within your disclosure irrespective of your continued approval.
- 4.4 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, the City’s general complaints or grievance resolution process.
- 4.5 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.

### **Sphere of responsibility**

- 4.6 Under s. 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’ may include:
- matters that relate to the City of Fremantle; or
  - a public officer or public sector contractor of the City of Fremantle; or
  - a matter or person that the City of Fremantle has a function or power to investigate.
- 4.7 The proper authority to which you need to make the disclosure depends on the type of disclosure information. Where the information is outside of our 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 [Don’t be afraid to speak up](#).



### **Making the disclosure**

4.8 A discloser needs to clearly identify that they are making a public interest disclosure. The City of Fremantle has developed a [public interest disclosure lodgement form](#) which can be used for the purpose of making such a disclosure.

4.9 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 PID Officer to investigate or take action about the disclosure. This is because they cannot come back to seek any further information. The City are also not required to provide any reports about the progress or final outcome of the disclosure, if the discloser chooses to remain anonymous.

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.

### **Determining whether your matter is an appropriate disclosure**

4.10 Once the PID Officer has received the disclosure they will assess whether it meets the requirements under the PID Act.

4.11 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.

4.12 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.

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

### **Determining whether your public interest disclosure will be investigated**

4.14 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 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).



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

### **Referring public interest matters**

4.16 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.

### **Investigating the disclosure**

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

4.18 If causing the disclosure to be investigated, the PID Officer will ensure that the person undertaking the investigation understands the requirements of the PID Act, in particular the confidentiality requirements and protections for disclosers. 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.

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

4.20 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 code of conduct at all times.

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

4.21 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 they made an anonymous disclosure. The PID Officer may also notify any subject(s) of the disclosure, if they discontinue the investigation.

4.22 The PID Officer, as part of their investigation, will:

4.22.1 Develop the terms of reference for the investigation, clarifying the key issues in the disclosure.

4.22.2 Ensure the objectives of the investigation include:

- collecting and collating information related to the disclosure
- considering the information collected
- drawing conclusions objectively and impartially



- 4.22.3 Specify a date by which the investigation should be completed and a report provided to the discloser about the final outcome (in accordance with time requirements set in the PID Act).
- 4.22.4 Inform 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.
- 4.22.5 Maintain procedural fairness for the person who is the subject of the disclosure.
- 4.22.6 Ensure strict security to maintain the confidentiality requirements of the PID Act.
- 4.22.7 Consult with the Chief Executive Officer prior to any reports being distributed/taking action.

#### **What are your responsibilities if you are the subject of a disclosure**

- 4.23 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 the City cannot release any information to the person that may prejudice the investigation. As an employee it is expected that they will act in accordance with the employee code of conduct at all times.
- 4.24 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*.
- 4.25 The City will also provide appropriate natural justice. This means that, before the City take any disciplinary or other action against the person under s. 9, the PID Officer 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.



- 4.26 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.
- 4.27 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 under s. 14(1) of the PID Act.

### **Taking action**

- 4.28 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 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.
- 4.29 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; and/ or
  - taking disciplinary action against a person responsible for the matter.
- 4.30 In taking action the PID Officer and/or the City of Fremantle 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 are also guided by what is necessary and reasonable in the circumstances.
- 4.31 Before taking any action the PID Officer 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.
- 4.32 The City will maintain confidentiality in accordance with the PID Act when taking action.
- 4.33 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](#).

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

- 4.34 The PID Act places no further obligations on the City of Fremantle or our 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.
- 4.35 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 *Don't be afraid to speak up* for the correct proper authority for your disclosure.

4.36 However, 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).

### **Making a disclosure to a journalist**

4.37 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*), and the City:

- 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.

4.38 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.

4.39 The City is committed to ensuring that the City 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, the City would encourage the discloser to discuss this with the PID Officer prior to disclosure to a journalist.

4.40 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.

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



## 5. Managing public interest disclosures

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

### Confidentiality

5.1 The confidentiality requirements of the PID Act (s. 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 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 PID Act provides for the disclosers identity and the identity of any persons, that is, any subject of the disclosure to be kept confidential, except in certain circumstances.

### Confidentiality regarding the discloser

5.2 If the discloser consents to having their identity revealed to assist in dealing with the disclosure, the PID Officer will record this using the [consent to disclosure of identifying information form](#).

5.3 Sometimes the City 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
- the City are ordered by a court or any other person or body having authority to hear, receive or examine evidence; or
- the City are required by ss.152 or 153 of the *Corruption, Crime and Misconduct Act 2003*.

Before the City 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, using the [notification of disclosure of identifying information form](#).

5.4 If the City 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.

5.5 The City's 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.



### **Confidentiality plan**

5.6 If your 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**

5.7 The subject of a disclosure may consent to having their identity revealed to assist with the disclosure process s. 16(3)(a), using the [consent to disclosure of identifying information form](#).

5.8 The City 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
- the City are ordered by a court or any other person or body having authority to hear, receive or examine evidence or
- the City are required by ss. 152 or 153 of the *Corruption, Crime and Misconduct Act 2003*.

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

### **Protections**

5.10 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 (s. 23(1(b))).

5.11 The City is 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, the discloser can request that the City take action to protect them.

5.12 The PID 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.

### **Notification requirements**

5.13 The PID Officer will ensure that the City complete all reporting in accordance with the legislative and administrative requirements of the PID Act. 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)).

5.14 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)).

5.15 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).

5.16 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*.

### **Record keeping**

5.17 During the investigation the PID Officer may make 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.

### **Public interest disclosure register**

5.18 To assist with annual reporting to the Public Sector Commissioner the City will maintain a public interest disclosure register. This register (paper and/or electronic) is kept strictly confidential and maintained in a secure location.

## **6. Forms**

The following forms are provided in Appendices:

1. Public interest disclosure (PID) Lodgement Form
2. Public interest disclosure (PID) Notification of disclosure of identifying information form (discloser)
3. Public interest disclosure (PID) Consent to disclosure of identifying information form (subject of disclosure)



## Definitions and abbreviations

Nil.

Responsibility and review information	
<b>Responsible officer:</b>	Chief Executive Officer
<b>Document adoption/approval details</b>	3 June 2026 – Doc id 6349505
<b>Document amendment details</b>	
<b>Next review date</b>	(maximum of four years from last review)