



## **ACT Department of Treasury Procedures for Actioning Public Interest Disclosures**

### **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 ACT Department of Treasury

### **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 department, or its staff, should be directed to the Office of the Under Treasurer. You can ask about making a disclosure to the ACT Department of Treasury or by calling our contact officer on 620 70280.

### **Nominated Executive to Receive Disclosures**

The Director, Office of the Under Treasurer, has been nominated by the Under Treasurer to receive public interest disclosures.

### **How Do I Make A Disclosure?**

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

There is no specific form however, you should mention:

- your name and contact details. You do not have to mention your name, but if you do not the department 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 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 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 department 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 Ombudsman;
- providing appropriate assistance to the informant where unlawful reprisal may occur, including the possibility of relocating a staff member of the department;
- advising the Chief Executive of formal receipt of a disclosure including advice as to proposed action to be taken, and providing status reports to the Chief Executive 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 ACT Department of Treasury should be forwarded to:**

Director, Office of the Under Treasurer  
ACT Department of Treasury  
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/0017/449/pidguideact.pdf](http://www.cmd.act.gov.au/_data/assets/pdf_file/0017/449/pidguideact.pdf)

For further information you can also telephone or write to:

ACT Ombudsman  
GPO Box 442  
Canberra ACT 2601  
<http://www.ombudsman.act.gov.au/>  
Ph: 1300 362 072

ACT Auditor General  
PO Box 275  
Civic Square ACT 2608  
<http://www.audit.act.gov.au/>  
Ph: (02) 6207 0833

*If you are not happy with the outcome of your investigation you can check with the Ombudsman or the Auditor-General. You may have grounds for further action or complaint.*