

PUBLIC INTEREST DISCLOSURE INFORMATION SHEET



1. What is a public interest disclosure?

A public interest disclosure (PID) involves the supply of information, to an appropriate authority, including Council, which reasonably indicates a wrongdoing in the public sector, that serves the public interest. For an allegation to be considered a PID under the *Public Interest Disclosure Act 2010* (PID Act) it must be:

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

2. Why make a Public Interest Disclosure?

Disclosures about wrongdoing by public sector workers help to uncover corruption and other misuses of public resources.

The PID Act encourages the disclosure of information about suspected wrongdoing in the public sector so that it can be properly evaluated and investigated. Disclosures help public sector organisations identify wrongdoing and continuously improve systems.

3. Who can make a disclosure and what can it be about?

Any person, including a public sector officer, may disclose information about:

- a substantial and specific danger to the health or safety of a person with a disability
- a substantial and specific danger to the environment (as set out in the PID Act)
- reprisal action in relation to a PID

A public sector officer may also disclose information about:

- corrupt conduct by another person
- maladministration that adversely affects someone's interests in a substantial and specific way
- a substantial misuse of public resources
- a substantial and specific danger to public health or safety
- a substantial and specific danger to the environment

Preliminary Assessment

Assess whether the subject matter qualifies as a PID within the meaning of the PID Act. In assessing a disclosure, the Ethical Standards Unit will determine if;

- the PID protections are available to the discloser;
- the disclosure concerns a matter about which a PID can be made;
- the disclosure has been made to an individual or entity who may receive a PID
- referral to an external agency is required

The discloser will be provided with response regarding the PID, including reasonable information. At this stage Council may decide not to investigate or deal with a PID. If this is the case, the response will include the reasons for this decision.



Investigation Process

An investigator will be engaged for the purposes of investigating the PID. This may be either an internal investigator or an external investigator, however they will be sufficiently removed from the issue as not to have a conflict of interest.



Response to Discloser

The discloser will be provided with written response on completion of the investigation into their PID. This response will include;

- Whether the PID was substantiated or unsubstantiated
- Any referral to external agencies
- Councils actions

4. What is an appropriate disclosure?

An appropriate disclosure is where:

- the discloser honestly and reasonably believes the information provided tends to show the conduct or danger
- the information tends to show the conduct or danger regardless of the discloser's belief

Information that 'tends to show' wrongdoing or danger 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 PID.

A disclosure may still be a PID 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. This allows for genuine misinterpretations of information to fall within the scope of a PID.

5. What protection does the Public Interest Disclosure Act provide?

Disclosers are entitled to reasonable information about the action taken as a result of a PID. This includes information about the action proposed and, if action is taken, the results of that action.

Reprisal against a discloser is an offence. The PID Act also makes the public sector entity vicariously liable if any of the entity's employees attempt or cause reprisal against a discloser (whether public officer or a member of the public). Public sector entity Chief Executive Officers have specific obligations to ensure public officers who make a PID are supported and offered protection from reprisal.

If you are a public sector officer, you cannot be disciplined for the action of making a PID. However, the discloser is still liable for their own conduct both before and after making a PID. Making a PID does not prevent reasonable management action being taken in regards to the conduct of the discloser.

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

6. Are public interest disclosures confidential?

Strict confidentiality requirements apply to PIDs. Confidential PID information can only be recorded or disclosed:

- to administer the PID Act or to discharge a function under another Act (for example, to investigate something disclosed by a PID)
- for a proceeding in a court or tribunal
- with the consent of the person the information relates to (or if the consent of the person cannot be reasonably obtained, if the information is unlikely to harm the interests of the person) or
- if it is essential under the principles of natural justice and reprisal is unlikely.

7. What Information should a PID include?

If a PID is to be made, the disclosure should detail the incident or issue of concern in sufficient detail to enable an appropriate investigation to be conducted. Depending on circumstances, disclosers should supply:

- their name and contact details (desirable);
- the nature of the wrongdoing;
- who they think did the wrongdoing (if possible);
- when and where the wrongdoing occurred;
- events surrounding the issue;
- whether they did anything in response to the wrongdoing; and
- others who know about the wrongdoing and have allowed it to continue.

8. How to make a Public Interest Disclosure?

A PID may be made either verbally or in writing and the discloser may also remain anonymous. However where a PID is of a complex nature or involves serious allegations, it is recommended that the disclosure be submitted in writing and marked 'Confidential' for the attention of the Ethical Standards Unit.

Phone: 1300 69 22 47 Request to be transferred to the Ethical Standards Unit

In Writing: STRICTLY CONFIDENTIAL
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