

MUST AGENCIES DEAL WITH ALL DISCLOSURES?

No, if an Agency is not the right body to deal with the disclosure, they may refer the disclosure to another agency or the Ombudsman.

An agency may also decide not to investigate, but only for reasons set out in the Act. These are:

- the disclosure does not come under the Act;
- there is a better way of dealing with the disclosure;
- another government body, court or tribunal has already dealt with the matter; or
- they think the disclosure has no basis, is trivial, frivolous or vexatious.

If you are not happy with the decision, you can check with the Ombudsman or the Auditor General. You may have grounds for further action or complaint.

WHERE CAN YOU GET MORE INFORMATION?

You can access the Act at the ACT Legislation Register www.legislation.act.gov.au or from ACT Public Libraries.

Each agency has a contact officer who can tell you what happens when you make a disclosure to that agency.

You can also telephone or write to:

- **ACT Ombudsman**
GPO Box 442
CANBERRA ACT 2601
Ph: 627 60111
- **ACT Auditor General**
PO Box 275
CIVIC SQUARE ACT 2601
Ph: 620 70833
- **Department of Education & Training**
PO Box 1584
TUGGERANONG ACT 2901
Ph: 620 59339

The Public Interest Disclosure Act 1994

Unethical and corrupt behaviour has adverse effects on our organisation. It can affect the trust and respect the community has for the ACT Public Service.

The *Public Interest Disclosure Act* supports the reporting of wrongdoing in the public sector - it is in the public's interest that these disclosures are made.



THE PUBLIC INTEREST DISCLOSURE ACT

The *Public Interest Disclosure Act 1994* provides a scheme for people to report wrongdoing in the ACT public sector - this is called making a public interest disclosure (also known as “whistleblowing”).

The Act:

- provides rights and protection for people who report corrupt, illegal or improper conduct or substantiated waste of public resources; and
- ensures that ACT Government agencies take appropriate action on disclosures.

WHO CAN MAKE A DISCLOSURE?

Anyone can make a disclosure, but you must believe, on reasonable grounds, that your information shows some wrongdoing has occurred.

You don't need to identify the people involved but you must give enough information to permit investigation.

If you want the information to be treated as a disclosure under the Act, you will be asked to identify yourself - agencies are not required to investigate anonymous disclosures.

There are penalties for providing information that you know to be false or misleading.

WHAT CAN YOU DISCLOSE?

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.

HOW ARE YOU PROTECTED IF YOU MAKE A DISCLOSURE?

- the Act limits legal action against you because you have provided the information;
- if you are a government employee and think you are at risk of victimisation, you can ask to be moved to another job;
- if you are victimised, you can go to court to seek damages or take action to stop victimisation;
- the Act creates a criminal offence of unlawful reprisal (ie victimising a person who has made a disclosure).

You may need to see a lawyer about your rights or taking a case to court.

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 best;
- the ACT Ombudsman; or
- the ACT Auditor General.

WHAT MUST AGENCIES DO UNDER THE ACT?

ACT Government agencies must:

- receive disclosures;
- treat disclosures confidentially;
- consider the risk to the informant when referring the disclosure to another agency;
- deal with disclosures received and report on this in annual reports;
- give people who make disclosures feedback about the investigation of the disclosure;
- take appropriate action about complaints of victimisation and give information about remedies that are available.

