

## **PUBLIC INTEREST DISCLOSURE ACT 2003**

### **WHAT IS A PUBLIC INTEREST DISCLOSURE**

A public interest disclosure is made when a person discloses to a proper authority information that tends to show past, present or proposed future improper conduct by a person of a public authority in the exercise of their public function (i.e. corruption or irregular conduct).

A person must believe on reasonable grounds that the information is true or has reasonable grounds on which to form a belief about the truth of the information, but believes on reasonable grounds the information may be true.

A person may report to another authority such as the police, the Crime and Corruption Commission or other authorities.

A matter may include improper conduct, irregular use of or substantial mismanagement of public resources, or substantial or specific risk of injury to public health or prejudice to public safety.

### **OBLIGATIONS BY THE PRINCIPAL EXECUTIVE OFFICER**

The Act requires the Principal Executive Officer of each public authority (i.e. a Local Government authority or other government authorities) to prepare and make public internal procedures relating to their obligations under the Act.

The Public Interest Disclosure Act 2003 facilitates the disclosure of public interest information and those who are subject of such disclosures. The authority is to afford any person against whom the action is to be taken, the opportunity to make a submission, either orally or in writing, in relation to the matter.

It provides powers to public authorities (i.e. Local Government authorities and other government authorities), to investigate and take action in relation to the subject matter.

In other words there is an onus on the Local Government authority and other government authorities to commence an investigation immediately information has been reported.

The Public Interest Disclosure officer will either prevent the matter to which the disclosure relates from continuing or occurring in the future, refer the matter to a another authority (i.e. the police, the Crime and Corruption Commission or other government authorities or take disciplinary proceedings against a person responsible for the matter.

### **PROTECTION**

A person who reports anything perceived as corruption or any information the person considers to be true is protected under the Act. However, once reported the person reporting the matter no longer 'owns' the information reported and an investigation will be commenced to establish if there is anything that is of such a nature to carry the matter forward.

### **REPRISAL**

Any person who is threatened or is the subject to detrimental action is protected under the Act.

A person who threatens, victimises or causes another person detrimental action is liable to a fine of \$24,000 or imprisonment for 2 years.

Similarly, if a person who is the subject of a matter reported, incites another person to threaten or cause detrimental action to the person who reported the matter is also liable to a fine of \$24,000 or imprisonment for 2 years.

#### **MISLEADING OR FALSE DISCLOSURE**

A person who knowingly reports a matter that is misleading or false commits an offence and is liable to a fine of \$12,000 or imprisonment for one year.

#### **LOSS OF PROTECTION**

If a person who has reported a matter refuses to assist with the investigation or discloses information of the matter to another person protection provided for under the Act is forfeited.

#### **REPORTING MATTERS TO THE CITY OF COCKBURN**

Under the Act, the City of Cockburn will on request of the person who reported the matter, request the progress of the investigation from the person who is investigating the reported matter.

In requesting a report on the progress of the investigation, the public authority is not permitted to reveal the identity of the person reporting the matter for that person's safety.

If you wish to make an oral or written report to the City of Cockburn contact the Public Interest Disclosure officers of the City of Cockburn, Mr James Ngoroyemoto, Governance Coordinator on 9411 3652 or Mr Don Green, Director, Administration and Community Services on 9411 3411.