

Gold Corporation Whistleblowing Policy

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1. Our Commitment

Gold Corporation is committed to a culture of respect and ethical conduct in the way Gold Corporation employees, contractors, suppliers and customers work and relate to each other.

Gold Corporation recognises the value of complying with the laws and standards that apply to Gold Corporation in our work and encourage everyone to report Misconduct.

Gold Corporation will not tolerate Misconduct nor condone victimisation of anyone who intends to Disclose or has Disclosed Misconduct.

2. Objectives of this Policy

This policy is an essential part of preventing Misconduct at Gold Corporation, and plays an important role in assisting Gold Corporation to identify wrongdoing that may not be uncovered unless there is a safe and secure means to make a Disclosure.

Gold Corporation encourages employees, contractors, officers, suppliers and customers to confidently speak up if they become aware of potential Misconduct.

The purpose of this policy is to:

- encourage and allow people to Disclose Misconduct;
- ensure Disclosures are properly and lawfully dealt with by Gold Corporation;
- help Gold Corporation deter and identify wrongdoing;
- ensure Whistleblowers and those who may be involved in an investigation understand:
 - the ways in which a Whistleblower can make a Disclosure;
 - the protections afforded to Whistleblowers by Gold Corporation; and
 - Gold Corporation's process for handling and investigating Disclosures; and
- outline how affected parties will be supported and protected from victimisation and retaliation.

Nothing in this policy is intended to change or take away any other protections which may be available at law.

3. Definitions

The following definitions apply to this policy:

Act	means <i>Gold Corporation Act 1987</i> (WA).
Alternative Officer	means an alternative Disclosure Officer who can be contacted via Your Call in the event that all of the existing Disclosure Officers are impacted by or involved in the Disclosure.
Disclosure or Disclose	means disclosure of Misconduct to a Disclosure Officer, Your Call or an external third party in accordance with this policy.

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- Disclosure Officer** means any person listed in the table at part **6.1.1** of this policy.
- Misconduct** has the meaning given to it in clause 4 of this policy.
- PID Act** means *Public Interest Disclosure Act 2003* (WA).
- Proper Authority** has the meaning given to it in the PID Act, and includes the people set out in section 6.4 of this policy. For additional examples, please see Annexure 2 to this policy.
- Public Interest Information** means information that tends to show that, in relation to its performance of a public function (either before or after the commencement of the PID Act), a public authority, a public officer or a public sector contractor is, has been, or proposes to be, involved in:
- 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 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.
- Related Entity** means each of GoldCorp Australia ABN 49 230 812 547, Western Australian Mint ABN 44 590 221 751 and W.A. Mint Pty. Ltd. ABN 12 054 024 314.
- Whistleblower** means current and former:
- (a) officers and employees of Gold Corporation;
 - (b) individuals who supply goods or services to Gold Corporation and its Related Entities;
 - (c) an employee of a person or entity who supplies goods or services to Gold Corporation (both paid and unpaid);
 - (d) associates of Gold Corporation (i.e. a director or secretary of Gold Corporation or any of its Related Entities); and
 - (e) a relative or dependant of any persons listed from (a) to (d) in this definition.

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Your Call means the independent whistleblower service to which a Whistleblower can make a Disclosure.

4. What is Misconduct?

Whistleblowers play an important role in identifying and reporting Misconduct and harm within an organisation. Gold Corporation values those people who report potential Misconduct. For the purposes of this policy, Misconduct includes:

- conduct that is dishonest, corrupt or illegal, including bribery;
- a breach, failure to comply with or contravention of the law, including the Act, or Gold Corporation policies;
- theft, fraud or misappropriation;
- damage, sabotage or violence;
- drug & alcohol sale or use (when in contravention of Gold Corporation’s Fitness for Work Policy PO-0624);
- conduct that results in a significant risk to health and safety;
- serious inappropriate or unethical conduct;
- serious misuse of information;
- bullying, discrimination, harassment, some instances of sexual harassment or other serious unacceptable behaviour;
- a substantial waste of company resources;
- victimising someone for making or being involved in a Disclosure;
- conduct causing or likely to cause substantial financial or non-financial loss or detriment to Gold Corporation;
- an improper state of affairs or circumstances in relation to Gold Corporation or its Related Entities; and
- other serious improper conduct.

5. When should a Disclosure be made?

A Whistleblower should make a Disclosure under this policy if that Whistleblower has reasonable grounds to suspect that an employee, director, officer, contractor or supplier of Gold Corporation, or other person who has business dealings with Gold Corporation, has engaged in any form of Misconduct.

5.1. Personal work-related grievances

This policy is not intended to apply to personal or work-related grievances unless they evidence a systemic issue. Personal or work-related grievances include:

- an interpersonal conflict between people;
- a decision relating to the engagement, transfer or promotion of a person;

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- a decision relating to the terms and conditions of engagement of a person;
- a decision to suspend or terminate the engagement of a person, or otherwise to discipline a person.

Employees are encouraged to raise personal work-related grievances and other issues not covered by this policy to their direct manager, or to the People and Culture team. Please refer to the Gold Corporation's Counselling & Discipline Policy and Guidelines PO-0569.

However, where Misconduct that may on its own be classified as a personal work-related grievance may:

- have other significant implications for Gold Corporation;
- have implications that extend beyond those that apply to the Whistleblower personally (i.e. other employees);
- involve multiple people on the receiving end of inappropriate behaviour; or
- indicate broader systemic issues,

including allegations of bullying or harassment, making a Disclosure in accordance with this policy is encouraged and will attract the protections that this policy offers to Whistleblowers.

5.2. Sexual Harassment

While Gold Corporation accepts that many instances of sexual harassment may be classified as a personal grievance, Gold Corporation understands that stand alone sexual harassment policies place a heavy onus on victims to complain, do not offer the same protections as this policy and contribute to sexual harassment being severely underreported. Reporting sexual harassment can be a traumatic experience for the victim, especially where their identity is not protected.

Given the above, Gold Corporation encourages people affected by sexual harassment in the workplace to Disclose the sexual harassment in accordance with this policy. Where sexual harassment is disclosed to Gold Corporation in accordance with this policy, Gold Corporation will treat it as an eligible Disclosure (even if it is not), and the discloser of that sexual harassment will be afforded all of the protections this policy offers, including confidentiality.

5.3. Examples

For examples of where this policy applies, please see Annexure 1 of this policy.

6. How to Disclosure Misconduct

A Disclosure may be made:

- internally to a Disclosure Officer;
- to Your Call; or
- to external authorities and entities.

Gold Corporation aims to identify and address any wrongdoing as early as possible, and in

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doing so intends to help build confidence and trust in this policy and the processes and procedures contained herein. Making a Disclosure internally to a Disclosure Officer or to Your Call in the first instance is the best way to allow Gold Corporation to do this.

6.1. Making a Disclosure internally to Gold Corporation

Gold Corporation supports openness and teamwork. This policy is not intended to replace Gold Corporation's first obligation to resolve issues quickly and internally where appropriate. All reasonable attempts to resolve an issue should first be tried. Whistleblowers are encouraged to raise Misconduct at any time with their supervisors, managers or People & Culture to resolve Misconduct informally and internally.

If a Whistleblower does not feel safe or able to raise Misconduct with their supervisor or manager, a Whistleblower may make a Disclosure to a Disclosure Officer.

A Disclosure can be reported to a Disclosure Officer via email, telephone, in person or hard copy.

6.1.1. Disclosure Officers

The names and contact details of Gold Corporation's Disclosure Officers are set out below.

Name and position	Location	Contact details
Edwina Dwyer, Chief People and Reputation Officer	300 Hay Street, East Perth	Office Tel: +61 8 9421 7266 Mobile: 0466 329 625 Email: edwina.dwyer@perthmint.com
Kristen Potter, Group Manager, People & Culture	300 Hay Street, East Perth	Office Tel: +61 8 9421 7624 Mobile: 0417 945 814 Email: kristen.potter@perthmint.com
Emma Soactar, Group Manager Legal Services	300 Hay Street, East Perth	Office Tel: +61 8 9421 7343 Mobile: 0432 731 272 Email: emma.soactar@perthmint.com

6.1.2. Alternative Officer

In addition to the Disclosure Officers set out at clause 6.1.1, at least one Gold Corporation Director must be listed with Your Call as an Alternative Officer.

6.2. Making a Disclosure to Your Call

If for any reason a Whistleblower does not feel safe or able to make a Disclosure to a Disclosure Officer, the Disclosure may be made to Your Call.

Your Call operates under a Service Agreement with Gold Corporation and acts as the intermediary, providing the means for a Whistleblower to retain anonymity. Disclosures received by Your Call are reported to Gold Corporation in accordance with this policy. Your

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Call also enables Gold Corporation to obtain further information if required and enables the Whistleblower to receive updates from Gold Corporation.

This is done via the use of an online anonymous message board which the Whistleblower will have access to after making a Disclosure.

The message board allows the Whistleblower to:

- communicate with Your Call and/or Gold Corporation without revealing their identity;
- securely upload any relevant documentation and/or material that they wish to provide;
- receive updates;
- ask questions and post information for the attention of Gold Corporation; and
- request support or report victimisation.

This option allows the Whistleblower to:

- remain completely anonymous;
- be identified to Your Call only; or
- be identified to both Your Call and Gold Corporation.

Your Call enables disclosures to be made anonymously and confidentially. Whilst Gold Corporation prefers Whistleblowers to disclose their identity in order to facilitate an investigation, Whistleblowers are not required to identify themselves and will not be named in any report unless they have consented to their identity being disclosed.

Your Call is the external intermediary between a Whistleblower and Gold Corporation. Your Call will:

- receive a Disclosure;
- make a record of the information provided;
- ensure the Whistleblower's identity is kept confidential from Gold Corporation if that is what the Whistleblower wishes;
- allow the Whistleblower to access the Your Call message board to enable communication with Gold Corporation; and
- refer the Disclosure, including the information and documents provided, to Gold Corporations Disclosure Officers within one business day.

Your Call is not the decision maker. All decisions related to dealing with the Disclosure, including the investigation and resolution, are entirely the responsibility of Gold Corporation.

6.2.1. Your Call Reporting Options

Your Call reporting options include:

- Website: <https://www.yourcall.com.au/report> Available 24/7; and
- Telephone: 1300 790 228 available 9am and 12am on recognised Australian national

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business days (AEST).

Online reports can be made via the website address listed above. Gold Corporation’s unique identifier code is “GCP”.

In the event a Disclosure received by Your Call relates to a Disclosure Officer, Your Call will exclude that Disclosure Officer from all communications when providing the Disclosure to Gold Corporation. The Disclosure Officers who are not named in the Disclosure will then receive and determine how the matter will be addressed or investigated as required.

Your Call remains an independent intermediary at all times and will only communicate with those authorised within Gold Corporation.

6.2.2. National Relay Service

If a Whistleblower is deaf, or has a hearing or speech impairment, the Whistleblower can contact Your Call online or through the National Relay Service. Simply choose a contact method at www.relayservice.gov.au and request Your Call’s hotline 1300 790 228.

6.3. Public Interest Disclosure

If a Whistleblower wishes to make a Disclosure to external authorities, they may be permitted to do so under the PID Act. For more information on making a Disclosure under the PID Act, please see Gold Corporation policy PO-0573 – Public Interest Disclosures Policy.

If a Disclosure is made under the PID Act, the provisions of the PID Act will apply where they differ from this policy. Where a Whistleblower has made a Disclosure in accordance with the PID Act, this policy will apply where possible.

6.4. Other External Disclosure

Under the PID Act, certain Disclosures of Public Interest Information can be made to a Proper Authority. For the purposes of a Disclosure under the PID Act, the CEO has designated that the following people are Proper Authorities:

Name and position	Location	Contact details
Kristen Potter, Group Manager, People & Culture	300 Hay Street, East Perth	Office Tel: +61 8 9421 7624 Mobile: 0417 945 814 Email: kristen.potter@perthmint.com
Emma Soactar, Group Manager Legal Services	Campbell Forrest House, Commercial Floor, 300 Hay Street, East Perth	Office Tel: +61 8 9421 7343 Mobile: 0432 731 272 Email: emma.soactar@perthmint.com

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Annexure 2 of this policy provides further information on making a Disclosure under the PID Act. If you are considering making a Disclosure under the PID Act, you may wish to first speak to one of the Proper Authorities listed in the table above to discuss the information you have and the avenues available to you.

6.5. Supporting Evidence of Misconduct

Gold Corporation does not expect a Disclosure to include absolute proof of Misconduct. Where possible, it should include:

- the name, job title and workplace address of the person or people the subject of the Disclosure;
- details of the Misconduct including dates, places and information regarding what was said or done;
- names of anyone who may substantiate the Disclosure; and
- any other evidence that supports the Disclosure such as emails, documents or CCTV.

These details will assist Gold Corporation in deciding how best to deal with and resolve the Disclosure.

7. Investigation Process

7.1. Investigation of the Disclosure

Gold Corporation will investigate a Disclosure under this policy as soon as practicable after the Misconduct has been reported.

If a Disclosure Officer is approached by a person wishing to make a Disclosure, the Disclosure Officer should first determine whether the location and time are appropriate for a Disclosure to be made comfortably, and to ensure that a Whistleblower's identity is protected. If the location or time is not appropriate, the Disclosure Officer should arrange for an appropriate location and time to receive the Disclosure.

The Disclosure Officer who receives the Disclosure will firstly determine whether the Disclosure:

- qualifies for protection; and
- requires a formal, in-depth investigation.

If the Disclosure Officer determines that the Disclosure qualifies for protection and requires a formal investigation, the Disclosure Officer will convene an investigation team. The make-up of the investigation team will depend on the nature of the Disclosure, but will likely be a combination of people from the Risk and Compliance, Legal and People & Culture teams, as well as any external providers engaged by Gold Corporation for their specialist knowledge, or in situations where it is appropriate to have an external provider assist.

The investigation team will determine the appropriate investigation process, including:

- the nature and scope of the investigation;

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- who will conduct the investigation and whether that person or people should be external to Gold Corporation;
- the nature of any technical, financial or legal advice that may be required; and
- a timeframe for the investigation (having regard to the level of risk and alleged Misconduct).

7.2. How will the investigation be conducted?

The investigation must be conducted in a constructive, objective and lawful way, as is reasonable and appropriate, having regard to the nature of the alleged Misconduct.

The investigator will conduct the investigation in accordance with Gold Corporation's standard practice (see Counselling & Discipline Policy and Guidelines PO-0569), and generally according to the following steps particular to a whistleblowing investigation:

- where the General Counsel and Group Manager People and Culture considers it necessary, contact Gold Corporation's external legal advisors;
- if possible, speak to the Whistleblower to obtain more information (where the Whistleblower wishes to remain anonymous and does not wish to make a statement, they will not be asked to do so);
- conduct a risk identification process in accordance with section 8.4 of this policy;
- inform the person or people to whom the Disclosure relates that a report has been received and is being investigated;
- ascertain whether there are any potential witnesses who should be interviewed, and interview those witnesses;
- gather information, material and documentation concerning the Disclosure as quickly as possible (this may involve taking steps to protect or preserve documents, materials and equipment including emails and historic documents);
- reviewing expenses, purchase orders, contracts and other data;
- concluding whether the allegations made in the Disclosure are substantiated; and
- preparing a report to document the outcome of the investigation as soon as is reasonably practical.

The Whistleblower will be kept informed of the progress of the investigation, where possible. All reasonable steps to protect the identity of the Whistleblower will be taken. Where disclosure of the identity of the Whistleblower cannot be avoided due to the nature of the allegations, the investigator will warn the Whistleblower of this probability.

7.3. Investigator's Report

At the conclusion of the investigation, the investigation team will provide a written report to the Gold Corporation CEO including:

- a finding of all relevant facts;
- whether the Disclosure is proven, not proven or otherwise; and

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- recommendation as to any action that may be taken in respect of the findings.

Subject to privacy and confidentiality requirements, the findings of the investigation will be communicated to the relevant parties involved to the extent that it is legally permissible and appropriate to do so.

The Gold Corporation CEO will use the report to determine (in conjunction with the People and Culture team) the action (if any) to be taken including disciplinary action up to dismissal in accordance with Gold Corporations PO-0569 Counselling and Discipline Policy & Guidelines and/or SPR 0007 Disciplinary Procedure – Unauthorised Possession of Precious Metals.

The disciplinary action will depend on the severity, nature and circumstance of the Misconduct.

7.4. Best practice

Gold Corporation is committed to ensuring it follows best practice in investigations. Investigations must be objective, fair and independent. Therefore, investigations must be conducted independent of the Whistleblower, the individuals the subject of the Disclosure and the business unit involved.

7.5. Review

Where a Whistleblower is not satisfied with the outcome of an investigation, the Whistleblower may request a review as to whether Gold Corporation's policy, processes and procedures as set out in this policy were adhered to.

The review will be conducted by a Gold Corporation manager who was not involved in handling or investigating the relevant Disclosure.

While a Whistleblower is entitled to request a review, Gold Corporation is not required to reopen an investigation, and it can conclude a review if it finds that the investigation was conducted properly, or new information is either not available or would not change the findings of the investigation.

Where a review is conducted, the findings must be provided to the Board at the conclusion of the review.

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8. What protections are available to Whistleblowers?

In order to be provided with protection under this policy, Disclosure must be made in accordance with part 6 of this policy.

8.1. Immunity from Disciplinary Action

Gold Corporation wants Whistleblowers to speak up against Misconduct.

Employees and Contractors who make a Disclosure:

- with reasonable grounds for suspecting Misconduct has or may occur; and
- have not engaged in Misconduct or illegal conduct relating to the Disclosure,

will be provided with immunity from disciplinary action by Gold Corporation.

8.2. Confidentiality and Privacy

Gold Corporation and Your Call will treat Disclosures in the strictest confidence. All reports and records relating to a Disclosure will be stored securely and able to be accessed only by authorised staff.

The confidentiality provisions do not preclude anyone involved in the Disclosure from sharing information with their (legal) representative or support person.

8.2.1. Does a Whistleblower have to disclose their identity?

There is no requirement for a Whistleblower to identify themselves in order for a Disclosure to qualify for protection under this policy.

8.2.2. Will a Whistleblower's identity be treated confidentially?

A Whistleblower's identity will not be disclosed by Your Call or Gold Corporation unless:

- the Whistleblower consents to the disclosure; or
- the disclosure is required by law.

An unauthorised disclosure of:

- the identity of a Whistleblower; or
- information that is likely to lead to the identification of the Whistleblower where the information was obtained because of the disclosure will be regarded as a disciplinary matter and will be dealt with in accordance with Gold Corporation's disciplinary procedures.

8.3. Protection against victimisation

Gold Corporation will do everything reasonably possible to support and protect from victimisation anyone who:

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- intends to make or actually makes a Disclosure;
- is mentioned in the Disclosure;
- acts as a witness; or
- otherwise assists with the investigation and resolution of the Disclosure.

Gold Corporation will thoroughly investigate reports of victimisation. If proven, those who have victimised another will be subject to disciplinary action up to and including termination of employment in accordance with Gold Corporation's Counselling & Discipline Policy and Guidelines PO-0569.

Nothing in this policy is intended to change or take away any other protections which may be available at law.

8.4. Protection from detrimental acts or omissions

Gold Corporation will do everything reasonably possible to protect the Whistleblower from detriment, including conducting a risk identification process to establish whether anyone may have a motive to cause a detriment.

As part of an investigation, the investigator must assess:

- the risk of a Whistleblower's identity becoming known;
- who may have reason to cause detriment to a Whistleblower;
- whether there are any existing conflicts in the workplace; and
- whether there have already been threats to cause detriments.

If a Whistleblower's identity is known, the investigator should ask the Whistleblower these questions as part of the Whistleblowers interview.

If the investigator concludes that there is a risk of detriment, the investigator must evaluate the likelihood of each risk eventuating, and the severity of the consequences.

The investigator must then develop and implement strategies to prevent or contain the risk. In particular, when considering anonymous Whistleblowers who do not consent to the release of their identity, the investigator must consider whether the Whistleblower's identity could be readily guessed or become apparent during an investigation.

In developing and implementing strategies, the investigator may consider the following measures and mechanisms for protecting Whistleblowers:

- actions for protecting a Whistleblower from risk of detriment, for example:
 - allowing the Whistleblower to work from home or another location;
 - reassign the Whistleblower to another role at the same level;
 - make other modifications to the Whistleblower's workplace or the way they perform their duties;
 - reassign or relocate other personnel involved in the Misconduct.

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- ensure that management are aware of their responsibilities to maintain confidentiality, address the risk of isolation or harassment, manage conflicts and ensure fairness when managing performance;
- implement strategies to help a Whistleblower minimise and manage stress, time or performance impacts;
- where detriment has already occurred, investigate the detrimental conduct, take disciplinary action where appropriate, and consider allowing the Whistleblower to take extended leave, develop a career development plan including new training and career opportunities, or offer compensation or other remedies.

The investigator must then monitor the risk of detriment throughout the investigation and reassess as required. If the investigator deems it appropriate given the circumstances of the Disclosure, the investigator may consider appointing a whistleblower protection officer who is separate and independent from the investigation to assist the investigator in protecting and safeguarding Whistleblowers and ensuring the integrity of the investigation.

If a Whistleblower believes they have suffered detriment, they may seek independent legal advice or contact regulatory bodies such as APRA.

9. Every person's responsibility

Every person to whom this policy applies has a responsibility to:

- remain alert to Misconduct;
- report known or suspected Misconduct in accordance with this policy;
- act in a way that reduces, prevents or stops Misconduct;
- support (and not victimise) those who have made or intend to make a Disclosure; and
- ensure the identity of the Whistleblower and the person or people who are the subject of the Disclosure are kept confidential.

10. Reporting the matter to external authorities

Where:

- findings of an investigation into Misconduct reveal conduct that may constitute a criminal offence; or
- required by law,

Gold Corporation will provide the information given in the Disclosure to a relevant external agency such as the police.

11. What are the consequences of making a false Disclosure?

Gold Corporation expects that any report made in accordance with this policy is made honestly and ethically.

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Anyone who makes a Disclosure knowing it to be false or misleading may be subject to disciplinary action, including termination of employment in accordance with Gold Corporations PO-0569 Counselling and Discipline Policy & Guidelines and/or SPR 0007 Disciplinary Procedure – Unauthorised Possession of Precious Metals.

The disciplinary action will depend on the severity, nature and circumstance of the false Disclosure.

12. Information and Advice

If a Whistleblower needs information and advice about making a Disclosure or the support and protection available, Whistleblowers may discuss the matter in confidence with their immediate supervisor, manager or the People & Culture team.

In the event a Whistleblower does not formally make a Disclosure following such a discussion, Gold Corporation may nevertheless be compelled to act on the information provided during the discussion if the information reasonably suggests misconduct has or may occur.

This policy is available to employees and officers of Gold Corporation on the Gold Corporation intranet and external website.

Gold Corporation will provide annual training for employees regarding this policy, and training for all new starters.

13. Support

If necessary, Gold Corporation will appoint a welfare officer to arrange or coordinate support for anyone who has or is in the process of making a Disclosure. The support may include a support person and or other support services as may be appropriate based on the circumstances.

A welfare officer is appointed by Gold Corporation through Your Call to:

- assess the immediate welfare and protection needs of a Whistleblower;
- safeguard the interests of a Whistleblower in accordance with this policy and the law; and
- address any issues or concerns of victimisation/detrimental treatment.

Employees are also encouraged to contact the Gold Corporation Employee Assistance Plan provider PeopleSense by Altius either by using the MintMinds Platform or by calling 1300 307 912 for support when needed.

14. Report to the Board

The Gold Corporation General Counsel will arrange for the compilation of a report to the Board at least once a year on the effectiveness of this policy.

Subject to privacy and confidentiality the report will include:

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- a brief description of any Disclosure that occurred that year;
- the action taken in response to the Disclosure;
- the outcome; and
- the timeframe in resolving/finalising the Disclosure.

15. Review of this Policy

The General Counsel will monitor and review this policy every two years to ensure it meets its objectives.

Any amendments to this policy shall be made known by posting an updated version of the policy on the Gold Corporation intranet and external website.

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Annexure 1 – When does this policy apply?

If a report of Misconduct is solely about a personal grievance in the workplace, this policy does not apply. A personal work-related grievance has implications for an individual personally and does not have significant implications for Gold Corporation. However, pursuant to section 5.2 of this policy, reports of sexual harassment will also be investigated in accordance with this policy.

Quiz

1. **Eric’s supervisor Susan has recently promoted Pranav within the team. Pranav and Eric were both hoping to be promoted. Eric believes that Susan promoted Pranav instead of Eric because Susan and Eric have had disagreements in the past and do not get on.**

Q. Can Eric make a Disclosure under the Whistleblower Policy?

A. This is an example of a personal work-related grievance. Any Disclosure by Eric would not be eligible for the whistleblower protections.

Q. What should Eric do instead?

A. Eric should refer to Gold Corporation’s Counselling & Discipline Policy and Guidelines PO-0569, and consider raising the issue with his manager or the People and Culture team.

2. **Matthew and Laura work in the refinery. Matthew tells Laura to avoid the procurement procedures in place and instead make sure that all contracts for machinery maintenance are with 123 Company. Laura speaks to 123 Company and discovers that Matthew’s sister is the owner.**

Q. Can Laura make a Disclosure under the Whistleblower Policy?

A. Yes. Misconduct includes a breach or failure to comply with Gold Corporation policies and serious unethical conduct.

3. **Tom and Jennifer have worked together for 6 months. Over that time, Tom has repeatedly asked Jennifer to go out with him, despite her refusals, and will often rub her back during the workday and try to hug her hello and goodbye.**

Q. Can Jennifer make a Disclosure under the Whistleblower Policy?

A. Yes. Section 5.2 of this policy allows Jennifer to make a Disclosure of sexual harassment and receive the protections outlined in this policy, as long as the Disclosure is to Gold Corporation (internally or via Your Call).

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4. Susan works in accounts with Vera. Susan takes 2 weeks leave and Vera covers her duties in that time. Over the course of the 2 weeks, Vera discovers some irregularities with the accounting practices being used, and 2 or 3 payments a week for at least the past year to the same account, without appropriate records to reconcile the payments. Vera believes that Susan has been fraudulently transferring money to her personal account.

Q. Can Vera make a Disclosure under the Whistleblower Policy?

A. Yes. Misconduct includes conduct that is illegal, theft and fraud.

5. Josh believes that a senior manager in his team has received payment in return for offering a client a reduced price on certain products.

Q. Can Josh make a Disclosure under the Whistleblower Policy?

A. Yes. Misconduct includes conduct that is dishonest, unethical, conduct causing or likely to cause substantial financial or non-financial loss or detriment to Gold Corporation and an improper state of affairs or circumstances.

6. Raya notices that a number of new employees and contractors have started work in the CD recently, and they don't seem to have received the induction and safety training that is normally provided to new starters. Raya sees several unsafe work practices over the course of a week and brings the issue to her manager's attention. Raya's manager tells her that due to COVID and staff shortages, they just have to make do for a while with what they had, and there was no capacity to provide further training.

Q. Can Raya make a Disclosure under the Whistleblower Policy?

A. Yes. Misconduct includes conduct that results in a significant risk to health and safety.

7. Jack notices that the refinery is receiving doré from a new supplier, however he doesn't remember being involved in the usual risk and compliance checks. Jack makes some enquiries and realises that the source of the doré has not been verified, and it is likely that the gold was mined using modern slavery. Jack also sees documents which suggest that the usual checks were skipped because some members of the Gold Corporation board are directors of the supplier.

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- Q. Can Jack make a Disclosure under the Whistleblower Policy?
- A. Yes. Misconduct includes an improper state of affairs in relation to Gold Corporation, conduct that is dishonest or corrupt, a breach of the law or Gold Corporation policies, conduct that is likely to cause substantial non-financial detriment to Gold Corporation and serious inappropriate or unethical conduct.
- 8. Lorraine makes a Disclosure to a Disclosure Officer about workplace bullying that she has been subject to. She tells the Disclosure Officer that she has been made to feel unwelcome in her team and she dreads going to work.**
- Q. Does Lorraine's Disclosure qualify for protections under this policy?
- A. At first glance, this may seem like a personal workplace grievance. However, a Disclosure Officer should be careful not to dismiss Lorraine's complaint. The Disclosure Officer should ask for more details and consider conducting an investigation, as Lorraine's experience may be indicative of a larger or systemic issue in an environment where other Misconduct may be occurring.

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Annexure 2 – Public Interest Disclosure Guide

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GOVERNMENT OF
WESTERN AUSTRALIA

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Commission

‘Your silence gives consent’ – Plato



Don't be afraid to speak up

Guide for disclosers

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A copy of this guide is available on the Public Sector Commission website at [www.
publicsector.wa.gov.au](http://www.publicsector.wa.gov.au).

Disclaimer

This guide has been developed to assist individuals who are thinking about making a public interest disclosure. However, it is a guide only and should not be relied on as legal advice or regarded as a substitute for legal advice in individual cases.

The Public Sector Commission gratefully acknowledges the contribution of the Queensland Crime and Corruption Commission, the Ombudsman Western Australia, the Australian Capital Territory Commissioner for Public Administration and the Ombudsman New South Wales during the revision of this guide.

Accessibility

Copies of this guide are available in alternative formats upon request.

The *Public Interest Disclosure Act 2003* (PID Act) encourages people to come forward with information about wrongdoing without fear of reprisal.

If you're thinking about making a public interest disclosure, seek advice first.

About public interest disclosures

The PID Act enables people to make disclosures about wrongdoing in the State public sector, local government and public universities without fear of reprisal. It aims to ensure openness and accountability in government by encouraging people to make disclosures and protecting them when they do.

We should all speak up

This guide contains information about making a disclosure under the PID Act. If you are thinking about making a disclosure, be sure to first speak with the relevant proper authority (refer page 5).

What is a public interest disclosure?

A public interest disclosure 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 public interest disclosure 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.

What is the difference between a public interest disclosure, a grievance and a complaint?

The public interest disclosure process enables people to disclose certain types of wrongdoing covered by the PID Act, and where required, ensures that someone investigates the information and takes action. It is a process within government to deal with matters of a serious nature which, if resolved, would serve the public good.

A public interest disclosure is more than a general complaint or dissatisfaction with a product, service or decision of government. It is also more than a personal grievance that can be resolved by agreement.

A public interest disclosure must relate to wrongdoing, not be trivial and must be made to the right person (being a proper authority). A public interest disclosure must be managed according to the PID Act and, once made, the person making the disclosure cannot withdraw it.

Why should I speak up and make a public interest disclosure?

By making a public interest disclosure you could help to stop or prevent:

- wrongdoing
- others being disadvantaged or advantaged by the wrongdoing
- danger to the health and safety of the community
- damage to the environment.

Your disclosure could inform a public authority about a larger problem and it may lead to better work practices. You can be satisfied you did what you could to improve the situation.

I have heard the term ‘PID Officer’, what is that?

The ‘Public Interest Disclosure (PID) Officer’ is the person who holds the specified position as the proper authority to receive public interest disclosures within the sphere of responsibility of the public authority. This person is designated by the Principal Executive Officer (PEO) under section 23(1)(a) of the PID Act

Generally, the disclosures about a public authority or its officer or contractors need to be made to the PID Officer of the public authority concerned. However, depending upon the nature of the matter, it may need to be made to a proper authority as identified in section 5(3) of the PID Act.

For more information on to who a disclosure can be made refer to the ‘To who is a disclosure made?’ section on page 8.

I have information about wrongdoing in a public authority. Could I make a public interest disclosure?

If you know about wrongdoing, you could make a public interest disclosure if your information meets all of the following criteria:

- the information is ‘public interest information’ covered by the PID Act (explained in the next section)
- you disclose the information to a proper authority (a PID Officer in a public authority or a person or authority named in the PID Act as being able to receive disclosures)
- you believe on reasonable grounds your information is or may be true
- the information is not protected by legal professional privilege.

What is public interest information?

‘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.

The information in your disclosure must tend to show the public authority, public officer or public sector contractor’s involvement in one or more of the types of wrongdoing on the next page.

Types of wrongdoing

An offence under State Law	Substantial unauthorised or irregular use of public resources
Conduct relating to matters of State and local government administration affecting you (and can be investigated by the Ombudsman Western Australia)	Substantial and specific risk of injury to public health, prejudice to public safety or harm to the environment
Substantial mismanagement of public resources	Improper conduct*

*Generally, improper conduct is a breach of the standards of conduct that a reasonable person would expect of a person or body, knowing their duties, powers and authority, in the circumstances of the case.

What is a public authority, a public officer and a public sector contractor?

- A 'public authority' includes a State Government organisation (including some boards and committees), local government, regional local government or a public university.
- A '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.
- A '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 and services or to perform a public function.

What is a public function?

Your information must relate to a public authority, officer or contractor performing a public function. For example, the PID Act would not apply to information that a public officer engaged in criminal behaviour unconnected with their employment.

To who is a disclosure made?

A public interest disclosure cannot be made to just anyone. It must be made to a proper authority, otherwise it will not be covered by the PID Act. The proper authority for receiving your public interest disclosure depends on your information.

Category of public interest information	Appropriate proper authority (pursuant to the PID Act)
Offences under State law	A police officer or the Corruption and Crime Commission (s5(3)(a))
Substantial unauthorised or irregular use of, or substantial mismanagement of, public resources	Auditor General (s5(3)(b)) or the PID Officer of the public authority concerned (s5(3)(h))
Matters of administration affecting someone in their personal capacity falling within the jurisdiction of the Ombudsman Western Australia	Ombudsman Western Australia (s5(3)(c)) or the PID Officer of the public authority concerned (s5(3)(h))
A police officer	Commissioner of Police or the Corruption and Crime Commission (s5(3)(d))
A judicial officer	Chief Justice (s5(3)(e))
A Member of the Legislative Assembly	Speaker of the Legislative Assembly (s5(3)(f))
A Member of the Legislative Council	President of the Legislative Council (s5(3)(f))
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>	Ombudsman Western Australia or the Public Sector Commissioner (s5(3)(g)) or the PID Officer of the public authority concerned (s5(3)(h))
A public authority or an officer of the public authority	PID Officer of the public authority (s5(3)(h))

Are there other reporting avenues for my information?

The PID Act places restrictions on to whom you can speak and what you can say about the matter once you have made a disclosure. Before you make a disclosure under the PID Act you may wish to think about whether you can lawfully bring your concerns to light in another way.

Even if you could make a public interest disclosure using your information, there might be other reporting avenues that you may wish to use.

You may choose these avenues if, for example, you think it would be hard to keep your information confidential among friends or colleagues or you want an outcome that is not possible using the public interest disclosure process. Making a public interest disclosure usually limits you from providing the same information in other circumstances.

Some of the other avenues for reporting your information include:

- Corruption and Crime Commission for serious misconduct
- Public Sector Commission for minor misconduct
- Western Australia Police for criminal matters
- Ombudsman Western Australia for matters governing administration affecting individuals
- Equal Opportunity Commission Western Australia for matters regarding discrimination
- public authority involved in the matter.

How does the PID Act protect me?

The PID Act protects you if you make an appropriate disclosure to a proper authority.

Protections under the PID Act include immunity from civil or criminal liability, disciplinary action, dismissal and termination of employment for any breach of duty of secrecy or confidentiality that may apply to you as a result of you making the disclosure.

However, be aware that, if you make a disclosure under the PID Act, you are still liable for any wrongdoing you may have been involved in, for which you may face disciplinary action or criminal charges.

If you are employed by a public authority, it will take all reasonable steps to protect you from detrimental action or the threat of detrimental action because you made a disclosure. If you are concerned about detrimental action, make this clear when you disclose.

Additionally, your identity will only be revealed in accordance with the PID Act. This includes where you consent or where it is necessary for the matter to be effectively investigated. All reasonable steps will be taken to advise you that your identity will be revealed.

What is detrimental action?

Detrimental action is action arising from your public interest disclosure, such as dismissal or disciplinary action. It includes any action that causes you injury, damage or loss, intimidates or harasses you, or discriminates against or disadvantages you in your employment.

Making a disclosure does not stop any disciplinary or substandard performance processes or actions that are unrelated to your disclosure. These unrelated processes are not considered detrimental action.

What if someone takes detrimental action against me? Are there remedies available?

Once you have made the disclosure, if you believe someone has taken or is threatening to take detrimental action against you, advise the proper authority (PID Officer) you made the disclosure to. This will allow them to consider what action they may be able to take.

The proper authority can also discuss other options to stop or prevent detrimental action, including you:

- applying to the Supreme Court for an order or injunction
- applying to your employer to be relocated, if you are employed in a State public sector agency
- making a complaint to the Equal Opportunity Commission
- taking action through a civil court as a tort.

Does the PID Act also protect the subject of a public interest disclosure?

The identity of the subject of the disclosure can only be revealed in accordance with the PID Act. The PID Act also requires that natural justice, that is, procedural fairness, is afforded to those who are the subject of a disclosure.

What are my responsibilities?

In addition to providing protection, the PID Act imposes some responsibilities on you. Comply with the responsibilities outlined below to maintain your protection.

You must believe on reasonable grounds your information is or may be true.

It must be more than a mere suspicion, and show, or tend to show, that wrongdoing is occurring, has occurred or is about to occur. It is an offence to knowingly or recklessly make a false or misleading disclosure. The penalty for doing so is \$12 000 or imprisonment for one year (section 24 of the PID Act).

You must assist the investigator where you can.

You need to supply information at the investigator's request where you can. If you do not, you may lose your protections (section 17(1)(a) of the PID Act). Remember, it is not your role to investigate the matter, as you may affect the integrity of any ongoing investigation.

You must keep your disclosure completely confidential otherwise you may forfeit your protections.

You may speak with the PID Officer, or another person investigating the matter, but you cannot speak to anyone else about your disclosure. If you believe you need to speak to someone else about it, discuss this with your PID Officer first. You must also keep the information confidential after the process is complete, including information arising throughout the process and the outcome (section 17(1)(b) of the PID Act).

You must not reveal the identity of the person about whom your disclosure is made.

Subject to some exceptions, you can speak about this only with the proper authority who is dealing with your disclosure or anyone investigating the matter. If you speak to others, you may commit an offence which carries a penalty of \$24 000 or imprisonment for two years (section 16(3) of the PID Act).

How do I make a public interest disclosure?

What should I do first?

Make sure you seek advice.

Before making a disclosure, contact the [PID Officer](#) in the relevant authority to find out:

- how to make the disclosure and to whom you should make it
- your rights and responsibilities, including your protections
- the types of information the PID Act covers
- whether making a public interest disclosure is the best avenue for you to use.

Knowing this information, consider whether it is something you think is important to disclose because it is in the public interest.

If you decide to go ahead, be clear you are making your disclosure under the PID Act. The PID Officer will usually have a lodgement form for you to complete.

If you make a disclosure under the PID Act, you must not discuss the matter with anyone other than the PID Officer or the person investigating the matter. Otherwise you may lose your protections under the PID Act and incur a penalty.

Is there a time limit for making a disclosure?

No, you can make a disclosure at any time, including about matters that occurred before the PID Act commenced in 2003. However, the sooner you make a disclosure, the easier it will be for the proper authority to act on it.

Should I make my disclosure to the PID Officer?

You must make your disclosure to the proper authority (PID Officer or a person or body named in the PID Act) for it to be a public interest disclosure and for you to be protected under the PID Act.

Generally, you should make disclosures about a public authority or its officers or contractors to the PID Officer of that public authority. For some specific types of information you may make a disclosure to another proper authority named in the PID Act. You may also be able to make a disclosure to more than one proper authority (refer page 8).

Can I make a disclosure to someone other than a proper authority?

Not if you want protections under the PID Act. If you make a disclosure to someone who is not a proper authority (PID Officer), it will not be treated as a public interest disclosure. The PID Act will not apply and you will not be afforded the protections of the PID Act.

Can I make a disclosure to a journalist?

You can do so **only** if you have first made substantially the same disclosure to a proper authority or PID Officer and that public authority has:

- refused to investigate or discontinued the investigation of a matter you raised in your disclosure or
- not completed an investigation within six months of you raising the matter or
- completed an investigation but did not recommend that action be taken or
- not provided you with a report stating the outcome of their investigation and any actions proposed or taken and the reasons for those actions within the time allowed in section 10(1) and section 10(4) of the PID Act.

Be sure the actions of the PID Officer or authority dealing with your disclosure meets one of the above criteria before making a disclosure to a journalist. If you don't know the status of your disclosure, contact the PID Officer to find out prior to disclosure to a journalist.

It is important that people understand their rights and responsibilities under the PID Act. In addition to discussing the matter with the PID Officer, it is suggested that you seek your own legal advice before taking any action.

Can I make an anonymous disclosure?

The likelihood of a successful outcome is greatly increased if you share your identity with the proper authority when you make your disclosure.

However, you can make an anonymous disclosure as long as you make it to a proper authority and clearly indicate you are making a disclosure under the PID Act, for example, by stating at the top of your letter 'this is a public interest disclosure'.

Anonymous disclosures can be hard to investigate as the PID Officer cannot contact you for more information. If you are thinking about making an anonymous disclosure, consider whether:

- you can include enough information that wrongdoing has occurred, is currently occurring or will occur
- information or documents in your disclosure fully explain the matter and need no further explanation
- your identity may be inadvertently revealed during any subsequent investigation.

If you make an anonymous disclosure, it will be difficult for you to be protected under the PID Act. You will also not receive any information about what happens to your disclosure.

Do I need to provide evidence to support my disclosure?

When you make your disclosure you must believe on reasonable grounds your information is or may be true. It is an offence to make a false or misleading disclosure. Your information must be more than a mere suspicion and show, or tend to show, wrongdoing is occurring, has occurred or is about to occur. Supporting documents, names of witnesses and relevant dates when the alleged conduct occurred are useful, if you can supply them.

When making your disclosure, be clear, factual and accurate.

What happens after I make a disclosure?

What will the proper authority do first?

The proper authority will decide if the information in your disclosure is covered by the PID Act. If your information does not constitute a public interest disclosure, the proper authority will let you know and explain why (unless you made an anonymous disclosure). You may consider another avenue to report your concerns (refer page 8).

Will my disclosure be investigated?

If your disclosure is a public interest disclosure, the proper authority must investigate, or cause to investigate the matter, if they have the power to do so.

‘Cause to investigate’ means the proper authority may have another person with the right skills investigate the matter. They may be from within the authority or someone external. If another person investigates the matter, the proper authority who you made the disclosure to remains your point of contact throughout the process.

Your disclosure may not be investigated if the proper authority considers:

- the matter is trivial
- the disclosure is frivolous or vexatious
- there is no reasonable prospect of obtaining enough evidence due to the time that has passed since the wrongdoing occurred
- the matter is or has been properly investigated under the PID Act by another proper authority.

If the proper authority decides not to investigate your disclosure, they will let you know why, unless you made an anonymous disclosure.

Where a proper authority does not have sufficient power to investigate your disclosure under their legislation, they may refer your disclosure (or matter(s) within it) to another authority with the power to investigate. They will let you know, if they are referring a matter to another authority.

Will action be taken if my disclosure is substantiated?

If your disclosure is substantiated, the proper authority must take action that is necessary, reasonable and within its functions and powers to:

- stop or prevent the matter from continuing or occurring in the future
- start disciplinary action against a person responsible for the matter and/or
- refer the matter to the Commissioner of Police or another person, body or organisation having power to investigate the matter.

The action taken is a decision of the proper authority and will depend on the matters substantiated. Sometimes a change to policy or a practice may be all that is required.

The proper authority will give you a report on the action taken or proposed to be taken, within the time allowed by the PID Act, unless you made an anonymous disclosure. The proper authority will also provide a final report at the completion of the investigation, if requested.

Can I withdraw my disclosure once I have made it?

No, you do not 'own' a public interest disclosure and once you have made a disclosure you cannot withdraw it. The proper authority must investigate your disclosure once they receive it, unless the disclosure is declined for one of the reasons provided by the PID Act (refer page 17).

How long will the process take?

A straightforward disclosure may be completed quickly, while more complex issues can take months to complete.

Each proper authority will have their own process to follow. They may be able to give some indication of timeframes at the start of the process.

Will I be kept informed about my public interest disclosure?

Yes, as long as you do not make an anonymous disclosure, you will be notified about your disclosure throughout the process.

The proper authority will notify you within three months of making your disclosure about what they have done or intend to do about your disclosure. If the investigation is ongoing, you can ask for a progress report. You will also receive a report on the outcome of the investigation and any action taken, or proposed to be taken, as well as the reasons for these actions.

Reports will not contain any information likely to adversely affect any person's safety, privacy or other rights.

What if my disclosure is not substantiated?

An investigation into your disclosure may reveal that no wrongdoing has occurred. There could be a number of reasons why your disclosure is not substantiated, including a reasonable explanation or lack of evidence.

It is important you understand these reasons. If you do not feel they are clear or you do not have enough information, you can ask. Talk to the proper authority or PID Officer who managed your disclosure.

Even if your disclosure is not substantiated it could help the authority to identify broader problems or prevent a similar occurrence. You will still be protected by the PID Act where the disclosure is unsubstantiated and you uphold your responsibilities.

Can I appeal against the findings?

You cannot appeal against the findings. If you are dissatisfied with the outcome of the investigation, you may be able to make a disclosure to another appropriate proper authority (refer page 8).

However, this other proper authority may refuse to investigate your disclosure if they are satisfied it has already been properly investigated.

Important things to remember

- Check your information is or may be true. Knowingly and recklessly making false or misleading disclosures is an offence under the PID Act and carries a penalty.
- Keep your intentions to yourself and do not broadcast that you are going to make or have made a disclosure. Provide your information discreetly.
- Seek advice from the proper authority responsible for the public interest information, or call the Public Sector Commission Advisory Line on (08) 6552 8888 or 1800 676 607 before making a disclosure. The advisory line provides general advice about the public interest disclosure process.
- Don't breach confidentiality after you have made a disclosure or after the process is complete. You may lose your protections under the PID Act and you may incur a penalty.
- Be aware, that to be protected under the PID Act, you must make your disclosure to a proper authority. A disclosure to a journalist can only be made in certain circumstances (refer pages 14-15).

For further information about public interest disclosure visit www.publicsector.wa.gov.au

For further information on making a public interest disclosure, contact the authority where the wrongdoing occurred, is occurring or will occur and ask for the PID Officer.

A list of PID Officers for a range of public authorities in Western Australia is available at www.publicsector.wa.gov.au

Alternatively, contact the Public Sector Commission Advisory Line on (08) 6552 8888 or 1800 676 607, which provides general advice about the public interest disclosure process.

Useful contacts

For advice about the *Code of Ethics*, minor misconduct and public sector standards in human resource management

Public Sector Commission
Phone: (08) 6552 8888
Outside metro: 1800 676 607
Email: admin@psc.wa.gov.au
Website: www.publicsector.wa.gov.au

For advice on matters of State and local government administration

Ombudsman Western Australia
Phone: (08) 9220 7555
Outside metro: 1800 117 000
Email: mail@ombudsman.wa.gov.au
Website: www.ombudsman.wa.gov.au

For advice on public authorities' accountability and performance requirements

Office of the Auditor General
Phone: (08) 6557 7500
Email: info@audit.wa.gov.au
Website: www.audit.wa.gov.au

For advice about serious misconduct, Police misconduct and corruption

Corruption and Crime Commission
Phone: (08) 9215 4888
Outside metro: 1800 809 000
Email: info@ccc.wa.gov.au
Website: www.ccc.wa.gov.au

For advice on offences under a State law

Western Australia Police
Phone: (08) 9223 1000
Website: www.police.wa.gov.au

For advice on remedies for acts of victimisation under the *Equal Opportunity Act 1984*

Equal Opportunity Commission
Phone: (08) 9216 3900
Email: eoc@eoc.wa.gov.au
Website: www.eoc.wa.gov.au



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