

WAIS Public Interest Disclosure Policy

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WESTERN AUSTRALIAN INSTITUTE *of* SPORT

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1. INTRODUCTION

- 1.1 A public interest disclosure is a disclosure which is made by a person who discloses to a proper authority (in local government that is the Public Interest Disclosure Officer), information which tends to show that a local government, a public officer (i.e. an employee of the local government) or a contractor, may be involved in activity which constitutes:
- 1.1.1 improper conduct;
 - 1.1.2 action which may constitute an offence under a written law;
 - 1.1.3 substantial, unauthorised or irregular use of or mismanagement of public resources;
 - 1.1.4 a substantial and specific risk of injury to public health, prejudice to public safety or harm to the environment; or
 - 1.1.5 a matter of administration which could be investigated by the Ombudsman.
- 1.2 The disclosure must relate to the performance of a function of the local government (as a public body) or employee (as a public officer). Conduct which may be criminal, but is unrelated to the performance of a public function, is not covered.
- 1.3 The legislation which governs such disclosures, the Public Interest Disclosure Act 2003, is colloquially known as 'whistle-blower' legislation.

2. PURPOSE

The purpose of the Public Interest Disclosure Act (PID Act) is to provide legal protection from civil, criminal or disciplinary action, to those people who expose improper or corrupt behaviour in the course of their duties. For protection to be granted under the Act, the "whistleblower" must believe on reasonable grounds that the information provided was true or might be true. It is also important to note that the Act is retrospective, i.e. there is no time limit to the Act and disclosures may relate to matters which occurred prior to 1 July 2003.

3. STANDARDS

3.1 Making a Disclosure

- 3.1.1 A disclosure can be made by anyone and may be made anonymously.
- 3.1.2 The Act requires local governments to appoint a person, known as the Public Interest Disclosure Officer (PID Officer), to whom disclosures may properly be made. This person should be consulted when considering whether to make a disclosure and any disclosures which concern WAIS should be made to that person [see contact details below].

3.2 Protection for Person Making Proper Disclosure

- 3.2.1 If disclosures are made in accordance with the Act, the person making them is protected from reprisal. This means that the person enjoys immunity from civil or criminal liability and is protected from any disciplinary action or dismissal.

- 3.2.2 The Act enables an application to be made to the Supreme Court for an order to stop detrimental action being taken against a person who has made a disclosure.

3.3 Obligations of PID Officer

- 3.3.1 The Act requires that a disclosure be investigated and that the informant is to be notified of any action to be taken in relation to the disclosure. This should occur within three months.
- 3.3.2 The PID Officer may refuse to investigate if it is considered that the matter is trivial, vexatious, frivolous or there is either no reasonable prospect of obtaining sufficient evidence due to the time elapsed or the matter has been adequately investigated by another person.

3.4 Confidentiality of Disclosures

- 3.4.1 Subject to a number of exceptions, the identity of the discloser and the identity of any person to whom a disclosure relates, is to be kept confidential.

3.5 Disclosure to a Journalist

- 3.5.1 Under a recent amendment to the Act, where the PID Officer has refused to investigate or has not completed an investigation within six months or has completed but not recommended any action, the disclosing person may make the same or similar disclosure to a journalist.

3.6 False or Misleading Disclosure

- 3.6.1 A person who makes a false or misleading disclosure commits an offence and is liable to a significant fine or a term of imprisonment.

3.7 Who to Contact

- 3.7.1 For disclosures concerning the Western Australian Institute of Sport, please contact the Administration Manager, Sharon Foster on 08 9387 8166 or sfoster@wais.org.au.

3.8 Additional Information

- 3.8.1 The Public Sector Commissioner is responsible for monitoring compliance with the Act and for assisting public authorities and public officers to comply with the Act. For further information on the Act and disclosures generally, visit the [Public Sector Commission's website](#)

3.9 Code of Conduct

- 3.9.1 The Public Sector Commissioner is responsible for establishing and publishing a Code of Conduct, setting out minimum standards of conduct and integrity which must be complied with by PID Officers. View a copy of the Code. [View a copy of the Code.](#)