



SHIRE OF KONDININ

Public Interest Disclosure Policy

Policy Name	Public Interest Disclosure Policy
Responsible Department	Corporate Services
Policy Owner	Chief Executive Officer
Applicable To	All Employees, Elected Members, Contractors and Members of the Public

1. Objective

The Shire of Kondinin is committed to maintaining the highest standards of integrity, accountability and ethical conduct. The Public Interest Disclosure Act 2003 (WA) (PID Act) provides legal protection to people who disclose improper conduct or wrongdoing in public authorities, including local governments.

This policy establishes the Shire's framework for receiving, managing and responding to public interest disclosures. It ensures that any person who makes a genuine disclosure in accordance with the PID Act is protected from reprisal, that disclosures are managed fairly and confidentially, and that the Shire meets its statutory obligations under the Act.

The Shire encourages all employees, elected members and members of the public to speak up about wrongdoing. Making a disclosure is an important civic responsibility and will be supported by the Shire.

2. Scope

This policy applies to all employees, elected members and contractors of the Shire of Kondinin, and to any member of the public who wishes to make a disclosure about the conduct of a Shire officer, employee or contractor. It applies to disclosures about the Shire as a public authority, its officers and employees, and contractors engaged to perform work on the Shire's behalf.

3. Definitions

Discloser – A person who makes a public interest disclosure under the PID Act. **Improper Conduct** – Conduct of a public officer that is a breach of their public trust, constitutes maladministration or results in substantial mismanagement of public resources. Includes corrupt conduct as defined in the Corruption, Crime and Misconduct Act 2003 (WA).

Improper Conduct has the meaning given or applied under the Public Interest Disclosure Act 2003 and includes conduct of the kind about which public interest information may be disclosed, including improper conduct, offences under written law, substantial unauthorised or irregular use of public resources, substantial mismanagement of public resources, and conduct involving substantial and specific risk of injury to public health, prejudice to public safety, or harm to the environment.

PID Act – The Public Interest Disclosure Act 2003 (WA). **PID Officer** – The Chief Executive Officer is responsible for designating one or more Public Interest Disclosure Officers in accordance with section 23 of the Public Interest Disclosure Act 2003. Where a disclosure relates to the Chief Executive Officer, the discloser should be directed to an appropriate external proper authority, which may include the Public Sector Commission, Corruption and Crime Commission, Ombudsman WA, Auditor General, or another proper authority depending on the nature of the disclosure.

PID Officer means the occupant of a position designated by the Chief Executive Officer under section 23(1)(a) of the Public Interest Disclosure Act 2003 as responsible for receiving disclosures of public interest information.

Public Interest Disclosure means an appropriate disclosure of public interest information made to a proper authority under the Public Interest Disclosure Act 2003 by a person who believes on reasonable grounds that the information is or may be true.

Reprisal – Any detrimental action taken, or threatened, against a person because they have made, or are believed to have made, a public interest disclosure.

4. Legal Framework

- Corruption, Crime and Misconduct Act 2003 (WA)
- Local Government Act 1995 (WA)
- Public Interest Disclosure Act 2003 (WA) Public Sector Commission — guidance on public interest disclosures in WA public authorities

5. Policy Statement

What Can Be Disclosed

A public interest disclosure may be made about: improper conduct by the Shire as a public authority or by a Shire officer or employee; a breach of the PID Act; or conduct that creates a substantial and specific risk to public health or safety or to the environment. A disclosure must be made in good faith and the discloser must believe on reasonable grounds that the information is true or may be true. A public interest disclosure does not extend to personal grievances about employment conditions or individual workplace disputes. Such matters are managed under the Grievance Resolution Directive.

Who to Make a Disclosure To

A disclosure will only attract protection under the Public Interest Disclosure Act 2003 if it is made to a proper authority for the type of information being disclosed. The Shire's PID Officer can receive disclosures about matters for which the Shire is the appropriate public authority. Some matters must or should be disclosed to another proper authority.

Depending on the nature of the disclosure, a proper authority may include:

- the Shire's designated PID Officer;
- the Public Sector Commission;
- the Corruption and Crime Commission;
- WA Police;
- the Ombudsman WA;
- the Auditor General;
- another public authority with power to investigate or take action in relation to the matter.

Contact details for the Shire's PID Officer:

Chief Executive Officer,

Shire of Kondinin

PO Box 20, Kondinin WA 6367

Telephone: (08) 9889 1018

How to Make a Disclosure

Disclosures may be made in writing or verbally. Written disclosures are preferred to ensure accuracy and completeness. The discloser should provide as much detail as possible, including the nature of the conduct, when and where it occurred, who was involved, and any evidence available. Anonymous disclosures may be made but will be harder to investigate without further information.

Protection for Disclosers

A discloser who makes a public interest disclosure in good faith is protected under the PID Act from civil, criminal and disciplinary liability arising from the disclosure. Reprisal against a discloser is a serious breach of this policy and may constitute a criminal offence under the PID Act. Any employee who engages in or threatens reprisal against a discloser will be subject to disciplinary action under the Disciplinary Directive, up to and including termination of employment.

Confidentiality

The Shire will take all reasonable steps to protect the identity of a discloser and any person who is the subject of a disclosure. Information that may identify a discloser must not be disclosed except as authorised or required by the Public Interest Disclosure Act 2003 or another written law.

Management of Disclosures

The CEO must ensure the Shire prepares and publishes internal procedures relating to the Shire's obligations under the Public Interest Disclosure Act 2003, consistent with guidelines prepared by the Public Sector Commissioner.

On receiving a disclosure, the PID Officer will: acknowledge receipt promptly; assess whether the disclosure falls within the scope of the PID Act; determine the appropriate course of action (internal investigation, referral to an external authority, or no further action); keep the discloser informed of progress to the extent permitted by law; and document all steps taken.

Where information received under this Policy indicates suspected serious misconduct, minor misconduct or corrupt conduct, the CEO or relevant responsible officer must consider any notification or referral obligations under the Corruption, Crime and Misconduct Act 2003. Serious misconduct may be reported to the Corruption and Crime Commission, and minor misconduct may be notified to the Public Sector Commission, according to the nature of the matter and applicable statutory obligations.

False or Misleading Disclosures

Making a disclosure that the discloser knows to be false or misleading is not protected under the PID Act and may result in disciplinary action or referral to appropriate authorities.

Annual Reporting

The CEO must provide information annually to the Public Sector Commissioner on public interest disclosures received, investigations conducted, outcomes and actions taken, in accordance with section 23(1)(f) of the Public Interest Disclosure Act 2003.

6. Roles and Responsibilities

Council: Responsible for adopting and reviewing this policy; ensuring the Shire meets its obligations under the PID Act; and receiving any disclosure made about the Chief Executive Officer via the Shire President.

Chief Executive Officer (PID Officer): Responsible for receiving and managing public interest disclosures; ensuring disclosers are protected from reprisal; maintaining confidentiality; investigating or referring disclosures as appropriate; keeping disclosers informed; and fulfilling annual reporting obligations under the PID Act. Where a disclosure relates to the CEO personally, it should be directed to the Shire President.

All Employees, Elected Members and Contractors: Responsible for making disclosures in good faith where they have reasonable grounds to believe wrongdoing has occurred; cooperating with any investigation; maintaining confidentiality; and not engaging in or threatening reprisal against a discloser.

7. Review

This policy will be reviewed every four years, or earlier if required by changes to the Public Interest Disclosure Act 2003 (WA) or related legislation. The policy may only be amended or revoked by Council resolution. Employees and elected members will be notified of any variation by the Shire's normal correspondence method.

Document References & Information	
Legislation	Public Interest Disclosure Act 2003 (WA), including ss.5, 8, 10, 13, 14, 16, 20, 21, 23 and 24; Public Interest Disclosure Regulations 2003 (WA); Corruption, Crime and Misconduct Act 2003 (WA); Local Government Act 1995 (WA); State Records Act 2000 (WA); Privacy and Responsible Information Sharing Act 2024 (WA), to the extent personal information is handled in managing disclosures.
Regulation	
Local Law	
Shire Policy	Code of Conduct for Elected Members; Code of Conduct for Employees; Disciplinary Directive; Grievance Resolution Directive
Procedural	Public Interest Disclosure Lodgement Form
Related Sources	Public Sector Commission — Guide to public interest disclosures in WA public authorities; Corruption and Crime Commission — reporting guidance; Ombudsman WA
Policy Owner	Chief Executive Officer (PID Officer)
Risk Rating	Low to Medium

Document Control				
Date	Version	Reason for Modification	Resolution Reference	Next Review
12.7.2026	1	Amended policy	OCM/26/089 22.7.2026	