

Public Interest Disclosures

What is a Public Interest Disclosure (PID)?

In general terms, a PID is the disclosure of information of public interest involving wrongdoing within the public sector and providers contracted by the public sector.

PIDs are managed in accordance with the *Public Interest Disclosure Act 2010*.

What types of matters can be disclosed?

Disclosure can be made about:

- A substantial and specific danger to the health or safety of a person with a disability
- The commission of an offence which is or would be a substantial and specific danger to the environment
- The conduct of another person that could be a reprisal.

Why make a PID?

A disclosure of suspected wrongdoing is an important component for ensuring that everyone in the department, the community and disability sector upholds the highest standards of integrity and accountability. Persons who report disclosures are an important source of information for identifying and resolving wrongdoing and are encouraged to speak up.

Who can make a PID?

Anybody can provide information if they honestly and reasonably believe it can show wrongdoing or danger and that the information is of public interest and is made to a proper authority. Whether or not a disclosure will be recognised as a PID will be determined by the department, taking into consideration the type of information supplied, and who has made the disclosure.

What information needs to be provided?

When making a PID, disclosers have the responsibility to provide honest and accurate information regarding the matter, including:

- Their contact details;
- The nature of the wrongdoing including when and where it has occurred;
- Whether anything was done in response; and
- If there are concerns about reprisal.

If the assessment of the information results in action being taken, including investigation, disclosers will often be required to provide further information and supply any available evidence in support of the disclosure. Deliberately providing false or misleading information is an offence.

What happens when I report a PID to the department? What about reprisal?

The department will assess your matter and contact you. You will receive formal advice of the outcome of the assessment undertaken; information you should be aware of with regard to PIDs; actions undertaken by the department as a result of your disclosure and resultant actions and outcomes to date.

Due to departmental privacy and confidentiality provisions, detailed information that can be provided to the discloser may be limited.

The vast majority of people who make a disclosure do so without experiencing reprisal. Each PID has a risk assessment undertaken which includes assessing the likelihood of reprisal occurring and taking intervention action where appropriate. Reprisal is a criminal offence and penalties include a term of imprisonment.

Will my disclosure be kept confidential?

Yes - the department has a legal responsibility to maintain confidentiality. This protects all parties and the integrity of any actions taken by the department in handling the matter.

Information pertaining to a PID will not be disclosed unless it becomes necessary for the purpose of appropriately dealing with the disclosure, ensuring procedural fairness to any person/s subject to or involved in the disclosure, and the health, safety and wellbeing of clients of the department.

Whilst the department cannot guarantee the discloser complete anonymity, appropriate steps are taken to address the concerns raised confidentially, as far as legislation will allow.

What happens if I report a matter to the department and it is deemed not a PID?

The department is committed to receiving and appropriately actioning complaints whether or not they have been assessed as a PID. Should you disagree with the decision not to progress the matter as a PID, you can seek review of that decision. The request for a review must be made within 28 business days of being advised of the decision.

What if I am a departmental employee reporting a PID?

You should contact the department's Ethical Standards Unit for further assistance. You can view the department's PIDs Policy and Procedure at www.communities.qld.gov.au

What if I am the subject of a PID?

If you are the subject of a disclosure you are afforded natural justice, which includes the right to know the substance of the allegations, the right to put your case forward and to have a decision maker act fairly and without bias. Natural justice does not automatically mean that you have the right to know who made the PID, unless it is necessary to allow for a response to the allegations.

The subject of an allegation may seek assistance from their legal representative, union and if they are a departmental employee, may utilise the services of their Employee Assessment Service (EAS).

Protection exists for those against whom an intentionally false PID is made. It is an offence under Section 66 of the *Public Interest Disclosure Act 2010*, punishable by up to two years imprisonment.

Who can assist me in reporting a PID?

You may contact an advocate of your choice or one of the following advocacy agencies:

- Queensland Advocacy Incorporated on 1300 130 582
- Queensland Parents for People with a Disability on 1800 805 184 or mail to: qppd@qppd.org
- Queensland Aged and Disability Advocacy on 1800 818 338 or info@qada.org.au
- Speaking Up For You Incorporated on 3255 1244 or <mailto:sufy@sufy.org.au>

What to do if I have witnessed a life threatening or time critical emergency?

To report a life threatening event call **Triple Zero (000)**. To report a non-urgent matter or to make general police non-urgent enquiries, call **Policelink on 131 444** or visit your local police station.

Do you need more information?

You can seek more information in relation to PIDs from:

- Queensland Ombudsman
<http://www.ombudsman.qld.gov.au/PublicationsandReports/PublicInterestDisclosureGuides/tabid/339/Default.aspx>
- Public Service Commission
<http://www.ethics.qld.gov.au/public-interest-disclosures/index.aspx>