



Public Interest Disclosure (PID) Guidelines

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Public Interest Disclosure procedures for Landgate

Purpose – Overview of the *Public Interest Disclosure Act 2003*

The *Public Interest Disclosure Act 2003* (PID Act) commenced operation on 1 July 2003. The object of the PID Act is to:

- facilitate the disclosure of public interest information
- provide protection for those who make disclosures
- provide protection for those who are the subject of a disclosure.

This is achieved by:

- protecting the person making the disclosure from legal or other action
- providing for the confidentiality of the identity of the person making the disclosure and a person who is the subject of a disclosure
- providing remedies for acts of reprisal and victimisation that occur substantially because the person has made a disclosure.

The PID Act only applies to disclosures of public interest information (defined in s. 3). Public interest information means information that:

- relates to the performance of a public function by a public authority, public officer or public sector contractor (either before or after the commencement of the PID Act) and
- shows or tends to show that a public authority, a public officer, or a public sector contractor is, has been or proposes to be involved in improper conduct or
- an act or omission that constitutes an offence under a written (State) law or
- substantial unauthorised or irregular use of, or substantial mismanagement of, public resources or
- an act done or omission that involves a substantial and specific risk of injury to public health or
- 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* by the Parliamentary Commissioner (Ombudsman Western Australia).

What is a public interest disclosure?

A Public Interest Disclosure (PID) is a report of wrongdoing made under the PID Act. A disclosure must relate to a matter of public interest information and show or tend to show wrongdoing by a public authority, public officer or public sector contractor performing a public function.

A PID can be made by anyone who believes on reasonable grounds their information is or may be true. It is an offence under the PID Act to deliberately make a false or misleading disclosure.

A PID, once properly made, cannot be withdrawn. A proper authority may still continue to investigate the issues raised.

Organisational commitment for reporting public interest information

Landgate does not tolerate corrupt or other improper conduct, including mismanagement of public resources, in the exercise of the public functions of Landgate and its officers, employees and contractors.

Landgate is committed to the aims and objectives of the PID Act and recognises the value and importance of reporting as a means to identify and address wrongdoing.

Landgate strongly supports disclosures being made by employees, contractors and members of the community about corrupt or other improper conduct. Landgate also strongly supports contractors and members of the community making disclosures about corrupt or improper conduct.

Landgate does not tolerate any of its employees, contractors or subcontractors taking reprisal action against anyone who makes or proposes to make a PID.

Landgate will take all reasonable steps to protect employees and members of the public from any detrimental action or the threat of detrimental action in reprisal for the making of a PID.

The commitment to effectively manage PIDs extends to a proper authority of Landgate. The person responsible for receiving disclosures of public interest information (PID Officer) designated under s. 23(1)(a) of the PID Act will abide by the *PID Code of Conduct and Integrity* in performing their duties.

Landgate is also committed to responding to the disclosure thoroughly and impartially. We will treat all people in the disclosure process fairly, including those who may be the subject of a disclosure.

Landgate will provide as much information as possible to people considering making a PID. These internal procedures are accessible to all employees and contractors. Copies may be obtained from the PID Officer, as well as from the Corporate Policy Register.

General information about PIDs and how Landgate will manage a disclosure is available for external clients and members of the community on our website: www.landgate.wa.gov.au.

Scope and application of internal procedures

These guidelines and procedures apply to all people involved in the PID process, including Landgate's PID Officer, employees of Landgate and/or any person making a PID and any subject(s) of a disclosure.

These procedures should be read in conjunction with:

- *Public Interest Disclosure Act 2003*
- *Public Interest Disclosure Regulations 2003*
- Public Sector Code of Ethics
- Landgate Code of Conduct.

The behaviour of all employees involved in the PID process must accord with our Code of Conduct at all times. A breach of the Code of Conduct may result in disciplinary action.

Making a PID

Before you make a disclosure

At Landgate, the PID Officer is the proper authority designated under s. 5(3)(h) for dealing with information that falls within the 'sphere of responsibility' for Landgate. 'Sphere of responsibility' is not defined in the PID Act but may include matters that relate to Landgate, a public officer or public sector contractor of Landgate or a matter or person that Landgate has a function or power to investigate.

The person from time to time holding or acting in the position of Manager, Legal Services is designated as the Public Interest Disclosure Officer (PID Officer) of Landgate. The PID Officer is responsible for receiving disclosures of public interest information relating to Landgate.

The contact details of the PID Officer are as follows:

Manager Legal Services 9273 9022

We strongly encourage anyone thinking about making a PID to seek advice from our PID Officer before they do. A disclosure must be made to a proper authority for it to be covered by the PID Act.

A number of other requirements apply to the discloser, so it is important to understand the rights and responsibilities in the process. This information is outlined generally in *Don't be afraid to speak up*, available from the Public Sector Commission website at <https://publicsector.wa.gov.au/public-administration/official-conduct-and-integrity/public-interest-disclosures> and Landgate's website: www.landgate.wa.gov.au.

As soon as practicable after assuming or beginning to act in the position of Manager, Legal Services, the person holding or acting in that position is to forward a completed PID Officer's declaration form to the Public Sector Commission. A copy of the completed PID Officer's declaration form shall also be retained on the public authority's file.

Making the disclosure

A discloser needs to clearly identify that they are making a PID. For the purposes of accountability and certainty, persons wishing to make a disclosure of public interest information under the PID Act are encouraged to do so in writing. As we expect that most disclosures will be made in writing, Landgate has developed a [PID lodgement form](#) which can be used for the purpose of making such a disclosure. There is no requirement to use the form. The form will help to define the details of the disclosure. A discloser may fill out the form themselves or the Landgate PID Officer may complete the form if they are speaking with the discloser and then have them sign the form to acknowledge they are making a disclosure voluntarily and consciously. Again, appropriate advice should be obtained from the Landgate PID Officer before a PID is made; a discloser needs to ensure they understand their rights and responsibilities under the PID Act before they complete this form or another to make a disclosure.

Landgate must accept anonymous disclosures, but if a discloser decides to make an anonymous disclosure they should understand that it may be more difficult for our PID Officer to investigate or take action about the disclosure. This is because they cannot come back to seek any further information. We are also not required to provide any reports about the progress or final outcome of the disclosure, if the discloser chooses to remain anonymous.

An anonymous disclosure may not prevent the discloser from being identified during an investigation. Additionally, if our PID Officer does not know who made the disclosure, it will be difficult for them to ensure the discloser is protected and to prevent any reprisal or detrimental action.

Determining whether your matter is an appropriate disclosure

Once our PID Officer has received the disclosure, they will assess whether it meets the requirements under the PID Act. It may be that our PID Officer undertakes initial inquiries and decides not to take the matter any further, as it does not constitute an appropriate PID.

If the disclosure is not one to which the PID Act applies, our PID Officer will let the discloser know the reasons for their decision (unless the disclosure was anonymous) and make proper and adequate

records about it. Some matters raised within the disclosure may not be matters to which the PID Act applies and the PID Officer may discuss with the discloser other pathways to report these matters.

If the disclosure is one to which the PID Act applies, our PID Officer will ensure proper and adequate records are made and will communicate with the discloser further, unless it is an anonymous disclosure.

Landgate's PID Officer will notify the discloser within three months about what Landgate plans to do in dealing with the disclosure, unless it is an anonymous disclosure.

Differences between a grievance and a PID

A public authority can receive many different types of complaints. These can range from workplace disputes, through harassment, bullying or occupational health concerns, to allegations of improper conduct or corruption. Not all of these disclosures will be of public interest information to which the PID Act will apply.

The chart below identifies some of the differences between a grievance to which the PID Act would not apply and a PID.

Grievance	PID
Aims to resolve a complaint or dispute	Does not aim to resolve a grievance or dispute
Aims to deal with the complaint as close to the source as possible, i.e. to resolve differences directly between the parties concerned	This principle is not relevant to the handling of a PID
Usually a dispute between an employee and management, or between two parties	More than a dispute between two parties – relates to a matter of public interest
A complainant generally 'owns' the complaint and can withdraw it at any stage	The discloser doesn't 'own' the disclosure once it has been made and cannot withdraw it
Generally can be resolved by agreement between the parties	The aim is not to resolve the issue between two or more parties

Determining whether the PID will be investigated

After assessing the disclosure as one to which the PID Act applies, our PID Officer will consider whether it will be investigated, guided by the requirements in s. 8. The reasons a PID Officer may not investigate the disclosure include:

- 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 matter(s) occurred
- the matter is being or has been adequately or properly investigated by another proper authority, s. 5(3).

Our PID Officer will make proper and adequate records of their decision and reasons about whether to investigate or not.

Referring public interest matters

Where Landgate's PID Officer assesses the disclosure as one to which the PID Act applies, but they do not have the functions or power to investigate one or more matters within the disclosure, they will refer the information to the appropriate authority for investigation as provided for under the PID Act. Alternatively, a discloser may also be able to make a disclosure directly to this new authority, if they wish to receive reports from them about the disclosure. For example, Landgate's PID Officer may need to refer an allegation of an offence supported by evidence to the Western Australia Police for investigation.

Relevant form for initial assessment: [Assessment form for Public Interest Disclosure Part 1: Receiving the disclosure – assessment of whether information is a valid disclosure](#)

Relevant form for assessing whether a PID should be investigated: [Assessment form for Public Interest Disclosure Part 3: Assessment of whether the disclosure should be investigated.](#)

Investigating the disclosure

Landgate's PID Officer will investigate, or cause to be investigated, any matters in the disclosure within the sphere of responsibility. The PID Officer may cause the disclosure to be investigated by engaging a suitably skilled staff member within Landgate or an externally contracted investigator.

If causing the disclosure to be investigated, the PID Officer will ensure that the person undertaking the investigation understands the requirements of the PID Act, in particular the confidentiality requirements and protections for disclosers. The PID Officer will only provide the name of the discloser and that of the subject of the disclosure to the investigator in accordance with s. 16 of the PID Act.

When investigating the disclosure, the PID Officer or investigator is limited by the functions and powers derived from Landgate's operating legislation. The PID Act does not provide for any additional investigative powers.

Employees of Landgate are expected to cooperate with any investigation into the disclosure to maintain the protections under the PID Act. A discloser is also expected to act in accordance with Landgate's Code of Conduct at all times.

Employees who are the subject of the disclosure can clarify the process and what to expect with the PID Officer.

The PID Officer may also decide to discontinue an investigation, in accordance with s. 8(2). If this happens, they will give the discloser reasons for their decision in accordance with s. 8(3), unless they made an anonymous disclosure. The PID Officer may also notify any subject(s) of the disclosure, if they discontinue the investigation.

Can a discloser withdraw a PID?

No. Once a disclosure of public interest information is made, a proper authority is required to investigate it and take action regardless of the subsequent attitude of the discloser. In addition, a discloser may 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, unless a court otherwise orders.

Responsibilities if you are the subject of a disclosure

A subject of a disclosure is a person of interest about whom an allegation of a PID has been made.

The person will be treated fairly and impartially throughout the process, and informed of their rights and obligations. Landgate will generally keep the parties involved informed during any investigation, although information cannot be released to the person that may prejudice our investigation. As an employee it is expected that they will act in accordance with the Code of Conduct at all times.

The PID Act provides the person with some rights and obligations as a person subject to a disclosure. Firstly, the subject has a right to have their identity kept confidential under s. 16(3), unless one of the following conditions apply:

- the subject consents to their identity being disclosed
- it is necessary to enable the matter to be investigated effectively
- it is necessary to do so in taking action within s. 9
- there are reasonable grounds to believe that it is necessary to prevent or minimise the risk of injury to any person or damage to any property
- is made in accordance with a court order or other body having authority to hear evidence
- it is made in accordance with ss. 152 or 153 of the *Corruption, Crime and Misconduct Act 2003*.

Landgate will also provide appropriate natural justice. This means that, before any disciplinary or other action is taken against the person under s. 9, the opportunity will be provided to:

- be informed of the substance of the allegations and
- make a submission either verbally or in writing in relation to the matter.

If you are the subject of a disclosure, you must not identify or tend to identify the identity of the discloser or a person who they think might be the discloser, as they also have rights to confidentiality under the PID Act. It is an offence under s. 16 to identify or tend to identify any person who has made a disclosure under the PID Act.

Also, you must not engage in reprisal action, threaten anyone with reprisal action or have someone else conduct this action on your behalf because someone has made, or intends to make, a disclosure. It is still an offence to conduct this action against any person you believe has made the disclosure even if they were not the individual who actually made the disclosure. This is an offence under s. 14(1) of the PID Act.

Taking action

Landgate's PID Officer will take action where the opinion is formed that a person may be, may have been or may in the future be involved in conduct which may be the subject of a PID. Usually, the PID Officer will form this opinion at the conclusion of an investigation, although there may be instances where they need to take immediate action and the PID Act enables them to do this.

Action the PID Officer may take under s. 9 includes, but is not limited to:

- preventing the matter disclosed from continuing or occurring
- referring the matter to the Western Australia Police or other appropriate body or
- taking disciplinary action against a person responsible for the matter.

The options above are not mutually exclusive. The PID Officer may take more than one action depending on the circumstances. For example, the PID Officer may seek to terminate the employment of an employee caught stealing and refer the matter to the Western Australia Police.

In taking action, the PID Officer and/or Landgate is limited by the powers and functions derived from Landgate's operating legislation. The PID Act does not provide for any additional powers to take action. Landgate is also guided by what is necessary and reasonable in the circumstances.

Before taking any action, the person against whom the action is to be taken (the subject of the disclosure) will be given an opportunity to respond, either verbally or in writing, to ensure procedural fairness.

Confidentiality and record keeping when taking action

We will maintain confidentiality in accordance with the PID Act when taking action.

Our PID Officer will keep appropriate records about any action taken, as well as recording a summary of this action in the Public Interest Disclosure Register (PID Register).

After the PID process has been finalised

The PID Act places no further obligations on Landgate or its PID Officer after the disclosure process is complete. The confidentiality requirements of the PID Act, however, continue to apply to you and all other people involved with the disclosure.

The PID Act does not provide for you to appeal the outcome of the disclosure process. You may be able to make another disclosure to another proper authority, if the information relates to their functions or sphere of responsibility (s. 5). See *Don't be afraid to speak up* for the correct proper authority for your disclosure.

However, this 'new' proper authority may be able to decline to investigate the disclosure under s. 8, if they consider the matter(s) has already been properly or adequately investigated (as a PID).

Making a disclosure to a journalist

The PID Act provides for certain circumstances where a discloser may be able to make a protected disclosure to a journalist s. 7A(d). These circumstances apply where the discloser has first made a disclosure to the PID Officer or another proper authority named in the PID Act (outlined in s. 5 or *Don't be afraid to speak up*).

Importantly, the PID Act states that to attract the privileges and protections of the PID Act when disclosing to a journalist, the discloser must disclose information that is substantially the same as what was disclosed in the original disclosure and the PID Officer that received the original disclosure:

- did not notify the discloser within three months of making the disclosure about actions they propose to take or have already taken or
- refused to investigate, or discontinued the investigation of, a matter raised in the disclosure or
- did not complete an investigation within six months of the discloser making the disclosure or
- completed an investigation but did not recommend that action be taken or
- did not provide the discloser with a report stating the outcome of any investigation or any action proposed or taken and the reasons for those actions.

Landgate is committed to ensuring that notifications required under the PID Act are provided and that the discloser understands the reasons for our decisions and actions. If a discloser is considering making a disclosure to a journalist because they believe their circumstances meet one or more of the requirements outlined above, we would encourage the discloser to discuss this with the PID Officer prior to disclosure to a journalist.

It is also recommended that the discloser seek their own legal advice before taking any action in relation to matters that have been disclosed under the PID Act.

If a discloser makes an anonymous disclosure, they may not be able to demonstrate they meet the above requirements and Landgate is not obliged to provide the discloser with any notifications about what happens to the disclosure.

Managing PIDs

The following procedures describe how Landgate will manage the PID process.

Overarching requirements of the PID Act

The PID Act has some overarching requirements for handling disclosures. These requirements separate the PID process from other reporting or complaint handling processes. The PID Act does not, however, displace the notification or reporting requirements of the *Corruption, Crime and Misconduct Act 2003*, which are paramount. The following section outlines how we will meet these requirements, as well as expectations of you, as a discloser, and any subject(s) of your disclosure.

Giving advice to disclosers

Before a discloser makes a PID to a PID Officer, the PID Officer shall advise the discloser of the following matters:

- If they choose to make a PID they will not, as a result of making the disclosure:
 - incur any civil or criminal liability
 - be liable to any disciplinary action under State law
 - be liable to be dismissed or have his or her 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.
- The discloser is still liable for any wrongdoing that the discloser may have been involved in for which there may be disciplinary action and criminal charges.
- If they choose to make a PID, they may have the right to take civil proceedings if they are subject to detrimental action as a result of making the disclosure.
- If they choose to make a PID then their identity will not be disclosed except in accordance with section 16 of the PID Act. Note that disclosure of their identity may be necessary with consent of the discloser.

Relevant forms: [Consent to disclosure of identifying information](#), [Notification of disclosure of identifying information](#).

- If they choose to make a PID then they will have the right to be informed of the progress and outcome of the investigation and action taken as a result.
- If they choose to make a PID:
 - 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. The penalty for this offence is \$12,000 or imprisonment for a year.
 - 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.

The disclosure will only be protected if the 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)	The PID Officer of the Public Authority
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	The PID Officer of the public authority concerned, or the Auditor General
Matters of administration affecting someone in their personal capacity falling within the jurisdiction of the Ombudsman	The PID Officer of the public authority concerned 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>	The PID Officer of the public authority concerned, the Ombudsman 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

Important Notes: In addition, the information disclosed must be public interest information as defined in the PID Act.

Not all proper authorities to which a disclosure may be made will be required or have the power to investigate the information disclosed. In some cases, it may be necessary for the discloser or information to be referred to another proper authority with power to investigate the information.

Assessing a PID

The PID Officer must, on receiving the information confirm that the discloser, after receiving the advice referred to above, wishes to make a PID under the Act.

If they do, the PID Officer must make an initial assessment of whether:

- the information disclosed relates to a public authority, a public officer or a public sector contractor
- 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 PID Officer is the proper authority
- (see the table above)
- the discloser believes on reasonable grounds that the information is or may be true
- the information is not protected by legal professional privilege.

If the above questions are all answered 'yes', then the disclosure of information is a PID to which the PID Act will apply.

Relevant form: Assessment form for Public Interest Disclosure Part 1: Receiving the disclosure – assessment of whether information is a valid disclosure

Reference document: Flowchart for receiving, assessing and investigating Public Interest Disclosures

Important note: Where the proper authority does not have the power to investigate a matter, the PID Officer should refer the person to the appropriate authority. However, if they still wish to make the disclosure to the PID Officer at Landgate, it should be assessed and if it is a PID, it should be referred to the appropriate authority for investigation as provided for under the PID Act.

Form of PID

If a disclosure is a PID, the discloser and the PID Officer can use the Public Interest Disclosure lodgement form. The PID Officer should also complete the Assessment form for Public Interest Disclosure Part 2: Internal quality control.

On completion of these forms, the PID Officer should create a separate file for the PID, with the following text clearly marked on the front of the file.

“CONFIDENTIAL

**The material in this file relates to a public interest disclosure made under the
*Public Interest Disclosure Act 2003 (PID Act)***

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 PID should also be recorded in the PID Register by the PID Officer and maintained in a secure location.

Confidentiality

Maintaining confidentiality is an important part of managing a disclosure. The confidentiality requirements of the PID Act (s. 16) not only protects the discloser, but also any other people affected by the disclosure.

The confidentiality requirements do not apply to all information in a disclosure, although we are committed to maintaining confidentiality around:

- any information that may identify the discloser or any person who may be the subject of a disclosure, including the fact a disclosure has been made
- information relating to a disclosure that, if known, may cause detriment.

Throughout the disclosure process and after its completion, the PID Act provides for the discloser's identity and the identity of any persons, that is, any subject of the disclosure to be kept confidential, except in certain circumstances. Disclosing information which might identify, or tend to identify the disclosers s. 16(1)) or any person, that is, the subject(s) (s. 16(3)) of your disclosure, except in accordance with the PID Act, is an offence punishable with a penalty of a \$24 000 fine or imprisonment for two years.

Confidentiality regarding the discloser

Maintaining confidentiality is an important part of protecting the discloser, from any detrimental action in reprisal for making or intending to make a disclosure.

If the discloser consents to having their identity revealed to assist us in dealing with the disclosure, our PID Officer will record this using the [Consent to disclosure of identifying information form](#).

Sometimes we may need to identify the discloser, without the discloser's consent s. 16(1) (b)-(f) but only where:

- it is necessary to do so having regard to the rules of natural justice or
- it is necessary to do so to enable the matter to be investigated effectively or
- we are ordered by a court or any other person or body having authority to hear, receive or examine evidence or
- we are required by ss.152 or 153 of the *Corruption, Crime and Misconduct Act 2003*.

Before we identify the discloser for any of the reasons above, our PID Officer will take all reasonable steps to inform the discloser that this will happen and the reasons why. Landgate's PID Officer will use the [Notification of disclosure of identifying information form](#) to do this.

If we need to provide information about the identity of the discloser to another person for the reasons above, our PID Officer will inform the other person that further disclosure to a third person may put them at risk of committing an offence.

Our PID Officer will also consider whether it is necessary to inform any external investigator about the identity of the discloser. Where it is necessary to provide this identifying information, our PID Officer will notify as described above.

Confidentiality regarding the person that is the subject of the disclosure

The subject of a disclosure may consent to having their identity revealed to assist with the disclosure process s. 16(3)(a). Our PID Officer will use the [Consent to disclosure of identifying information form](#) to record this.

Additionally, we may need to reveal identifying information about the subject(s) of a disclosure without their consent, ss. 16(3)(b)-(g) where:

- it is necessary to do so to enable the matter to be investigated effectively
- it is necessary to do so in the course of taking action under s. 9
- there are reasonable grounds to believe that it is necessary to prevent or minimise the risk of injury to any person or damage to any property

- we are ordered by a court or any other person or body having authority to hear, receive or examine evidence or
- we are required by ss. 152 or 153 of the *Corruption, Crime and Misconduct Act 2003*.

There is no obligation to advise the subject of a disclosure that identifying information will be released.

Protections

The PID Act provides a range of protections for disclosers (Part 3). It also requires that protection is provided for any employees who make disclosures (s. 23(1)(b)).

Don't be afraid to speak up contains general information about the protections provided by the PID Act. Our PID Officer will be able to expand on this information specific to Landgate.

We are committed to ensuring that no detrimental action, including workplace reprisals by managers or other employees, occurs as a result of a person making a disclosure. If any of the above does occur, the discloser can request that we take action to protect them. Tell the PID Officer who is handling the disclosure immediately.

The PID Act also provides that the discloser may lose the protections provided in s. 13 in some circumstances, including where they on-disclose information or fail, without reasonable excuse, to assist any person investigating the matters of the disclosure.

Notification requirements

Landgate's PID Officer will ensure that all reporting is completed in accordance with the legislative and administrative requirements of the PID Act.

Provided it is not an anonymous disclosure, our PID Officer will provide the following reports:

- within three months of making a disclosure, the action taken, or propose to take, in relation to the disclosure (s. 10(1))
- when the disclosure process has concluded, the outcome of the investigation and the reasons for taking any action following the investigation (s. 10(4)).

Our PID Officer may also provide a progress report during any investigation, either on their initiative or upon your request (ss. 10(2) and (3)).

Our PID Officer has some limits on what they can include in their reports. Section 11 prevents provision of information that would be likely to adversely affect:

- any person's safety s(1)(a) or
- the investigation of an offence or possible offences s(1)(b) or
- confidentiality as to the existence or identity of any other person who made a PID s(1)(c).

Our PID Officer is also prevented from giving any information they must not disclose under ss. 151, 152 or 153 of the *Corruption, Crime and Misconduct Act 2003*.

Record keeping

During the investigation, Landgate's PID Officer may make comprehensive and contemporaneous records of any discussions and interviews. These records along with any other documentation or files relating to the disclosure, whether paper or electronic, will be stored securely on the PID Register and only accessed by authorised persons.

PID Register

To assist with annual reporting to the Commissioner, Landgate shall maintain a PID Register recording a unique register number and key information for each disclosure. All annual reporting requirements to the Public Sector Commissioner required under section 22 of the PID Act will be based on extracts from this register. This register (electronic and/or hard copy) is to be kept strictly confidential and in a secure place.

Reporting requirements

Under the PID Act, public authorities will need to report to the Commissioner each year as outlined below.

Principal Executive Officer Report

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

- the number of PIDs received over the reporting period
- the results of any investigations conducted as a result of the disclosures
- the action, if any, taken as a result of each investigation.

Commissioner's Compliance Report

Under section 19 and 22 of the PID Act, the Commissioner is required to monitor compliance with the PID Act, to assist public authorities to comply with the PID Act and the code of conduct and integrity and to provide an annual report to Parliament.

Report Format and Submission

The Commission runs an annual agency survey program (1 July to 30 June). Each public authority will be surveyed on questions relating to the authority's role and obligations under the PID Act. This survey also requires that the public authority's PID Officer completes and sends in a register in a confidential electronic format.

Where there have been no disclosures in the reporting period, the format of the report will provide for a simple nil return.