



# Public Interest Disclosure Policy

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## Introduction

If you have information about the conduct of local government councillors, it is in the interests of all Queenslanders that you disclose that information to someone with the power to act.

Disclosures by local government employees help uncover corruption, misuse of public resources and poor administration. Reporting wrongdoing allows the matter to be investigated and action taken. This stops the corruption, misuse of resources or wrongdoing from continuing and helps prevent it happening again.

The [Public Interest Disclosure Act 2010](#) ( the Act) encourages people to make Public Interest Disclosures and provides protections to those who do.

Learn more about what is a Public Interest Disclosure, how you make a Public Interest Disclosure and what support and information is available to you by visiting the [Queensland Ombudsman's Office](#).

## What is a Public Interest Disclosure?

In the context of complaints about councillor conduct, a Public Interest Disclosure (PID) is a disclosure about the conduct of a councillor that serves the public interest. For an allegation to be considered a PID under the Act it must be:

- public interest information about serious wrongdoing
- an appropriate disclosure
- made to a proper authority



## What can a Public Interest Disclosure be about?

Under the PID Act only some kinds of information are Public Interest Disclosures.

A local government officer can make a PID about:

- corrupt conduct
- maladministration that adversely affects someone's interests in a substantial and specific way
- a substantial misuse of public resources.

Section 12 and 13 of the Act provide more information about what constitutes public interest information when making a public interest disclosure. If a disclosure is not a public interest disclosure, it may still be in an important complaint.

## What is an appropriate disclosure?

An appropriate disclosure is where:

- the discloser has an honest and reasonable belief that the information provided tends to show the conduct
- the information tends to show the conduct regardless of the discloser's belief
- information that 'tends to show' wrongdoing must be more than a mere suspicion. There must be information that indicates or supports a view that the wrongdoing or danger has or will occur.

The discloser is not required to undertake any investigative action before making a disclosure.

Information may be a disclosure under the Act even if the information turns out to be incorrect or unable to be substantiated, provided the discloser had a genuine and reasonable belief that it did occur.

## Who is a proper authority?

Proper authorities are persons and organisations authorised under the Act to receive PIDs.

Examples of proper authorities include:

- the local government at which the wrongdoing took place
- the Office of the independent Assessor (OIA) or the Crime and Corruption Commission (CCC)
- any Member of the Queensland Parliament.

## How do I make a Public Interest Disclosure?

Report corruption to the [CCC](#) or make a complaint about the conduct of a councillor to the OIA.

You can make a PID to the OIA by using the OIA's [online complaint form](#)

This form will prompt you to advise if you are a local government employee and if you have a fear of reprisal. This form can be submitted anonymously.

Or by telephone: 1300620722 (explain you wish to make a PID).

If you make a PID, you have a responsibility to provide honest, accurate and relevant information. Please note that deliberately providing false or misleading information is an offence under the Act.



After you make a PID, you have a responsibility to maintain appropriate confidentiality about having made a PID, the information you disclosed in the PID and the identity of anyone referred to in the PID. By not disclosing information about the PID to work colleagues and friends, you are helping to ensure the integrity of any investigative process and minimise the risks of reprisal against you or others.

### **Can I make an anonymous Public Interest Disclosure?**

You can make a PID anonymously either through the [OIA online complaint form](#), or by telephone. However, if you are anonymous, the OIA cannot contact you to ask for additional information or keep you informed about progress in handling the disclosure.

### **Discloser information and support**

The Act recognises the important role of a discloser and provides protections.

### **What information can I expect?**

After making a PID to the OIA you can expect to receive the following:

- confirmation of the receipt of the PID by the OIA
- details of a contact officer
- a description of the action taken or proposed to be taken by the OIA (which may be referral to another agency)
- if the OIA believes no action is required to be taken, the reasons for that decision
- appropriate support and protection

### **What protection does the Public Interest Disclosure Act provide?**

Reprisal against a discloser is an offence under the Act.

Furthermore, S150AW of the *Local Government Act 2009* makes it a criminal offence for a councillor to take detrimental action against another councillor or a local government employee in reprisal for a complaint or notification about councillor conduct. This offence attracts a maximum penalty of 167 penalty units or two years imprisonment and may be prosecuted by the OIA.

You cannot be disciplined for making a PID. However, after making a disclosure you are still responsible for your conduct and making a disclosure does not prevent reasonable management action.

The Act also provides that appropriate consideration be given to the interests of the person subject to a PID. Sometimes a disclosure is the result of an honest but mistaken claim and it is important that all parties are treated fairly.

### **Are Public Interest Disclosures confidential?**

Under the Act, identifying information about a person making a disclosure, the person/s alleged to have engaged in wrongdoing and details of the disclosure are all confidential. It is an offence to reveal confidential information except in certain circumstances, such as:

- if it is required under the Act
- if it is required under another Act
- for a proceeding in a court or tribunal
- to protect the health or safety of a person
- if the person to whom the confidential information relates agrees in writing
- if it is essential under the principles of natural justice and reprisal is unlikely.



## What kind of support can be provided?

As part of the PID assessment process, the OIA will determine the level of protection and support appropriate for a discloser by conducting a risk assessment of reprisal (against the discloser and others associated with the disclosure).

Although the majority of people who disclose wrongdoing say that they do not experience any negative impacts, sometimes disclosers report feelings of frustration or increased stress.

If you are in any way concerned about possible reprisal, make this clear when you disclose to the OIA.

The type of support and protection offered to you will depend on a range of factors such as the type of the suspected wrongdoing, the circumstances of your report, your connection with the subject officer and the workplace involved in the PID.

Local governments, as employers, have a legal duty of care to support and protect employees who fulfil their obligations to report wrongdoing.

Practical support offered may include:

- giving you information about the PID process and updating you about progress in relation to your disclosure
- helping you to manage your expectations and mentally prepare for stressful situations
- giving you information about external organisations and services that offer support – such as employee assistance services to help with stress management or other counselling services
- monitoring the workplace for possible reprisal or conflict.

## Who can review Public Interest Disclosure decisions?

If you are dissatisfied with the OIA's handling of a PID, you can ask for the decision to be reviewed by the Independent Assessor under its [OIA complaints management and internal review policy](#), and [Internal Review requests procedure](#).

If you are dissatisfied after the Independent Assessor has reviewed its decision, you can make a complaint to the [Office of the Queensland Ombudsman](#).

