

WHAT IS A PUBLIC INTEREST DISCLOSURE?

A Public Interest Disclosure (PID) is a special type of complaint relating to disclosable conduct which attracts protection for the discloser.

A PID report can be made by anyone regarding suspected wrongdoing that relates to a public sector entity, contractor or public official.

Disclosable conduct includes:

- Maladministration (which in essence is substantial mismanagement), or
- Conduct that poses a substantial and specific danger to public health or safety, or the environment.

It generally excludes industrial concerns or individual workplace grievances.

HOW TO REPORT POTENTIAL DISCLOSABLE CONDUCT

Anyone can make a report under the *Public Interest Disclosure Act 2012* (PID Act) about ACT public sector wrongdoing. The report must be made to a person responsible for receiving reports. These people are referred to as 'disclosure officers'.

A report may relate to events that are happening (or are reasonably suspected of happening) now, occurred in the past, or may happen in the future.

There is no requirement for a discloser to say they are making a PID or even mention the PID Act. Disclosers may not even know they have made a PID.

DISCLOSURE OFFICERS

The PID Act specifies people that can receive disclosures of disclosable conduct. These people are called disclosure officers, and they are:

- the Public Sector Standards Commissioner;
- the Head of Service;
- the Auditor-General;
- the Ombudsman;
- the Integrity Commissioner;
- the head of an ACT Public Service entity;
- the Clerk of the Legislative Assembly; and

- a person nominated to be a disclosure officer.

In addition to disclosure officers, disclosers can make reports to a Minister or, if the discloser works in a public sector entity, their supervisor or manager.

The Directorate maintains a list of nominated disclosure officers on its [website](#), in accordance with the PID Act.

INTEGRITY COMMISSION

The ACT Integrity Commission makes procedures for dealing with PID Act disclosures, decides whether a disclosure qualifies as a PID and where a disclosure does qualify as a PID, decides which public sector entity (including the Integrity Commission) is best placed to investigate it.

PROTECTION FOR DISCLOSERS

The PID Act provides protection for disclosers by:

- protecting them from suffering legally or professionally;
- criminally penalising any person, including officials, who take detrimental action against a discloser for making it; or
- permitting a recovery of damages by civil litigation.

FURTHER INFORMATION

Further information, including the *Public Interest (Integrity Commission – Managing Disclosures and Conducting Investigations) Guidelines 2021*, is available on the [Integrity Commission website](#).

General advice on the PID Scheme can also be provided by the SERBIR. The role is fulfilled by the Executive Branch Manager Governance – EDUSERBIR@act.gov.au