

Assessment and Case Management Form for a Public Interest Disclosure

[PID Form 4]

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.

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Confirmation
<p>I [insert name], the proper authority (Public Interest Disclosure Officer) for Shire of Dardanup , 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 Shire of Dardanup with the registered number [insert number].</p>

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 Shire of Dardanup, 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

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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.

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Confirmation
<p>I [insert name], the proper authority (Public Interest Disclosure Officer) for Shire of Dardanup , 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.</p> <p>I also confirm that I have recorded my opinion in the public interest disclosure register of Shire of Dardanup.</p>

Signed (proper authority)	Date	
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Case Management note for the proper authority/PID Officer	Decision
<p>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).</p> <p>This is consistent with the requirements of s. 11 and s. 16.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>I have recorded the action(s) in the public interest disclosure register.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>

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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 and s. 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	



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

I [insert name] , the investigating officer appointed by Shire of Dardanup 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.
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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

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<small>OFFICER ONLY</small> Register No: # Date: / /
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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

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Confirmation
<p>I [insert name], the proper authority (Public Interest Disclosure Officer) for Shire of Dardanup , 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 Shire of Dardanup.</p>

Signed (proper authority)		Date	
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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).	<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
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