



Government of **Western Australia**  
North Metropolitan **TAFE**

## **Public Interest Disclosure Policy**

**PCY121**

**Effective: 15 July 2019**

**Version: 2.0**

Note, this document is available in alternative formats upon request including electronic format (USB, CD, and email), hard copy (standard and large print) or audio format.

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All policy and procedural statements contained within this document are lawful orders for the purposes of section 80(a) of the Public Sector Management Act 1994 (WA) and are therefore to be observed by all College employees

## Policy Statement

North Metropolitan TAFE (NMT) employees are expected to be mindful of their role as government officers and are committed to acting with integrity and professionalism and in doing so, maintaining public trust and confidence in our organisation. We achieve this by complying with the aims and objectives of the *Public Interest Disclosure Act 2003* (PID Act).

## Scope

The Policy applies to all employees of NMT and all public sector contractors. Please note that the provisions of this Policy will also provide protections to any person making a Public Interest Disclosure, including members of the public.

## Principles

All NMT employees acknowledge that a Public Interest Disclosure policy provides an important avenue for both employees and members of the public to report matters of concern to them. Such avenues, appropriately maintained, are a valuable element of the NMT's governance framework.

In consideration of this, NMT management and employees must:

- Facilitate the disclosure of public interest information for all College employees, public sector contractors, and any other person making a disclosure to NMT relating to a matter of public interest information.
- Provide protection for persons who make a disclosure to NMT and those who are the subject of disclosures.
- Provide remedies for acts of reprisal and victimisation that occur substantially because a person has made a disclosure.
- Develop and maintain procedures relating to public interest disclosures in accordance with the PID Act and the Public Sector Commission Guidelines.

## Background

The PID Act promotes accountability within government agencies and organisations by facilitating the disclosure of public interest information involving misconduct, offences, and misuse of public resources or risks to public health or safety. The PID Act also protects a discloser who makes a public interest disclosure to an appropriate authority and those who are subject to disclosures.

The North Metropolitan TAFE is committed to facilitating the disclosure of public interest information. This policy informs employees of the process involved in disclosing information, and the rights, obligations and protections afforded to those who either make a disclosure or who are subject of a disclosure.

PID Officer's offer an avenue for receiving and resolving serious complaints and assist the agency to identify problems and to make necessary changes.

## Definitions and Acronyms

### Agency

North Metro TAFE (NMT)

### Discloser

A person who makes a public interest disclosure. A discloser may be anonymous. A discloser may or may not be an employee or a student.

### Public Interest Disclosure Officer (PID) Officer

An employee authorised under Section 23(1) (a) of the Act as a proper authority for disclosure of information relating to a matter falling within the sphere of responsibility of the agency. PID officers are appointed by the agency.

### Public Interest Disclosure (PID)

A public interest disclosure is made when a person discloses to a PID officer information that tends to show past, present or proposed future improper conduct of an agency officer in the exercise of a public function.

### Public Interest Information

Public interest information is information that tends to show, in relation to its performance of a public function, the agency, an agency employee or a public sector contractor is, has been or proposes to be involved in wrongdoing:

- improper conduct;
- an act or omission that constitutes an offence under a written law;
- a substantial unauthorised or irregular use of, or substantial mismanagement of, public resources;
- an act done or omission that involves a substantial and specific risk of injury to public health, prejudice to public safety, or harm to the environment; or
- a matter of administration that can be investigated under Section 14 of the *Parliamentary Commissioner Act 1971*.

### Detrimental Action

Action or a threat of action against someone who has made or intends to make a disclosure of Public Interest Information. Detrimental action may be an act of victimisation and may be dealt with under the *Equal Opportunity Act 1984*.

### False or Misleading Disclosure

A statement, made to a PID Officer which is purported to be a disclosure of public interest information, which the discloser knows to be false or misleading, or where the discloser has been reckless in purporting it to be other than false or misleading. Making a false or misleading disclosure is an offence under the PID Act.

### Public Sector Contractor

A public sector contractor is a person who, other than an NMT employee, contracts with the North Metropolitan TAFE or the State of Western Australia, to supply goods or services to

the NMT or State; a person, other than an NMT employee, who contracts to perform a public function; and a subcontractor, who contracts with another person for the execution of the whole or part of the requirements of a contract.

### **Procedure**

Employees who wish to make a Public Interest Disclosure should contact a PID Officer in the first instance. PID Officer contact details are available on the intranet or by contacting any HR Officer.

PID Officers should refer to the Public Interest Disclosure Procedure Manual which contains all the procedures to be followed. A full copy of this Manual can be viewed on the NMT Intranet.

Managers and employees must ensure that there is no actual or threat of detrimental action against another person because they have made or intend to make a Public Interest Disclosure.

Managers of an employee who is the subject of a Public Interest Disclosure should ensure that the employee is notified of the Employee Assistance Program.

Where the agency forms a view from a Public Interest Disclosure that an act of misconduct has occurred, it will be dealt with under the NMT Discipline Policy.

### **Confidentiality**

All information regarding Public Interest Disclosures will be kept confidential and disclosed only to employees with the delegated authority to deal with such matters. It is legitimate for those involved in resolving a matter to seek advice and/or assistance from people with relevant expertise.

### **Related Polices and Other Relevant Documents**

- [Commissioner's Instruction No.7 Code of Ethics](#)
- NMT Code of Conduct ([WI0241](#))
- Public Interest Disclosure Procedure Manual ([P0244](#))
- Discipline Policy ([PCY18](#))
- Employee and Student Assistance Program Policy ([PCY124](#))

### **Relevant Legislation**

- [Public Sector Management Act 1994](#)
- [Public Interest Disclosure Act 2003](#)
- [Equal Opportunity Act 1984](#)

### **Review Date**

April 2021

## Contact Information

Director Human Resources

## Revision History

<b>Version No.</b>	<b>Approved/ Amended/ Rescinded</b>	<b>Date</b>	<b>Approval Authority</b>	<b>Amendments</b>
1.0	Amended	May2019	Managing Director	Reformatted to new policy template and additional information added.