



PROCEDURES RELATING TO ECU'S OBLIGATIONS UNDER THE PUBLIC INTEREST DISCLOSURE ACT (WA) 2003

Guidelines for ECU PID Officers

Strategic and Governance Services Centre

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A. PURPOSE OF THESE GUIDELINES

These Guidelines provide guidance to ECU PID Officers when tasked to review, consider and investigate a public interest disclosure made under the *Public Interest Disclosure Act 2003* (PID Act). They provide for the manner in which:

- Disclosures of public interest information shall be made to an ECU Public Interest Disclosure (PID) Officer.
- ECU's PID Officer shall investigate the information disclosed, or cause that information to be investigated.
- ECU's PID Officer may take action following the completion of the investigation.
- ECU's PID Officer shall report to the discloser about the progress and outcome of an investigation and the action taken as a consequence.
- The confidentiality of the discloser, and any person who may be the subject of a public interest disclosure, shall be maintained.
- Records about public interest disclosures shall be maintained and the reporting obligations that need to be complied with.

B. Appointment of ECU PID Officers

Upon commencing as a proper authority (PID Officer), the delegated staff member needs to complete the Public Interest Disclosure Officer's declaration form (refer Appendix A) and have it authorised by the Vice-Chancellor (or the Vice-Chancellors delegate). The Form shall be sent to the Public Sector Commission for recording of the appointment.

ECU PID Officers are to adhere to the PID Officers Code of Conduct and Integrity (refer Appendix J).

C. Receiving Public Interest Disclosers

1. Advice to Disclosers

A disclosure can ONLY be made to a designated ECU PID Officer or directly to a proper authority. Before a discloser makes a public interest disclosure to an ECU PID Officer, the PID Officer concerned shall advise the discloser of the following matters (also refer to Appendix B: Checklist – Discussion with potential disclosers):

- a) If they choose to make a public interest disclosure they will not as a result:
 - incur any civil or criminal liability;
 - be liable to any disciplinary action under State law;
 - be liable to be dismissed or have their services dispensed with or otherwise terminated;
 - be liable for any breach of a duty of secrecy or confidentiality or any other applicable restriction on disclosure.
- b) If they choose to make a public interest disclosure they may have the right to take civil proceedings if they are subject to detrimental action as a result of making the disclosure.
- c) If they choose to make a public interest disclosure their identity will not be disclosed except in accordance with section 20(3) of the PID Act.
- d) If they choose to make a public interest disclosure they will have the right to be informed of the progress and outcome of the investigation and action taken as a result.
- e) If they choose to make a public interest disclosure:
 - they are only protected if they believe on reasonable grounds that the information to be disclosed is or may be true;

- they will commit an offence, and lose the protection of the PID Act, if they know the information to be false or misleading in a material particular or are reckless about whether the information is false or misleading in a material particular;
 - they will forfeit the protection given by the PID Act if they disclose the information otherwise than under the PID Act (i.e. if they provide the information to the media or a person who is not a proper authority);
 - they will forfeit the protection given by the PID Act if they fail, without reasonable excuse, to assist a person investigating the matter to which the information relates, by supplying any information requested;
 - they may commit an offence if they disclose information that might identify or tend to identify anyone as a person in respect of whom a disclosure of public interest information has been made.
- f) The disclosure will only be protected if ECU's PID Officer is the proper authority for receiving that kind of information, as indicated in the following table:

PROPER AUTHORITIES FOR RECEIVING DISCLOSURES OF PUBLIC INTEREST INFORMATION	
When the disclosure relates to...	The proper authority is...
The sphere of responsibility of a public authority (e.g. matters about the public authority or its officers, or which the public authority has the function of investigating)	An ECU PID Officer
Offences under State law	A police officer or the Corruption and Crime Commission
Substantial unauthorised or irregular use of, or substantial mismanagement of, public resources	An ECU PID Officer or the Auditor General
Matters of administration affecting someone in their personal capacity falling within the jurisdiction of the Ombudsman	An ECU PID Officer or the Ombudsman
A police officer	The Commissioner of Police or the Corruption and Crime Commission
A Member of the Legislative Council	The President of the Legislative Council
A Member of the Legislative Assembly	The Speaker of the Legislative Assembly
A judicial officer	The Chief Justice
A public officer who is not a member of Parliament, a Minister, a Judicial Officer or a Commissioned or other officer specified in schedule 1 of the <i>Parliamentary Commissioner Act 1971</i>	An ECU PID Officer or the Public Sector Commissioner
A person or a matter of a prescribed class	A person declared by the regulations to be a proper authority

2. Assessing a Public Interest Disclosure

ECU's PID Officer must, on receiving the information make an initial assessment of whether:

- the information disclosed relates to the University, an officer of the University or a contractor to the University;

- the information disclosed relates to the performance of a public function;
- the information disclosed tends to show improper conduct;
- the improper conduct is of the kind for which the ECU PID Officer is the proper authority (refer to Section C1);
- the discloser believes on reasonable grounds that the information is or may be true;
- the information is not protected by legal professional privilege;
- the discloser, after receiving the advice referred to in section C1, wishes to make a public interest disclosure under the PID Act.

If the above questions are **all** answered “yes”, then the disclosure is a public interest disclosure to which the PID Act will apply.

In assessing whether a disclosure is a public interest disclosure, the PID Officer concerned should consider the Flowchart for Receiving and Assessing Disclosures at Appendix D, as well as complete Part 1 of the Assessment and Case management Form for a Public Interest Disclosure at Appendix H.

3. Public Interest Disclosure Documentation

The ECU PID Officer and the discloser should complete the Public Interest Disclosure Lodgement Form in all instances where the disclosure is a public interest disclosure (refer Appendix C). The ECU PID Officer should also complete Part 2 of the Assessment and Case Management Form for a Public Interest Disclosure (refer Appendix H).

On completion of this form, the PID Officer should create an official ECU hardcopy or electronic file for the Public Interest Disclosure, with the following text noted on the file.

“CONFIDENTIAL

The material in this file relates to a public interest disclosure made under the *Public Interest Disclosure Act 2003*. Disclosure of information that might identify or tend to identify either the discloser or a person in respect of whom the disclosure has been made is an offence, unless the disclosure occurs in accordance with the PID Act.

Penalty: \$24,000 or imprisonment for two years.”

The public interest disclosure should also be recorded in the Public Interest Disclosure Register, described in section G of these Procedures, for reporting to the Commissioner for Public Sector Standards. A template Public Interest Disclosure Register is provided at Appendix G.

4. Anonymous Disclosers

A person may make an anonymous public interest disclosure. If a person makes an anonymous disclosure, the ECU PID Officer is relieved of the obligation to notify the discloser of the status or outcome of any investigation initiated as a result of the disclosure.

D. INVESTIGATING A PUBLIC INTEREST DISCLOSURE

1. Determining whether the matter must be investigated

After receiving a disclosure, the ECU PID Officer must consider whether:

- the disclosure relates to Edith Cowan University, its officers or contractors;
- the disclosure relates to a matter or person that Edith Cowan University has a function or power to investigate.

If the answer to **both** of these questions is “no”, the ECU PID Officer is not required by the PID Act to investigate the matter.

The ECU PID Officer must also consider whether:

- 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 occurrence of the matter;
- the matter is being or has been adequately or properly investigated by another proper authority to which an appropriate disclosure of public interest information has been made under the PID Act;

If the answer to **any** of these questions is “yes”, the ECU PID Officer is not required by the PID Act to investigate the matter.

Where the ECU PID Officer considers that he or she lacks sufficient power to effectively investigate the matter, but the information received causes him or her to form the opinion that a public authority, public officer or public sector contractor may have engaged in improper conduct, the ECU PID Officer should refer the matter to another appropriate investigative body. For example, an allegation of an offence supported by clear evidence may need to be referred by the ECU PID Officer to the WA Police for investigation.

The questions to be considered in the *initial assessment* by the ECU PID Officer are indicated in the Flowchart for Investigating Information Disclosed at Appendix E. Part 1 of the Assessment and Case Management Form for a Public Interest Disclosure (refer Appendix H) should also be completed.

In assessing whether a public interest disclosure should be *investigated*, the ECU PID Officer should consider the Flowchart for Investigating Information Disclosed (Appendix E) and complete Part 3 of the Assessment and Case Management Form for a Public Interest Disclosure (refer Appendix H).

2. Investigating information received in a Public Interest Disclosure

Where the ECU PID Officer determines that the disclosure is a public interest disclosure that should be investigated, the ECU PID officer must register the PID by completing the PID Register (refer Appendix G) and then investigate, or cause the matter to be investigated by another competent person. Such investigations will follow the process outlined in the Fraud and Misconduct Prevention and Management Policy to the extent that they are consistent with these Procedures.

In conducting an investigation, the ECU PID Officer will:

- Draw up terms of reference, which should clarify the key issues identified by the disclosure;
- Specify a date by which the investigation should be completed;
- Ensure the objectives of the investigation include collecting and collating information relating to the disclosure, considering the information collected and drawing conclusions objectively and impartially;
- Maintain procedural fairness for the person who is the subject of the disclosure;
- Provide information to the person who is the subject of a disclosure about their rights and obligations under the PID Act, the Code of Conduct and Integrity, the ECU Code of Conduct and the law;
- Ensure investigators make contemporaneous notes of discussions and interviews and, where practicable and appropriate, record discussions and interviews on audio or videotape;
- Ensure strict security with all investigations, to maintain the confidentiality requirements of the PID Act.

A disclosure once properly made cannot be withdrawn. In the event that a discloser decides to withdraw a disclosure, the University may continue to investigate the issues raised.

3. Obligation to notify the Corruption and Crime Commission (CCC) or Public Sector Commission (PSC) of Suspected Misconduct

ECU PID Officers should be aware that the Vice-Chancellor is required to notify the CCC of suspected serious misconduct and the PSC of suspected minor misconduct. The obligation to notify the CCC and PSC of suspected misconduct overrides, to the extent that there is any conflict, the confidentiality provided by s.16 of the PID Act. ECU PID Officers shall contact the Manager Legal and Integrity to determine whether a notification to the CCC or PSC is required.

When providing notification of a public interest disclosure involving suspected misconduct to the CCC or PSC the report must be made in writing and contain the names of the public officer(s) alleged to be involved in the misconduct and the details of the alleged misconduct. The identity of the discloser is not provided to the CCC or PSC when notifying, or reporting unless:

- the discloser is involved in the alleged act of misconduct;
- the discloser consents to the disclosure of public interest information that might identify or tend to identify him or her. ECU's PID Officer may wish to discuss with the discloser their wishes regarding the release of their details to the CCC or PSC as part of any discussions when seeking to lodge a public interest disclosure. Following notification or report, if the CCC or PSC advises the ECU PID Officer in writing of their intention to take over the investigation of the matter which is the subject of the disclosure, the CCC or PSC is entitled to be told the discloser's details provided that it is necessary to facilitate the matter's effective investigation. In such circumstances the ECU PID Officer managing the disclosure must take all reasonable steps to advise the discloser that an identifying disclosure is to be made and that the PID Act permits this to occur;
- in matters where the CCC or PSC subsequently determines that the identity of the discloser is required for the purposes of investigation, the CCC or PSC may issue a separate notice under s. 94 of the *Corruption, Crime and Misconduct Act*.

4. Maintaining Confidentiality in an Investigation

The PID Act imposes strict confidentiality requirements in relation to the identity of the discloser and persons in respect of whom a public interest disclosure has been made. The disclosure of information which might identify or tend to identify these persons, except in accordance with the PID Act, is a serious offence, punishable with a maximum penalty of \$24,000 or two years imprisonment.

The confidentiality provisions of the PID Act do not apply to all information disclosed in a public interest disclosure, but only to information that might identify or tend to identify the discloser and persons in respect of whom a public interest disclosure has been made.

One of the circumstances in which identifying information may be disclosed is with the consent of the person concerned. It is important that this consent be recorded. The "Consent to Disclosure of Identifying Information" form should be used for this purpose (refer Appendix I).

Identifying information relating to a discloser may be disclosed without the discloser's consent where:

- it is necessary to do so, having regard to the rules of natural justice;
- it is necessary to do so to enable the matter to be investigated effectively; or
- it is made in accordance with an order issued by a Court or another person/body with the authority to make such an order.

However, before information is disclosed for these reasons the person making the disclosure must take all reasonable steps to inform the person whose identity is to be disclosed:

- that the disclosure is being made; and
- the reasons for the disclosure being made.

This information should be given, where practicable, by using the "Notification of Disclosure of Identifying Information" form (see Appendix J).

Where identifying information in relation to a discloser is conveyed to another person for these reasons, the other person should be warned that disclosure of the information to a third person may involve a serious offence.

Identifying information relating to a person in respect of whom a public interest disclosure has been made can be disclosed at the investigation stage where the disclosure:

- is necessary to enable the matter to be investigated effectively;
- there are reasonable grounds to believe that the disclosure of identifying information is necessary to prevent or minimise the risk of injury to any person or damage to any property; or
- is made in accordance with an order issued by a Court or another person/body with the authority

to make such an order.

In addition, disclosures made in accordance with section 152 or 153 of the *Corruption, Crime and Misconduct Act 2003* are exempt from these confidentiality requirements.

Protecting the identity of the discloser is an important part of protecting the discloser from reprisals and victimisation. Careful consideration must be given as to whether the disclosure of information that might identify or tend to identify a discloser is necessary for the effective investigation of the matter or having regard to the rules of natural justice.

Where an ECU PID Officer appoints a third party to conduct an investigation in relation to the public interest disclosure, he or she must consider whether it is necessary to inform the investigator of the identity of the discloser. In some cases it may not be necessary to provide the investigator with the identity of the discloser. Where it is necessary, to enable an effective investigation, or having regard to the rules of natural justice, to provide identifying information to the investigating officer, the discloser should be notified in the manner described above.

5. Recording the Outcome of an Investigation

The outcome of an investigation should be clearly and comprehensively recorded. In addition to any investigation report, the person conducting the investigation should complete part 4 of the Assessment and Case Management Form for a Public Interest Disclosure (refer Appendix H).

The result of the investigation should also be recorded in the Public Interest Disclosure Register, described in section G of these Procedures (sample Register is provided as Appendix G). All reporting to the Public Sector Commissioner as required under the PID Act will be based on extracts from this Register.

In addition to the aforementioned, any recommendations for process and procedural improvements are to be entered into the ECU Recommendations Tracking System (ECURTS) and followed up to ensure completion.

E. TAKING ACTION FOLLOWING AN INVESTIGATION

1. General

ECU's PID Officer must take action where he or she forms the opinion that a person may be, or has been or may in the future be, involved in improper conduct. Action that may be taken includes:

- providing advice to the relevant Senior Executive, to prevent the matter to which the disclosure relates from continuing or occurring;
- referring the matter to the Police or other appropriate body; or
- having due regard to ECU's certified agreements, recommending to the appropriate officer, the taking of disciplinary action against a person responsible for the matter.

Before taking any action, the person against whom the action is to be taken is to be given the opportunity to make written or oral submissions.

In taking any action, the ECU PID Officer remains limited by the powers and functions that are conferred by the legislation under which the PID Officer operates. The *Public Interest Disclosures Act* does not provide ECU's PID Officer additional powers to take action. As well as being limited to matters within the functions and powers of the University, the action to be taken is guided by what is necessary and reasonable.

2. Maintaining Confidentiality when Taking Action

When taking action, the confidentiality of identifying information must be maintained, unless the disclosure is authorised by the PID Act.

The only additional exception, beyond those identified in relation to investigations, is where disclosure of the identity of a person who is the subject of a public interest disclosure is necessary in taking action following the investigation.

3. Recording Action Taken

In addition to keeping other records, the ECU PID Officer shall complete Part 5 of the Assessment and Case Management Form for a Public Interest Disclosure (refer Appendix H) and record a summary of the action taken in the Public Interest Disclosure Register.

Any recommendations for process and procedural improvements are to be entered into the ECU Recommendations Tracking System (ECURTS) and followed up to ensure completion.

F. REPORTING TO A DISCLOSER ON THE PROGRESS AND OUTCOME OF AN INVESTIGATION

Where ECU's PID Officer decides not to investigate information disclosed under the PID Act, or discontinues an investigation, the PID Officer must give the person who made the disclosure reasons for doing so.

Within three months of the disclosure being made the ECU PID Officer must notify the discloser of the action taken or proposed to be taken in relation to the disclosure.

A discloser may request a progress report. If an investigation is not complete, the ECU PID Officer may provide to the discloser a progress report on the current status of the investigation.

Upon completion of an investigation, the ECU PID Officer must provide a final report to the discloser, stating the outcome of the investigation and the reason for taking action following the investigation.

In providing information and reports to disclosers, the ECU PID Officer must not give information that, in the officer's opinion, would be likely to adversely affect:

- any person's safety;
- the investigation of an offence or possible offence; or
- necessary confidentiality as to the existence or identity of another person who has made a disclosure of public interest information under the PID Act.

G. PUBLIC INTEREST DISCLOSURE REGISTER

ECU shall maintain a Public Interest Disclosure Register recording a unique register number and key information for each disclosure. An official hardcopy "In Confidence" file has been created to facilitate this, SUB/49024. The Manager, Legal and Integrity maintains the Register.

The register should include a summary of information relating to:

- the discloser;
- the organisational area, officer or contractor about which a disclosure is made;
- people named in the disclosure;
- the nature of the disclosure;
- the investigation process and the action, if any, taken;
- communication with the discloser;
- disclosure of the discloser's identity, if applicable;
- disclosure of the identity of persons named in the disclosure;
- claims of unlawful disclosure of the discloser's identity or the identity of persons named in the disclosure;
- claims of victimisation;
- key dates.

A sample Public Interest Disclosure Register is provided at Appendix G. Additional information may also be recorded in the Register at the discretion of the ECU PID Officer. All reporting requirements to the Public Sector Commissioner required under the PID Act will be based on extracts from the fields shown in the sample Register.

H. Reporting to the Public Sector Commissioner

Under the PID Act the University will need to report to the Public Sector Commissioner each year as outlined below.

1. Vice-Chancellors Report

Under section 23 (f) of the PID Act, the Vice-Chancellor is required to report annually to the Public Sector Commissioner on:

- the number of public interest disclosures received over the report period;
- the results of any investigations conducted as a result of the disclosures; and
- the action, if any, taken as a result of each investigation.

2. Public Sector Commissioner's Compliance Report

Under section 19 and 22 of the PID Act, the Commissioner has to monitor compliance with the [PID Act](#) and [code of conduct](#), and provide an annual report to Parliament on the extent of compliance.

To enable the Commissioner to meet these obligations, public authorities may need to provide certain additional information.

3. Report Format and Submission

The Public Sector Commissioner provides public authorities with a reporting register, which they submit electronically to the PSC.



Public Interest Disclosure Officer's Declaration form

Public Interest Disclosure Act 2003

To: Public Sector Commission
Dumas House
2 Havelock Street
WEST PERTH WA 6005
Email: admin@psc.wa.gov.au

Upon commencing as a proper authority (Public Interest Disclosure (PID) Officer) complete this form and have it authorised by your Principal Executive Officer (PEO). Send it to the Public Sector Commission.

PID Officer's details	
Name of proper authority (PID Officer)	
Position within the public authority	
Name of public authority	
Address	
Telephone	
Email	
Date of commencement as proper authority/PID Officer	

I declare that I understand my obligations as a proper authority (PID Officer) for the above authority.

In particular, I am aware that it is an offence to make a disclosure of information that might identify or tend to identify anyone as a person who has made a public interest disclosure under the *Public Interest Disclosure Act 2003* (PID Act) or is the subject of any such disclosure, except in accordance with section 16 of the PID Act.

Authorisation	
Signature of proper authority/PID Officer	
Date	
Signature of Principal Executive Officer	
Date	
Name of public authority	
Email	
Date of commencement as proper authority/PID Officer	
<input type="checkbox"/>	I consent for my name and office phone number to be published on the Public Sector Commission's website to identify me as a proper authority (PID Officer) for my public authority.

APPENDIX B: Checklist - Discussion with Potential Disclosers

Matters for discussion with potential disclosers	Discussed
You must believe on reasonable grounds that the information to be disclosed is or may be true. Making a false or misleading disclosure, or being reckless about whether the information is false or misleading could result in a fine of \$12 000 or one year imprisonment (s. 24).	
Your information must not be the subject of legal professional privilege.	
Have you previously reported this matter as a Public Interest Disclosure to an ECU PID Officer or another proper authority able to accept a disclosure under s. 5(3).	
You should be provided with a copy of materials to read (including <i>Don't be afraid to speak up</i>) and be directed to where you can access further information, for example, the PSC website .	
You must make your disclosure to a proper authority. I will now discuss the types of information that are deemed to be public interest information (s. 3) and the various proper authorities that are able to accept a disclosure (s. 5(3)). As a PID Officer, I can only accept information that relates to a matter that falls within the sphere of responsibility for this public authority.	
If the disclosure relates to ECU, you will be advised of the process for making a disclosure and the information you should provide.	
Your identity will not be disclosed except in accordance with s. 20 of the PID Act. See <i>Don't be afraid to speak up</i> for further information.	
You will not, as a result of having made the disclosure: <ul style="list-style-type: none"> • incur any civil or criminal liability • be liable to any disciplinary action under a written State law • be liable to be dismissed or have your services dispensed with or otherwise terminated • be liable for any breach of a duty of secrecy or confidentiality or any other applicable restriction on disclosure. 	
You may commit an offence, if you disclose information that might identify or tend to identify the person(s) who are the subject of the disclosure after making the PID.	
You may forfeit the protections provided by the PID Act, if you disclose the information otherwise than under the PID Act or if you fail, without reasonable excuse, to assist a person investigating your disclosure by supplying any information requested.	
There are a number of remedies available, if you are subject to detrimental action as a result of making the disclosure, as outlined below. <ul style="list-style-type: none"> • You may have the right to take civil proceedings. • You may be able make a complaint to the Equal Opportunity Commission. • You can apply to the Supreme Court for an injunction or order. • You can apply to your employer to be relocated within or outside your authority. <p>Note: Relocation provisions apply to 'public service employees', defined as employees of a department, SES organisation or non-SES organisation in the <i>Public Sector Management Act 1994</i>.</p>	
You can request to be informed of the progress into the current status of the investigation and any action taken as a result, provided you do not make an anonymous disclosure.	
Having made a disclosure under the PID Act you may make a disclosure to a journalist of substantially the same information that was the subject of the disclosure already made provided a number of conditions have been met (s. 7A).	

Register No: #
Date: / /

APPENDIX C

Public Interest Disclosure Lodgement Form

Public Interest Disclosure Act 2003

Edith Cowan University strongly encourages anyone thinking about making a public interest disclosure to seek out a nominated proper authority to discuss their issues first. Our proper authorities (Public Interest Disclosure (PID) Officer(s)) are:

Position	Director SGSC and General Counsel	Manager Legal and Integrity and Associate General Counsel	Manager and Chief Risk and Assurance Officer
Name of PID Officer	Joanne Quinn	Clarke Drury	Phillip Draber
Contact details	j.quinn@ecu.edu.au	c.drury@ecu.edu.au	p.draber@ecu.edu.au

Ensure you understand your rights and responsibilities under the *Public Interest Disclosure Act 2003* (PID Act) before you sign this lodgement form. You may wish to seek external legal advice about those rights and responsibilities. Lodge your public interest disclosure form with one of Edith Cowan University's proper authorities (PID Officers), not the Public Sector Commission.

Personal details

Family name					
Given name					
Title	<input type="checkbox"/> Mr	<input type="checkbox"/> Ms	<input type="checkbox"/> Mrs	<input type="checkbox"/> Dr	<input type="checkbox"/> Other
Address					
Work phone					
Mobile					
Email					

<input type="checkbox"/>	<p>I wish to make an anonymous public interest disclosure. I understand that:</p> <ul style="list-style-type: none"> • I will not receive any information about what happens to this disclosure • it may be more difficult for the proper authority to look into the matter(s) as they cannot come back to me for further information • it may be more difficult for the proper authority/public authority to protect me • this anonymous disclosure may not prevent me from being identified during any investigation or when action is being taken.
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Categories of public interest information

Tick relevant box(es)

Improper conduct	<input type="checkbox"/>
An offence under written State law	<input type="checkbox"/>
Substantial unauthorised or irregular use of, or substantial mismanagement of, public resources	<input type="checkbox"/>
Conduct involving a substantial and specific risk of injury to public health, or prejudice to public safety or harm to the environment	<input type="checkbox"/>
Administration matter(s) affecting you personally	<input type="checkbox"/>

Disclosure details

Name of the public authority(ies) the disclosure relates to	
Do you work for a public authority?	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes, which public authority and what is your position title?</p>
Does the disclosure relate to one or more individuals?	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes, provide name(s) and position(s) held by person(s) in the public authority</p>
When did the alleged events occur?	
Summary of the matters to disclose	

Additional information	
Description of any documents provided or names of witnesses	
Have you reported this information to any other person or agency?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If yes, did you report this information as a Public Interest Disclosure matter?	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please provide details

You should read the following information and sign this form prior to lodgement.

Acknowledgement

I believe on reasonable grounds that the information contained in this disclosure is or may be true.

I have been informed and I am aware that:

- I will commit an offence under section 24 of the PID Act, if I know that the information contained in this disclosure is false or misleading in a material particular, or I am reckless as to whether it is false or misleading in a material particular.

Penalty: \$12 000 or imprisonment for one (1) year.

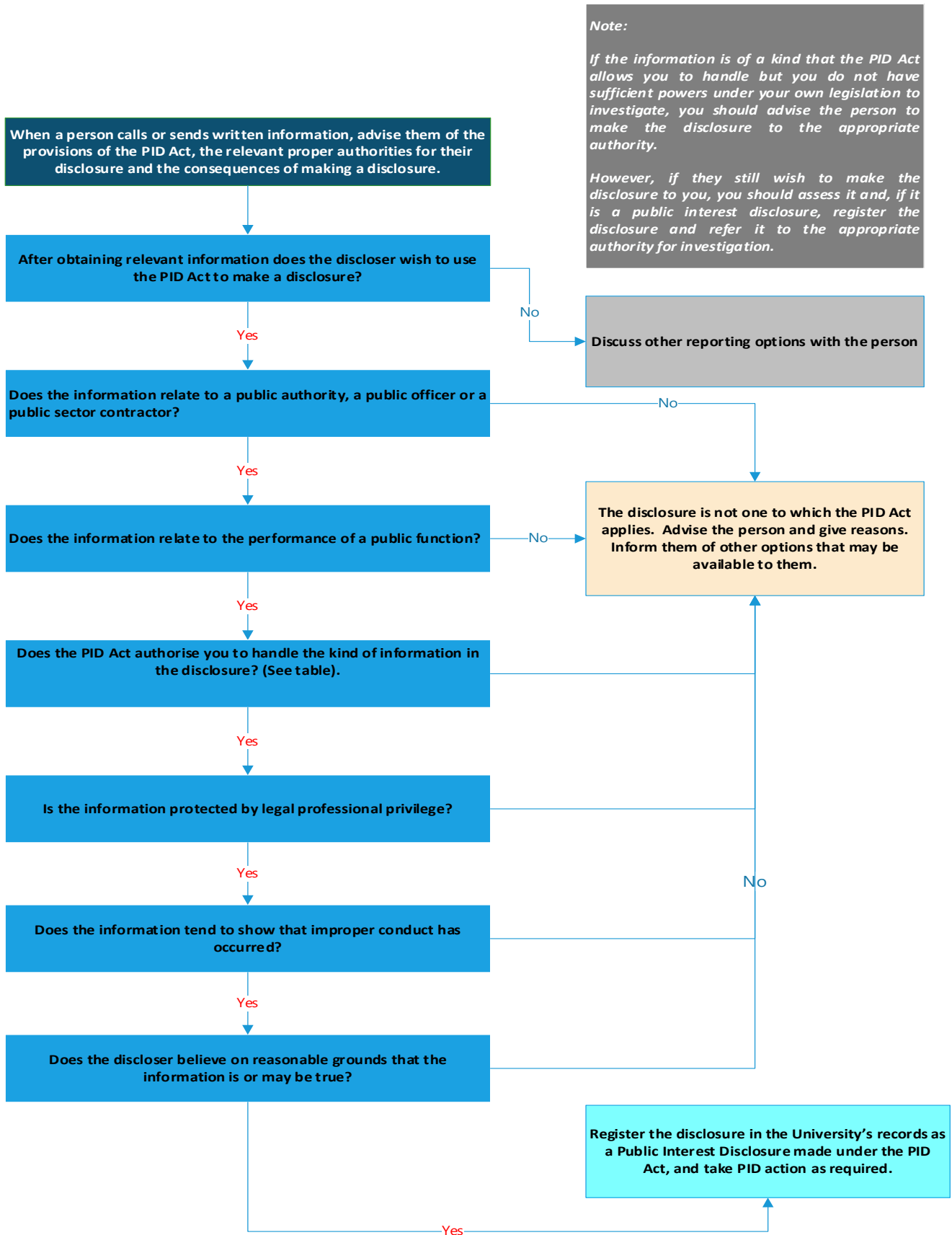
- I will forfeit the protection provided by section 13 of the PID Act, if I fail, without reasonable excuse, to assist a person investigating the matter by supplying requested information (s17).
- I will forfeit the protection provided by section 13 of the PID Act, if I subsequently disclose this information to any person other than a proper authority under the PID Act (s17).
- I will commit an offence, if I subsequently make a disclosure of information that might identify or tend to identify anyone as a person in respect of whom this disclosure has been made under the PID Act, except in accordance with section 16(3) of the PID Act.

Penalty: \$24 000 or imprisonment for two (2) years.

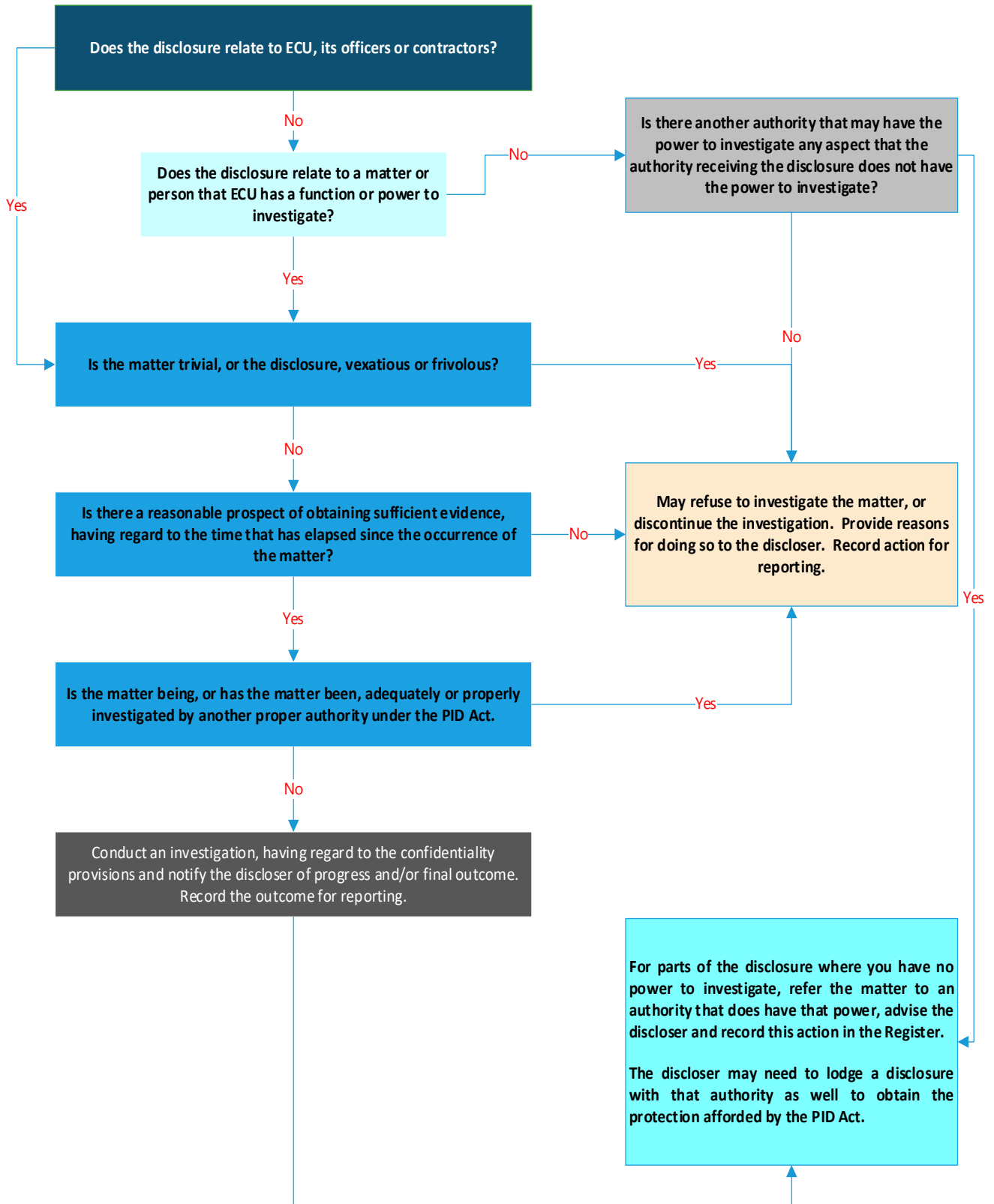
- I cannot withdraw my disclosure after I have made it.

Authorisation	
Discloser's signature	
Date	

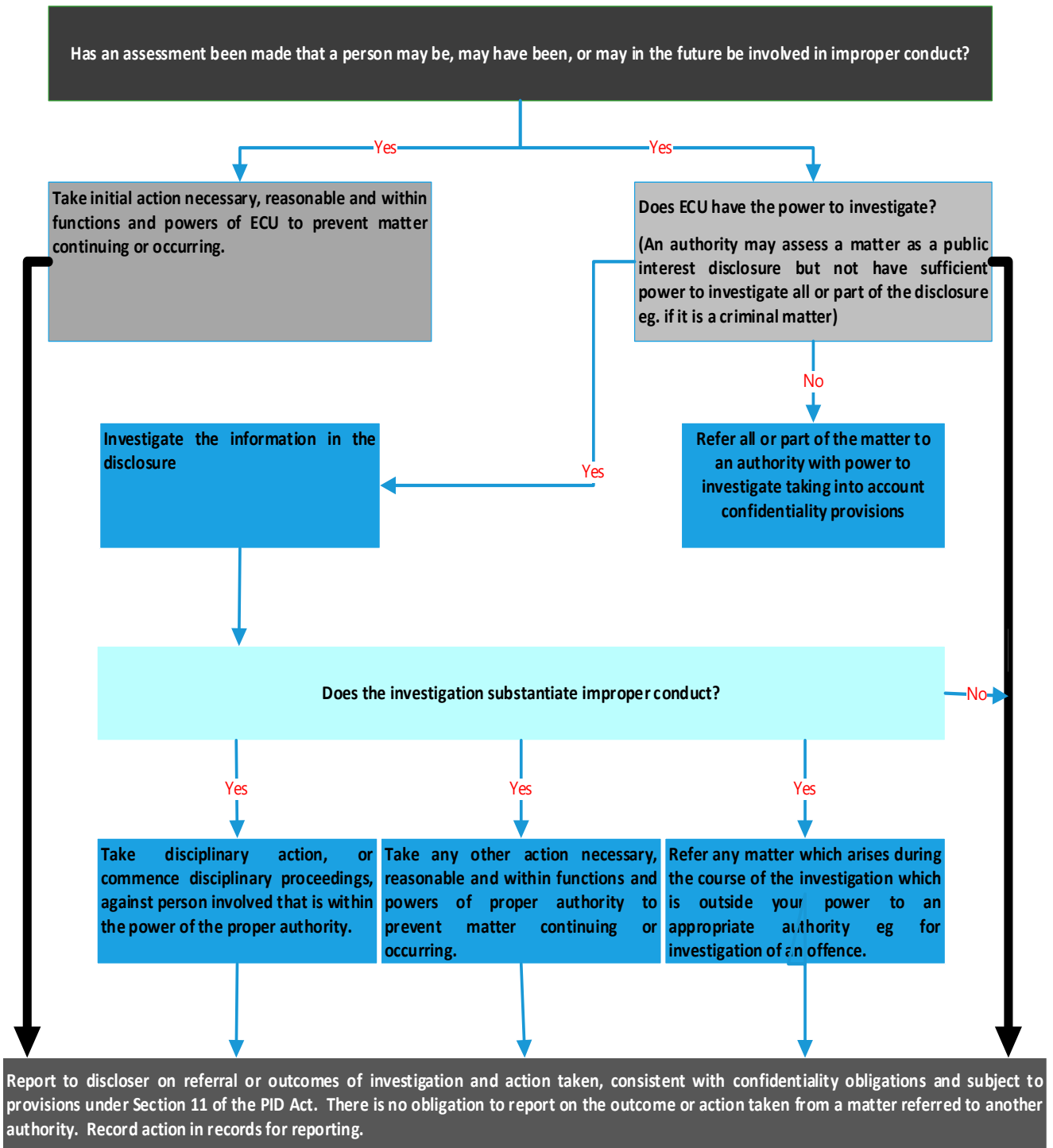
APPENDIX D - Flowchart for receiving and assessing disclosures



APPENDIX E - Flowchart for investigating information disclosed



APPENDIX F - Flowchart for taking action



Note on Referrals

The confidentiality provisions apply when you refer a matter and the authority to whom the matter is referred is bound by the confidentiality provisions of the PID Act. However, they will treat it in accordance with their own powers and are not required to treat the matter as a PID for the purposes of reporting the outcome to the discloser.

Nothing precludes the discloser from lodging the matter as a PID with the new authority if they wish to extend the legal protections available to them under the PID Act and receive reports from the new authority on the outcome and action taken.

APPENDIX G – Public Interest Disclosure Register

ECU will use this Register to record public interest disclosures. All information required for reporting to the Public Sector Commissioner will be able to be extracted from this register. ECU will ensure that the Public Interest Disclosure Register, both in electronic and hardcopy forms, is kept strictly confidential and in a secure place. A pink central records file will be raised for each disclosure. Central Records file SUB/18683 will form the basis of the Public Interest Disclosure Register.

Disclosure Number:		
Disclosure Code (Unique Register No)		
Person Making the Disclosure (Discloser)		
Name of discloser:		
Gender of discloser:		
Name of public authority employing the discloser (if applicable)		
Relationship of discloser to public authority about which disclosure is made		
First Public Authority about which the Disclosure is made		
Name of public authority		
Individuals named in the disclosure		
Second Public Authority about which the Disclosure is made		
Name of public authority		
Individuals named in the disclosure		
Nature of disclosure		
Type of disclosure		
Brief description of nature of disclosure		
Investigation Process and Action Taken		
Investigation undertaken	Yes	No
Reason if no investigation or investigation discontinued		
Outcome of investigation		

Brief description of results of investigation
Brief description of action taken if investigation has substance
Unlawful Disclosure of Discloser's Identity
Outcome of investigation
Brief description of results of investigation
Brief description of action taken if claim has substance
Unlawful Disclosure of Identity of Person Named in Disclosure
Outcome of investigation
Brief description of results of investigation
Brief description of action taken if claim has substance
Victimisation Claims Lodged with Equal Opportunity Commission (if applicable)
Outcome of investigation
Brief description of results of investigation
Brief description of action taken if claim has substance

APPENDIX H

Assessment and Case Management form for a Public Interest Disclosure

Public Interest Disclosure Act 2003 (PID Act)

Part 1: Receiving the disclosure: Assessment of whether the information is a valid disclosure for the purposes of the PID Act		
Assessment of disclosure	Decision	Notes
Does the disclosure relate to a public authority, a public officer or a public sector contractor? (s. 8)	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Does the information relate to the performance of a public function? (s. 8)	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Does the information show or tend to show matters of public interest information? ¹ (s. 3)	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Does the information show or tend to show public interest information for which the person receiving the information is the proper authority (Public Interest Disclosure (PID Officer))? (s. 5(3)(h) and s. 23(1)(a))	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Does the discloser believe on reasonable grounds that the information is, or may be, true? (s. 5(2))	<input type="checkbox"/> Yes <input type="checkbox"/> No	
After being informed of the consequences does the discloser wish to disclose the information under the PID Act, that is, make a public interest disclosure? (s. 5(1))	<input type="checkbox"/> Yes <input type="checkbox"/> No	

Note for proper authority/PID Officer: If any of the 'No' boxes have been ticked, then the disclosure is unlikely to be one to which the PID Act applies. Make proper and secure records about your determination of whether the disclosure is a valid public interest disclosure under the PID Act. Inform the discloser of your determination and reasons (s. 10).

¹ Matter to which public interest information can relate:

- improper conduct
- an offence against State law
- a substantial unauthorised or irregular use of public resources
- a 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
- conduct relating to a matter of administration affecting someone in their personal capacity that falls within the jurisdiction of the Ombudsman.

Confirmation

I [insert name], the proper authority (Public Interest Disclosure Officer) for Edith Cowan University, confirm that the disclosure made to me on [insert date] by [insert discloser's name, if appropriate] shows or tends to show that the matters described are public interest information. I have registered these matters as a disclosure under the PID Act in the public interest disclosure register of Edith Cowan University with the registered number [insert number].

Signed (proper authority)		Date	
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Case Management note for the proper authority/PID Officer

Decision

I have created a case file which complies with the recordkeeping plan of Edith Cowan University, as required by the <i>State Records Act 2000</i> .	<input type="checkbox"/> Yes <input type="checkbox"/> No
I have notified the discloser of the proposed action to be taken or the action taken in relation to the disclosure in accordance with s. 10(1) of the PID Act (if applicable, at this point of the enquiry).	<input type="checkbox"/> Yes <input type="checkbox"/> No
This has been in accordance with the requirements of s. 11 and s. 16 of the PID Act.	<input type="checkbox"/> Yes <input type="checkbox"/> No
I have recorded the action(s) in the public interest disclosure register.	<input type="checkbox"/> Yes <input type="checkbox"/> No

Register No: #
Date: / /

Part 2: Assessment of whether the disclosure should be investigated

Assessment of disclosure	Decision	Notes
Does the disclosure relate to the public authority, its officers or contractors? (s. 5(3) and s. 8(1))	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Does the disclosure relate to a matter or person that you or your public authority has a function or power to investigate? (s. 5(3)(h) and s. 8(1))	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Is there a reasonable prospect of obtaining sufficient evidence, having regard to the time that has elapsed since the occurrence of the matter? (s. 8(2))	<input type="checkbox"/> Yes <input type="checkbox"/> No	

Note for proper authority/PID Officer: If any of the 'No' boxes have been ticked, then the disclosure is unlikely to be one that the PID Act requires you to investigate (or cause to investigate). Ensure you make proper and secure records of the reason(s) for which you will not be investigating and provide these reasons to the discloser.

Assessment of disclosure	Decision	Notes
Is the matter trivial? (s. 8(2))	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Is the disclosure vexatious? (s. 8(2))	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Is the disclosure frivolous? (s. 8(2))	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Is the matter being, or has the matter been, adequately or properly investigated by another proper authority under the PID Act? (s. 8(2))	<input type="checkbox"/> Yes <input type="checkbox"/> No	

Note for proper authority/PID Officer: If any of the 'Yes' boxes have been ticked, then the disclosure is unlikely to be one that the PID Act requires you to investigate (or cause to investigate). Ensure you make proper and secure records of the reason(s) for which you will not be investigating and provide these reasons to the discloser.

Confirmation			
I [insert name], the proper authority (Public Interest Disclosure Officer) for Edith Cowan University, confirm that the public interest disclosure registered number [insert number] made to me on [insert date] by [insert discloser's name if appropriate] in my opinion meets/does not meet (delete as appropriate) the requirements of the PID Act for a public interest disclosure to be investigated. I also confirm that I have recorded my opinion in the public interest disclosure register of Edith Cowan University.			
Signed (proper authority)		Date	

Case Management note for the proper authority/PID Officer	Decision
I have notified the discloser of the proposed action to be taken, or the action taken in relation to the disclosure in accordance with s. 10(1) (if not previously provided) or I have provided a progress report to the discloser on the current progress on dealing with the matter in accordance with ss. 10(2) or (3).	<input type="checkbox"/> Yes <input type="checkbox"/> No
This is consistent with the requirements of s. 11 and s. 16.	<input type="checkbox"/> Yes <input type="checkbox"/> No
I have recorded the action(s) in the public interest disclosure register.	<input type="checkbox"/> Yes <input type="checkbox"/> No

Part 3: Engaging an external investigator to investigate the public interest disclosure

Investigating officer's name	
Normal designation of investigating officer	
Address	
Telephone number	
Email address	
Details of authorisation and scope of investigation	
Date investigation was authorised by the proper authority	
Procedures and guidelines provided to external investigator	

The investigation process is not prescribed under the PID Act but the following table is a useful checklist for an investigation.

Assessment of disclosure	Decision	Notes
Have the documents used in the assessment of the disclosure been reviewed?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Was an investigation plan developed?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Were terms of reference developed?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Were people interviewed?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Was confidentiality maintained (s. 16): <ul style="list-style-type: none"> • of the discloser's identity • of the information disclosed • of the identity of the subject(s) of the disclosure? 	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Were the rules of natural justice followed? (s.9 &16)	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Was a report prepared?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Have all documents/evidence/reports been provided to the proper authority?	<input type="checkbox"/> Yes <input type="checkbox"/> No	

Recommendation

I recommend that the proper authority (PID Officer)/public authority form the opinion that

I [insert name], the investigating officer appointed by Edith Cowan University to investigate the public interest disclosure registered number [insert number], confirm that the above is a summary of my investigation undertaken as a result of a disclosure made in accordance with the PID Act.

Signed (investigating officer for public authority)		Date	
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Case Management note for the proper authority/PID Officer

Decision

I have provided a progress report to the discloser on the current progress on dealing with the matter in accordance with ss. 10(2) or (3).	<input type="checkbox"/> Yes <input type="checkbox"/> No
This is consistent with the requirements of s. 11 and s. 16.	<input type="checkbox"/> Yes <input type="checkbox"/> No
I have recorded the action(s) in the public interest disclosure register.	<input type="checkbox"/> Yes <input type="checkbox"/> No

Register No: #
Date: / /

Part 4: Taking action

Assessment of disclosure	Decision	Notes
Where the matters have been investigated by an external investigator, do you (the proper authority) accept the recommendation contained in Part 3?	<input type="checkbox"/> Yes <input type="checkbox"/> No	

Note for proper authority/PID Officer: If you have ticked the 'yes' box, please indicate below the action you will take.

Assessment of disclosure	Decision	Notes
Take action that is necessary, reasonable and within your functions and powers to prevent the matter continuing or occurring.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Refer the matter to another person, body or organisation with the power to investigate.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Take disciplinary action, or commence disciplinary proceedings, against the person involved, within your powers and functions.	<input type="checkbox"/> Yes <input type="checkbox"/> No	

Note for proper authority/PID Officer: Report to the discloser on the outcome of the investigation and any action taken or proposed to be taken (s. 10), consistent with the requirements of the PID Act (particularly sections 11 and 16). Record the action(s) in the public interest disclosure register.

Details of the actions taken
I recommend that the proper authority (PID Officer)/public authority form the opinion that

Confirmation				
I [insert name], the proper authority (Public Interest Disclosure Officer) for Edith Cowan University, confirm that the above action was taken or will be taken following the public interest disclosure registered number [insert register number]. I confirm that I have recorded the outcome of the investigation and the action taken or to be taken in the public interest disclosure register of Edith Cowan University.				
<table border="1"> <tr> <td>Signed (proper authority)</td> <td></td> <td>Date</td> <td></td> </tr> </table>	Signed (proper authority)		Date	
Signed (proper authority)		Date		

Case Management note for the proper authority/PID Officer	Decision
I have provided a final report to the discloser on the current progress on dealing with the matter in accordance with s. 10(4). This is consistent with the requirements of s. 11 and s. 16.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No
The final report details the outcome of the investigation, any action taken, or proposed to be taken, and the reasons for taking those actions (s. 10(4)).	<input type="checkbox"/> Yes <input type="checkbox"/> No
I have recorded the action(s) in the public interest disclosure register.	<input type="checkbox"/> Yes <input type="checkbox"/> No

APPENDIX I

Consent to Disclosure of Identifying Information Form

Public Interest Disclosure Act 2003

Personal details		
Family name		
Given name		
Disclosure No.		(to be completed by proper authority/Public Interest Disclosure (PID) Officer)

Consent	
<p>Consent to disclosure of identifying information by discloser I consent to the disclosure of information that might identify or tend to identify me as a person who has made an appropriate disclosure of public interest information under section 16(1)(a) of the <i>Public Interest Disclosure Act 2003</i>.</p>	<input type="checkbox"/>
<p>Consent to disclosure of identifying information by subject I consent to the disclosure of information that might identify or tend to identify me as a person in respect of whom a disclosure of public interest information has been made (subject) under section 16(3)(a) of the <i>Public Interest Disclosure Act 2003</i>.</p>	<input type="checkbox"/>

Limitations on consent	
This consent only applies to disclosures made to the following persons	
This consent only applies to the following information	

Authorisation	
Signature of discloser/subject: (delete as appropriate)	
Date	
Signature of proper authority/PID Officer	
Date	

APPENDIX J

Notification of Disclosure of Identifying Information Form

Public Interest Disclosure Act 2003

To					
Title	<input type="checkbox"/> Mr	<input type="checkbox"/> Ms	<input type="checkbox"/> Mrs	<input type="checkbox"/> Dr	<input type="checkbox"/> Other:
Given name					
Family name					
Provided by	<input type="checkbox"/> email <input type="checkbox"/> mail <input type="checkbox"/> in person				

I intend to make a disclosure of information that might identify or tend to identify you as a person who has made an appropriate disclosure of public interest information under section 16 of the *Public Interest Disclosure Act 2003*.

The disclosure of this information

Is necessary, having regard to the rules of natural justice (section 16(1)(b))	<input type="checkbox"/>
Is necessary to enable the matter to be investigated effectively (section 16(1)(c))	<input type="checkbox"/>
The reason(s) why the disclosure of this information is necessary is (specify reason(s))	
Important: A person making an identifying disclosure for these reasons must take all reasonable steps to provide this information to the discloser within a reasonable time before making the disclosure in accordance with section 16(2).	

Authorisation

Signature of person proposing to make disclosure	
Name	
Position	
Contact details	
Date	

APPENDIX K

PUBLIC INTEREST DISCLOSURE ACT - CODE OF CONDUCT AND INTEGRITY

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.