



# Public Interest Disclosures

## A guide to Public Interest Disclosures

### What is a Public Interest Disclosure?

If you believe that a government official or public authority or government contractor is acting or going to act in an illegal or improper manner, it is in the public interest that you talk to someone who can do something about it.

The *Public Interest Disclosure Act 2003* (Act) facilitates the disclosure of public interest information by providing protection for those who make disclosures and those who are the subject of disclosures. You can make Public Interest Disclosures about improper conduct in public authorities that include State government agencies and departments, local governments (including the City of Busselton) and bodies established under a written law for a public purpose, such as a public university.

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

The Act deals with disclosures by anyone, but the information must be specific to the following areas:

- Improper conduct.
- An act or omission that constitutes an offence under State law, including corruption.
- Substantial unauthorised or irregular use of, or substantial mismanagement of, public resources.
- Conduct involving a substantial and specific risk of injury to public health, prejudice to public safety or harm to the environment.
- A matter of administration that can be investigated under Section 14 of the *Parliamentary Commissioner Act 1971*.

Before making a disclosure, it is important that you are aware of the rights and responsibilities imposed on disclosers and others under the Act:

- It is an offence to make a disclosure if you know or are reckless about it being false and misleading.
- With some exceptions, the proper authority will investigate your information and you will be expected to cooperate.
- You will have to keep your information confidential or else you may lose protection and commit an offence under the Act.

### What should you ask yourself?

Making a disclosure is a serious matter and needs to be fully thought through. You should question whether:

- You have reasonable grounds to believe the information you are thinking of disclosing is true or otherwise you believe it to be true.
- The information is something that you think is important to be disclosed because it is in the public interest.
- You have sought proper advice.
- You have fully understood your responsibilities under the Act if you make a disclosure.

### How do I make a disclosure?

Before making a formal disclosure to a Public Interest Disclosure Officer, you should contact the Public Interest Disclosure Officer to discuss the proposed disclosure, whether alternative means of dealing with the matter might be more appropriate and to obtain information regarding your rights and responsibilities as a discloser.

An official Public Interest Disclosure Lodgement Form will need to be completed to initiate the Public Interest Disclosures process.

This form is available on line at: [Public interest disclosures in WA public authorities](https://www.cityofbusselton.wa.gov.au/public-interest-disclosures)

Civic and Administration Centre: 2 Southern Drive, Busselton WA 6280  
T: (08) 9781 0444 E: [city@busselton.wa.gov.au](mailto:city@busselton.wa.gov.au) [www.busselton.wa.gov.au](http://www.busselton.wa.gov.au)



## I've made a Disclosure — What Next?

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

- The matter to be trivial, vexatious or frivolous.
- There is no reasonable prospect of obtaining sufficient evidence, due to the lapse of time.
- The matter is being or has already been adequately or properly investigated by a proper authority.
- The information does not relate to a matter, which the proper authority has the function or power to investigate.

## Will I be Kept Informed?

The proper authority must inform you within three months of what has been done or they intend to do about your disclosure. You are entitled to a report on the outcome and any action taken when the investigation is complete.

## What About Confidentiality and My Protection?

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

- The identity of the person making the disclosure.
- The information disclosed, including the identity of any person named in the disclosure.

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

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

- Any reprisals.
- Civil and criminal liability in the event of making a disclosure.
- Dismissal or having services dispensed with.
- Breach of confidentiality or secrecy agreements.

A person alleging victimisation as a result of a disclosure can complain to the Equal Opportunity Commission or may be able to take civil action. The Equal Opportunity Commission is located at Level 2 Westralia Square, 141 St Georges Terrace, Perth and can be contacted by calling (08) 9216 3900 or toll free on 1800 198 149 or via their website.

## Victimisation and Reprisals

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

The City of Busselton does not tolerate any of its officers, employees or contractors engaging in acts of victimisation or reprisal against those who make Public Interest Disclosures. These acts should be reported immediately to the Public Interest Disclosure Officer or the Chief Executive Officer.

## City of Busselton Public Interest Disclosure Officer

The person holding or acting in the position of Director Corporate Strategy and Performance is designated as the Public Interest Disclosure Officer of the City of Busselton. The Public Interest Disclosure Officer is responsible for receiving disclosures of public interest information relating to matters falling within the sphere of responsibility of the City of Busselton. Contact details as follows:

Name: Sarah Pierson, Director Corporate Strategy and Performance  
Email: [Sarah.Pierson@busselton.wa.gov.au](mailto:Sarah.Pierson@busselton.wa.gov.au)  
Telephone: (08) 9781 0373

**Please note:** This document can be supplied in alternative formats upon request.