

Procedures for Actioning Public Interest Disclosure

What are Public Interest Disclosures?

The *Public Interest Disclosure Act 1994* (the Act) supports the reporting of wrongdoing in the public sector – it is in the public’s interest that these disclosures are made.

The Act provides a method for any member of the public, including ACT public servants, to report wrongdoing in the ACT public sector – this is called making a public interest disclosure (also known as ‘whistle-blowing’).

These procedures apply to disclosures made to the Chief Minister and Cabinet Directorate, the ACT Work Safety Council, the Remuneration Tribunal and the ACT Long Service Leave Authority.

Who Can Make a Disclosure?

Anyone can make a disclosure, however there are penalties for providing information that you know to be false or misleading.

Who Can Receive a Disclosure?

You can make a disclosure to:

- the body where the conduct occurred;
- a body that you think may have the power to investigate the conduct;
- any ACT Government agency you think is best suited to the nature of your disclosure;
- the ACT Ombudsman; or
- the ACT Auditor-General.

Initial Contact

Anyone who wants to make a complaint about actions by this directorate, or its staff, should be directed to Corporate Management. You can ask about making a disclosure to the Chief Minister and Cabinet Directorate by calling our contact officer, the Manager, Corporate Governance, on +61 2 620 75883.

Nominated Executive to Receive Disclosures

The Director, Corporate Management, has been nominated by the Director-General to receive public interest disclosures.

How Do I Make a Disclosure?

- a) Talk to the contact officer, or
- b) Put your disclosure in writing.

There is no specific form but you should mention:

- your name and contact details. You do not have to mention your name, but if you do not the directorate has no obligation to investigate the matter;
- who you think did the wrongdoing. You do not need to provide the identity of the persons but you do need to give enough information for the investigation to proceed;
- the nature of the wrongdoing and what you think happened. It will help if you can provide as much information as possible;
- when and where the wrongdoing occurred;
- any witnesses to the wrongdoing; and
- attach any documentation that may confirm the wrongdoing occurred.

How Am I Protected If I Make a Disclosure?

The Act makes it an offence to victimise a person because that person has made a disclosure. If you are a Government employee and are at risk of victimisation you can be moved to another job. If you are victimised you can go to court to take action to stop victimisation or to seek damages.

You may need to see a lawyer about your rights or if you are considering taking a case to court.

What Happens After I Have Made a Disclosure?

After you have made a disclosure the Nominated Executive will be responsible for:

- assessing whether the disclosure falls within the *Public Interest Disclosure Act 1994*;
- providing information about the Act and its ramifications/provisions to the informant;
- making an accurate written record of a disclosure if this is made verbally by an informant;
- clarifying further details of the disclosure or obtaining other relevant information where necessary;
- assessing whether the directorate is the appropriate agency for investigating the disclosure or whether it should be referred to another agency or to the Ombudsman;
- advising the informant whether the disclosure will be investigated or not (and if not, explain why not), or if it is to be referred to another agency or the Ombudsman;
- providing appropriate assistance to the informant where unlawful reprisal may occur, including the possibility of relocating a staff member of the directorate;
- advising the Director-General of formal receipt of a disclosure including advice as to proposed action to be taken, and providing status reports to the Director-General until the matter is finalised;
- where necessary, identifying or appointing appropriate officers to ensure an impartial and fair investigation to establish whether the disclosure has substance; and
- where necessary, deciding if further action should be through the use of procedures for investigating a grievance, or discipline, or fraud investigation, as set out in the *Public Sector Management Act 1994* and Standards.

What May Be Disclosed?

The Act covers different kinds of wrongdoing in the ACT public sector such as:

- bias;
- misuse of information;
- dishonesty at work;
- negligent or improper management of government funds;
- victimising a person because they have made a public interest disclosure (this is called '*unlawful reprisal*'); or
- trying to influence a public sector employee to act improperly.

A Public Interest Disclosure for the Chief Minister and Cabinet Directorate should be forwarded to:

Director, Corporate Management
Chief Minister and Cabinet Directorate
GPO Box 158
Canberra ACT 2601

Where Do I Get More Information?

Ask the contact officer; or

- access the *Public Interest Disclosure Act 1994* at <http://www.legislation.act.gov.au/a/1994-108/default.asp> ; or
- access a detailed guide to the Public Interest Disclosure regime at http://www.cmd.act.gov.au/_data/assets/pdf_file/0010/116785/pidact.pdf

You can purchase a copy of the Act from ACT Government Shopfronts or download a copy from

<http://www.legislation.act.gov.au/a/1994-108/default.asp>

For further information you can also telephone or write to:

ACT Ombudsman

GPO Box 442

Canberra ACT 2601

Ph: 1300 362 072 (calls from mobile phones at mobile phone rates)

<http://www.ombudsman.act.gov.au/pages/contact-us/>

ACT Auditor-General

PO Box 275

Civic Square ACT 2608

Ph: 6207 0833

<http://www.audit.act.gov.au/contact.html>