

## *Public Interest Disclosure Policy*

### **Purpose and Scope**

Murdoch University is subject to the Public Interest Disclosure Act 2003 (WA) that facilitates the disclosure of public interest information and provides protection for those making such disclosures and those who are the subject of disclosures.

This policy establishes a framework within the University for making of disclosures under the Act, the investigation of such disclosures, the protection of disclosers from reprisals, and to enable compliance with the Act.

This policy applies to all areas and activities of the University, including University controlled entities, the Senate, Senate Committees, employees, students, and contractors.

This policy should be read in conjunction with the Act and the Public Interest Disclosure Procedure that details the process for making disclosures and roles and responsibilities.

The Act and this Policy have the following key objectives:

- Providing a safe environment for people to make disclosures about wrongdoing within the University without fear of reprisal.
- Providing legal protections against detrimental action or threats of reprisal for those who make legitimate disclosures of public interest information. This includes protection from victimisation and retaliation.
- Ensuring accountability and transparency by encouraging people to report public interest information.
- Providing a system to ensure that wrongdoings are addressed and appropriate actions are taken.
- Ensuring that disclosers are treated fairly and that their confidentiality is maintained.

Murdoch University will not accept improper conduct or misuse of public resources by its employees, contractors and members of the Senate and Committees, in the exercise of the public functions of the University. The University recognises the values of accountability and integrity in its learning, teaching and research activities, administrative and management practices.

The University undertakes to have an adequate process in place to protect people who make public interest disclosures, from any detrimental action in reprisal for making the disclosure. The University is also mindful of the rights of persons against whom allegations are made and will provide natural justice to all parties including the person who is the subject of the disclosure.

## Policy

1. In this policy, the following words have the following meanings:
  - 1.1. “Employees” means all full time and part time employees on permanent, fixed term or casual employment and honorary appointments.
  - 1.2. The “Principle Executive Officer” (PEO) is the Vice-Chancellor of the University.
  - 1.3. “Commissioner” means the person holding the office of Public Sector Commissioner established by the Public Sector Management Act 1994 section 16.
  - 1.4. “Public interest disclosure” means a report about certain types of wrongdoing covered by the PID Act.
  - 1.5. “Public interest information” is information that shows or tends to show wrongdoing by a public authority, public officer or public sector contractor when performing a public function.
  - 1.6. “Public Authority” includes a state government organisation, local government, or public university.
  - 1.7. “Public Officer” includes a State public service officer, an employee of a public authority, a minister, a member of parliament, a judicial officer, a police officer, a holder of office under the State or an officer of the Commonwealth exercising a function on behalf of the state.
  - 1.8. “Public Sector Contractor” includes a person or organisation engaged by a public authority, or a subcontractor of this person or organisation, for the supply of goods or services or to perform a public function.
  
2. **Principles of natural justice**
  - 2.1. The principles of natural justice will be followed in any investigation of a disclosure under the Act to ensure procedural fairness. The University will adhere to the following principles:
    - 2.1.1. The person who is the subject of the disclosure will be informed of the allegations made against them and given the right to respond within a reasonable time;
    - 2.1.2. The investigator or any decision maker will be independent and not have any interest in the matter being investigated;
    - 2.1.3. All relevant parties to a matter will be heard and all submissions considered in an objective manner;
    - 2.1.4. A decision will be made only after all reasonable inquiries have been made; and
    - 2.1.5. All proceedings will be fair and reasonable.

### 3. **Public Interest Disclosure**

- 3.1. The Act only applies to disclosures of public interest information. Public interest information means information that tends to show that, in relation to its performance of a public function, a public authority, a public officer, or a public sector contractor is, has been, or proposes to be, involved in:
  - 3.1.1. improper conduct; or
  - 3.1.2. an act or omission that constitutes an offence under a written law; or
  - 3.1.3. a substantial unauthorised or irregular use of, or substantial mismanagement of, public resources; or
  - 3.1.4. 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
  - 3.1.5. a matter of administration that can be investigated under section 14 of the Parliamentary Commissioner Act 1971.
- 3.2. Any person, including staff, students, contractors, members of public, may make a public interest disclosure related to the matters stated in section 3.1 of this Policy.
- 3.3. A person can make an anonymous public interest disclosure, in which case it will not be possible to notify the discloser the status or outcome of any investigation initiated as a result of the disclosure.

### 4. **Appropriate authority for disclosure**

- 4.1. A disclosure is to be made to a Proper Authority to be recognised as a public interest disclosure. This is an important requirement as disclosures to other persons will not be protected. Disclosures to a journalist, the media or other persons who are not specified as Proper Authorities are not protected by the Act.
- 4.2. The Proper Authorities within the University are the designated Public Interest Disclosure Officers (PID Officers) of the University mentioned in Attachment 1 to this Policy.
- 4.3. In addition to the PID officers of the University, any public interest disclosure under the Act in connection with the University can be made to one of the authorities in Western Australia mentioned in Attachment 1 to this Policy.
- 4.4. A discloser is protected only if they believe on reasonable grounds that the information to be disclosed is or may be true.
- 4.5. If the University's PID Officer, based on their assessment, considers that a matter is trivial or a disclosure is vexatious or frivolous they are not required to investigate the matter.

## 5. Confidentiality and Protection

### 5.1. Confidentiality

- 5.1.1. No disclosure of information shall be made that might result in identification of anyone as a person who has made or intends to make a public interest disclosure under the Act. This applies both to disclosures that identify a discloser and disclosures that might tend to identify a discloser.
- 5.1.2. Exceptions arise where the disclosure of a discloser's identity is:
  - 5.1.2.1. Made with the discloser's consent; or
  - 5.1.2.2. It is necessary to do so having regard to the rules of natural justice; or
  - 5.1.2.3. It is necessary to do so to enable the matter to be investigated effectively; or
  - 5.1.2.4. Is required by an order of a court or any other person or body having authority to hear, receive or examine evidence; or
  - 5.1.2.5. As required by the Corruption, Crime and Misconduct Act 2003.
- 5.1.3. A reasonable time before making a disclosure in the circumstances described in Sections 5.1.2.2 and 5.1.2.3, the person making the identifying disclosure must take all reasonable steps to advise the person whose identity is to be disclosed
  - 5.1.3.1. that the disclosure is to be made; and
  - 5.1.3.2. the reason for the disclosure being made.

### 5.2. Protection

- 5.2.1. A person who makes an appropriate disclosure of public interest information under the Act:
  - 5.2.1.1. incurs no civil or criminal liability for doing so; and
  - 5.2.1.2. is not, for doing so, liable
    - 5.2.1.2.1. to any disciplinary action; or
    - 5.2.1.2.2. to be dismissed; or
    - 5.2.1.2.3. to have their services dispensed with or otherwise terminated; or
    - 5.2.1.2.4. for any breach of a duty of secrecy or confidentiality or any other restriction on disclosure (whether or not imposed by a written law) applicable to the person.
- 5.2.2. A person must not take or threaten to take detrimental action against another because anyone has made, or intends to make, a disclosure of public interest information under the Act.
- 5.2.3. A person who has made an appropriate disclosure of public interest information under this Act and who —

- 5.2.3.1. fails, without reasonable excuse, to assist a person investigating a matter to which the disclosure relates by supplying the person with any information requested, whether orally or in writing, by the person in such manner, and within such period, as is specified by the person making the request; or
- 5.2.3.2. discloses information contained in a disclosure of public interest information otherwise than under this Act, forfeits the protection given by the Act.

**6. Discloser not satisfied with a decision**

6.1. If a discloser is dissatisfied with a decision made by the University’s PID Officer, the discloser may make a further disclosure of the information to another proper authority.

## Governance

<b>Approval Authority</b>	Senate
<b>Owner</b>	Director, Audit, Risk and Compliance Management
<b>Legislation mandating compliance</b>	<a href="#"><u>Public Interest Disclosure Act 2003</u></a> <a href="#"><u>Public Interest Disclosure Regulations 2003</u></a>
<b>Category</b>	Primarily a function of management
<b>Related University Legislation and Policy Documents</b>	<a href="#"><u>Conflict of Interest Policy</u></a> <a href="#"><u>Conflict of Interest Procedure</u></a> <a href="#"><u>Fraud, Corruption and Misconduct Policy</u></a> <a href="#"><u>Staff Code of Conduct</u></a> <a href="#"><u>Student Code of Conduct</u></a>
<b>Date effective</b>	04/11/2025
<b>Review date</b>	04/11/2028

## Revision History

Approved/Amended	Date Approved	Resolution No. (if applicable)
Approved	04/11/2025	S/35/2025 (i)
Recommended to Senate by ARC	15/09/2025	ARC/19/2025(i)

Approved	25/09/2019	S/23/2019
Recommended to Senate by ARC	18/09/2019	ARC/11/2019
Annexure 1	02/10/2018	
Approved	14/10/2015	S/35/2015
Recommended to Senate by ARC	14/08/2015	ARC/11/2015
Approved	05/12/2012	S/40/2012
Recommended to Senate by ARC	26/11/2012	ARMC/16/2012



## Attachments

### Attachment 1

#### Murdoch University Public Interest Disclosure Officers

Name and position	Contact details
Ms Trudi McGlade University Secretary	Email: <a href="mailto:T.McGlade@murdoch.edu.au">T.McGlade@murdoch.edu.au</a> Telephone: +61 8 9360 7318
Mr Sarav Rajagopalan Director Audit, Risk and Compliance Management	Email: <a href="mailto:S.Rajagopalan@murdoch.edu.au">S.Rajagopalan@murdoch.edu.au</a> Telephone: +61 8 9360 2747

#### Public authorities in Western Australia for the purposes of public interest disclosure

Proper Authority in WA	Contact details
Corruption and Crime Commission	Email: <a href="mailto:info@ccc.wa.gov.au">info@ccc.wa.gov.au</a> Telephone: + 61 8 9215 888 <a href="https://www.ccc.wa.gov.au/report_misconduct">https://www.ccc.wa.gov.au/report_misconduct</a>
Ombudsman	Email: <a href="mailto:mail@ombudsman.wa.gov.au">mail@ombudsman.wa.gov.au</a> Telephone: + 61 8 9220 7555
Police	Telephone: +61 8 9223 1000 <a href="http://www.police.wa.gov.au">www.police.wa.gov.au</a>
Auditor General	Telephone: +61 8 6557 7500 and speak to the Public Interest Disclosure Officer <a href="http://www.audit.wa.gov.au/contact.php">http://www.audit.wa.gov.au/contact.php</a>

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 University.
Offences under State law.	Western Australia Police or the Corruption and Crime Commission.
Substantial unauthorised or irregular use of, or substantial mismanagement of, public resources.	The PID Officer of the University, or the State Auditor General.
Matters of administration affecting someone in their personal capacity falling within the jurisdiction of the Parliamentary Commissioner (Ombudsman Western Australia).	The PID Officer of the University or the Ombudsman Western Australia.

*Please refer to the electronic copy in the Policy and Procedure Manager to ensure you are referring to the latest version.*