

# Thinking about blowing the whistle?

## MAKING A PUBLIC INTEREST DISCLOSURE

*A guide for individuals  
working in the public sector*

2011

**Handling a public interest disclosure**

*A guide for public sector managers and supervisors*

**Managing a public interest disclosure program**

*A guide for public sector organisations*

under the

***Public Interest Disclosure Act 2010 (Qld)***



So you think you may have seen something in your workplace that shouldn't be happening?

Not sure what to do about it?

# STOP AND ASK YOURSELF

Depending on the type of wrongdoing or danger that you are concerned about, there are different people you can, and should, talk to.

## What kind of information do you have?

### IS IT ABOUT BULLYING OR HARASSMENT?

Consult your organisation's bullying or harassment policy and talk to your manager or Human Resources (HR) section. If the matter is serious enough, it may be a public interest disclosure.

*Keep reading.*

### IS IT A WORKPLACE COMPLAINT OR ABOUT WORKPLACE CONFLICT?

Consult your organisation's grievance policy and talk to your manager, HR section or union.

### IS IT A WORKPLACE HEALTH AND SAFETY (WH&S) ISSUE?

Consult your organisation's WH&S policy and talk to your manager or WH&S officer.

### IS IT ABOUT OFFICIAL MISCONDUCT OR A REPRISAL?

It may be a public interest disclosure.

*Keep reading.*

### IS IT ABOUT MALADMINISTRATION OR A MISUSE OF PUBLIC RESOURCES?

It may be a public interest disclosure.

*Keep reading.*

### IS IT ABOUT DANGER TO PUBLIC HEALTH OR SAFETY, THE HEALTH OR SAFETY OF A PERSON WITH A DISABILITY OR THE ENVIRONMENT?

It may be a public interest disclosure.

*Keep reading.*

### IS IT A COMBINATION OF THE ABOVE?

You may have concerns about bullying or workplace conflict as well as information that may be a public interest disclosure.

*Keep reading.*

### NOT SURE?

Seek advice from your manager, another senior manager, your HR section or one of the organisations listed on pp. 30–32.

# This guide

A person who makes a **public interest disclosure** receives unique protections for disclosing information in the public interest to a proper authority about wrongdoing in the public sector; or danger to the public health or safety, the health or safety of a person with a disability, or the environment. Making a public interest disclosure is sometimes referred to as 'whistleblowing'.

If you are a public officer considering making a disclosure about wrongdoing in the public sector, this guide will help you decide what to do with the information you possess. How, where and what you disclose determines whether it is legally protected under the *Public Interest Disclosure Act 2010* (Qld) (the PID Act); for example, whether you receive immunity for making the disclosure or whether confidentiality requirements apply. This guide also provides information about where you can access advice and support during the process.

While this guide focuses on making a **public interest disclosure** (PID), the principles of protection and support described apply uniformly to all employees who raise a concern. You should not expect repercussions for reporting any type of wrongdoing, or speaking up in defence of your own and others' rights as employees. Although these concerns may not satisfy the definition of whistleblowing under the PID Act, you should still tell someone in your organisation and be supported for doing so.

The PID Act replaced the *Whistleblowers Protection Act 1994* (Qld). Making a public interest disclosure is sometimes referred to as 'whistleblowing'.

## Key to the layout of the guide

**Research findings**  
are in dark blue

**Examples**  
are in light blue

**Definitions**  
are in beige

The Australia-wide research findings presented in this guide are drawn from *Whistling While They Work, Whistleblowing in the Australian public sector* (Brown 2008). More information about the research is at the end of this guide (see 'About the research' on p. 33), and via [www.griffith.edu.au/law/whistleblowing](http://www.griffith.edu.au/law/whistleblowing).

Unless otherwise stated, legislation references in this guide are to the PID Act, while chapter and page references are from Brown 2008.

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# Contents

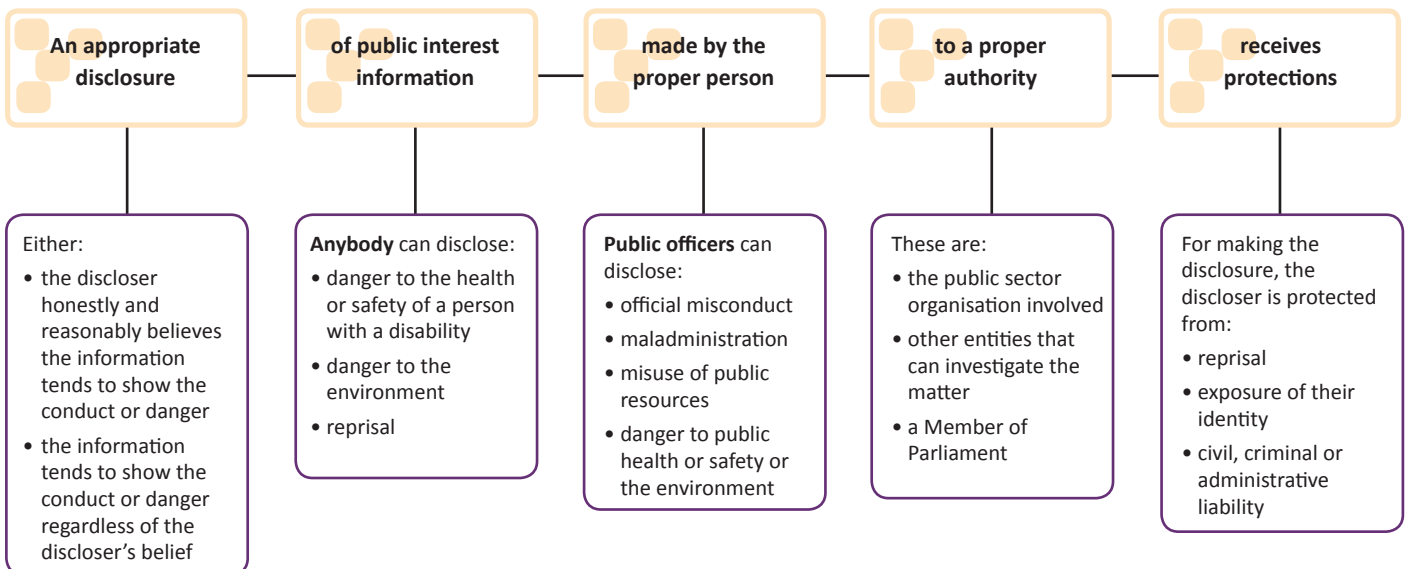
<b>UNDERSTANDING PUBLIC INTEREST DISCLOSURES</b>	<b>1</b>
What is a public interest disclosure?	1
How am I protected when making a PID?	2
Why make a PID?	3
Who can make a PID?	5
What can I disclose?	6
Who can receive a PID?	8
What if my report isn't a PID?	11
What if I'm involved in workplace conflict?	12
<b>MAKING A PUBLIC INTEREST DISCLOSURE</b>	<b>13</b>
What do I do before making a PID?	13
Can I disclose anonymously?	14
Do I have to disclose in writing?	14
What information should I provide?	15
Do I need supporting evidence?	16
<b>FOLLOWING A PUBLIC INTEREST DISCLOSURE</b>	<b>17</b>
What will happen after I make my PID?	17
Will my name be kept confidential?	19
What must I do?	19
How long will the process take?	20
Will I be kept informed?	20
What if my PID is substantiated?	21
What if my PID is not substantiated?	21
What if I am not happy with the decision?	22
Where can I get support?	23
<b>PROTECTING PUBLIC INTEREST DISCLOSERS</b>	<b>25</b>
What is detriment or reprisal?	25
What are the risks of reprisal?	26
What if a reprisal is committed against me?	27
What legal options are available?	28
What if I am the subject of the PID?	29
<b>WHERE CAN I GET MORE INFORMATION?</b>	<b>30</b>
About the research	33

# Understanding public interest disclosures

## What is a public interest disclosure?

The *Public Interest Disclosure Act 2010* (the PID Act) aims to ensure that government is open and accountable by providing protection for those who speak out about wrongdoing or, in other words, make a public interest disclosure (PID).

In 1989, the Fitzgerald Inquiry in Queensland brought to light the difficulties people faced in disclosing information about wrongdoing in their organisation. The inquiry emphasised the need for legislation to protect public interest disclosers (whistleblowers) from reprisal (see '*What is detriment or reprisal?*' on p. 25).



## How am I protected when making a PID?

**You will be protected by your organisation and the PID Act provisions.**

Your organisation must take action to protect you from retribution or reprisal, such as bullying or harassment, for making a PID. In many organisations, conduct amounting to a reprisal will be against the code of conduct and can be dealt with under the organisation's disciplinary system.

In addition, the PID Act provides disclosers with the following protections:

- The discloser's identity will be protected, where possible (see '[Will my name be kept confidential?](#)' on p. 19).
- For making the PID, the discloser has immunity from:
  - civil liability (e.g. for defamation)
  - criminal liability (e.g. for breaching statutory confidentiality provisions)
  - disciplinary action, termination of employment, or any other workplace or administrative sanctions.
- Public sector entities must establish procedures to protect their staff from reprisal.
- It is a criminal offence to cause detriment to a person because it is believed that somebody has made or will make a PID.
- Disclosers have the right to apply for an injunction in the Industrial Relations Commission or Supreme Court to prevent a reprisal.
- Disclosers have the right to make a civil claim for damages for a reprisal against the person causing the reprisal or the employer of the person causing the reprisal.
- Disclosers may make a complaint about a reprisal to the Anti-Discrimination Commission Queensland (ss. 36–45).

Be aware that making a PID does not exclude you from being reasonably managed or disciplined for any unsatisfactory performance or wrongdoing on your part (s. 45).

## Why make a PID?

**Do you expect others to ‘blow the whistle’ if your building is unsafe, a carer hits your disabled relative, your neighbourhood is polluted or your taxes are being wasted?**

**Would you blow the whistle if you learned about something in the public sector that could have equally serious consequences?**

Reporting suspected wrongdoing is vital to the integrity of the Queensland public sector.

Employees who are prepared to speak up about official misconduct, maladministration or other wrongdoing are now well recognised as one of the most important and accurate sources of information to identify and address problems that disadvantage or endanger others. People who report such matters are referred to in this guide as ‘disclosers’ (also known as whistleblowers).

If your main concern is to stop or prevent wrongdoing, then the fastest and safest way to achieve this, in the majority of cases, is by speaking up.

- Managers and casehandlers rank reporting by employees as the single most important trigger for uncovering wrongdoing.
- Reports by employees account for two out of every three wrongdoing cases recorded and dealt with by public sector organisations.
- Whistleblower reports are more likely to be substantiated and lead to change in an organisation than allegations or complaints from other sources.
- Managers and casehandlers state that information provided by whistleblowers is generally significant and valuable.

(Chapter 2, pp. 44–45)

**Never underestimate the potential value of a single PID. Your information could provide a vital clue that a larger problem exists.**

The benefits of making a PID may include:

- stopping the wrongdoing or bringing it to the attention of people who can stop it
- stopping other people being disadvantaged by the wrongdoing
- preventing danger to the health and safety of people
- preventing damage to the environment
- creating an opportunity to implement better work procedures which can prevent wrongdoing in the future
- bringing to account the people responsible for wrongdoing
- knowing that you did what you could to improve the situation.

Making a PID is in accordance with the Queensland public sector's ethical culture; specifically, acting with integrity.

Consult your organisation's code of conduct for more information about your obligations, as well as the consequences of not reporting (e.g. performance management or disciplinary action).

Consider the consequences if you decide not to disclose.

- Who might be hurt if the wrongdoing remains unchallenged?
- What are the implications for the organisation and members of the public?
- What would happen if it was later found that you knew about the wrongdoing but took no action?

PIDs are a vital link between the consideration people have for one another, the accountability of organisations and the wider public interest. They are an effective way for individuals to promote integrity and accountability by acting in the public interest.

Making a disclosure about wrongdoing is a lot more common than previously believed. Data collected across Australia over a two-year period from public sector employees revealed that:

- 61 per cent of employees saw wrongdoing in their organisation which they considered serious
- 12 per cent reported some form of wrongdoing which was in the public interest.

Don't be part of the group that sees wrongdoing but takes no action — speak up!

(Chapter 2, p. 40)

#### Why whistleblowing matters

**1986: Space Shuttle Challenger explodes on take-off.** NASA ignores a clear warning from engineer Roger Boisjoly about the impending disaster.

**1989: Police corruption exposed.** The Fitzgerald Report notes that 'Honest public officials are the major potential source of the information needed to reduce public maladministration and misconduct.'

**2002: Time magazine makes Sherron Watkins, Cynthia Cooper and Colleen Rowley joint Persons of the Year** for their whistleblowing on Enron, WorldCom and the FBI's failure to take action on information related to 9/11.

**2005: Thirty years on, Watergate's Deep Throat is named.** FBI's former deputy director, Mark Felt, is revealed as the confidential — never anonymous — source whose disclosures forced President Nixon from office.

(Adapted from Public Concern At Work 2007, *What we do & why it matters*, UK)



## Who can make a PID?

**PIDs must be made by an individual, not by an organisation or company.**

**Anybody**, whether a public officer or not, can make a disclosure about the following and receive the protections under the PID Act (s. 12):

- danger to the health or safety of a person with a disability
- danger to the environment
- a reprisal.

All **public officers** can make a PID about the following conduct and receive the protections (ss. 13, 18, 19):

- official misconduct.

Only **public officers** of organisations other than government owned corporations can make a PID about the following conduct and receive the same protections (ss. 13, 18):

- maladministration
- misuse of public resources
- danger to public health or safety
- danger to the environment.

Of course, you can always make a *complaint* to your organisation about any type of wrongdoing that concerns you or should be dealt with.

PIDs do not need to be voluntary; you may be legally required to provide information (s. 22).

A **public officer** includes:

- Queensland government department or agency employees
- local government employees or councillors
- statutory body employees
- members of government appointed boards or committees
- public university or TAFE institute employees
- Members of Parliament and their staff
- judicial officers
- police officers.

For certain parts of the PID Act, a **public officer** also includes:

- local government corporation employees
- government owned corporation employees.

(PID Act, s. 7)

Public officers may be engaged on a permanent, temporary or casual basis and may include persons engaged under a contract of service. However, it does not include volunteers and contractors.

## What can I disclose?

- Official misconduct
- Maladministration
- Misuse of public resources
- Danger to public health or safety
- Danger to the health or safety of a person with a disability
- Danger to the environment
- Reprisal

(ss. 12, 13, 18, 19)

This guide is about the unique protections the PID Act provides for PIDs. If you have witnessed wrongdoing that does not fall into one of these categories, it is still important to speak up and let someone know (see '*What if my report isn't a PID?*' on p. 11). As an employer, your organisation must support you and protect you from any adverse action if you report wrongdoing, even if your information does not constitute a PID.

### Official misconduct

Official misconduct is wrongdoing by a public officer in carrying out their duties or exercising their powers. Pursuant to s. 14 of the *Crime and Misconduct Act 2001* (the CM Act), it must involve one of the following:

- dishonesty or lack of impartiality
- breach of the trust placed in a person by virtue of their position
- misuse of officially obtained information.

The most common types of wrongdoing observed by Queensland employees that *may* be the subject of a PID are:

- incompetent/negligent decision-making
- improper use of facilities/resources
- working overtime/leave
- inadequate record-keeping.

(Chapter 2, p. 29)

The conduct must also be a criminal offence or serious enough to justify dismissal if proven (CM Act, s. 15). For example:

- stealing at work
- accepting money or another benefit in return for selecting a specific supplier of goods or services (i.e. secret commissions).

### Maladministration

Defined in schedule 4 of the PID Act, maladministration is widely defined to cover an act or failure to do an act that was unlawful, unreasonable, unfair, improper, unjust, improperly discriminatory or based on a mistake of law or fact or otherwise wrong. It must adversely affect someone's interest in a **substantial** and **specific** way. Examples include unreasonable decisions about:

- your eligibility for public housing
- a planning or development application.

**Substantial** means: 'of a significant or considerable degree'. So, for example, conduct that puts public health, safety or the environment at considerable or great danger.

**Specific** means: 'precise or particular'.

## **Misuse of public resources**

This involves a **substantial** misuse of public resources. A PID cannot be based on an individual disagreeing with policy that may properly be adopted about amounts, purposes or priorities of expenditure. Examples of PIDs include:

- negligent accounting practices
- inaccurate reporting of a program's performance information.

## **Danger to public health or safety**

This includes any **substantial** and **specific** danger to the health or safety of the public. This includes the health or safety of individuals who are:

- under lawful care or control (i.e. students, patients, prisoners)
- using community facilities
- public or private sector services
- in a workplace. For example:
  - a nurse's negligence that results in the death of a (public or private) hospital patient
  - a company that sells contaminated products to the public.

## **Danger to the health or safety of a person with a disability**

This includes any **substantial** and **specific** danger to the health or safety of a person with a **disability**. For example:

- carers physically or sexually abusing clients
- inadequate decision-making in respect of a mental health patient.

Under the *Disability Services Act 2006* (Qld), **disability** refers to a condition that results in a substantial reduction of a person's capacity for communication, social interaction, learning, mobility, or self care or management.

## **Danger to the environment**

This refers to any conduct that is an offence, or the contravention of a condition imposed, under Queensland environmental legislation (as listed in the PID Act, schedule 2). For example:

- a shipping company discharging oil into the coastal waters of Queensland
- any person or business clearing trees without a permit.

## **Reprisal**

A reprisal is a form of detriment to a person because it is believed that somebody has made or intends to make a PID. Examples include:

- threatening or harassing a discloser or those close to them
- discriminating against a discloser in subsequent job applications.

## Who can receive a PID?

Your PID must be made to an appropriate authority, but you may choose from a range of avenues, both inside and outside your organisation.

### Reporting to your own organisation

Your organisation may set out in its policies and procedures how PIDs are to be made. However, PIDs can always be made to either:

- your manager
- another manager
- your chief executive officer (CEO)
- if you work in a department, the Minister administering the department
- a member of your organisation's governing body if it has one
- **specialist areas.**

Your organisation's PID policies and procedures will detail who is responsible for handling PIDs and investigating information about wrongdoing. Such **specialist areas** include:

- Internal Witness Support
- Ethical Standards/Equity and Merit
- Internal Audit/Fraud Investigation/Complaints
- Human Resources/Employee Relations.

Consider who will be the best person to receive your PID. Often your first instinct may — and often should — be to talk to your own supervisor about the problem. Managers can be one of your best sources of support when you are disclosing wrongdoing.

However, you may not want to make a PID to your supervisor because:

- they are involved in the wrongdoing
- they already know about the wrongdoing and have allowed it to continue
- they may see the exposure of wrongdoing as potentially embarrassing or a poor reflection on themselves as managers
- you are afraid your supervisor will take reprisal action against you.

Before making a disclosure to your supervisor, think about how they will react. Will they be willing and able to support you? If not, you may wish to raise your concern with another person inside or outside your organisation who can receive your disclosure, either as an alternative or simply in addition to talking to your supervisor.

Wherever possible, a PID about your organisation should first be made internally so that your organisation has a chance to investigate the matter.

This is usually the quickest and most effective way to remove any danger or correct any wrongdoing, as well as being the option that puts you at least risk for reprisal.

If you have information about a public sector entity other than your own, disclose to the entity concerned.

- Almost all whistleblowers (97 per cent) first disclose inside their organisation.
- Less than 12 per cent of whistleblowers ever go outside their organisation — and this is typically a last resort.
- Whistleblowers are most likely to raise their concerns with their supervisor (73 per cent).

(Chapter 4, pp. 88, 90)

## Reporting to another public sector entity

You can make your PID to any **public sector entity** that you believe has the power to investigate and deal with the matter [s. 15(1)(a)(ii)]. You may want to raise the matter outside your organisation because:

- your previous disclosures have been ignored
- you are concerned about confidentiality
- urgent action is needed to stop serious wrongdoing.

Be aware that when you report to another entity, it is very likely that they will discuss your information with your organisation.

Entities are not allowed to refer a PID without first considering if there is a risk of reprisal against the discloser. However, you should still specify any concerns you have for your safety or career if the information is referred back to your organisation for investigation.

**Public sector entities** include:

- state government departments and agencies
- local governments and local government corporations
- courts and tribunals (including during proceedings)
- administrative offices of courts and tribunals (e.g. registries)
- statutory bodies
- TAFE institutes and public universities
- parliamentary committees.

(PID Act, s. 6)

### Which entity should I report to?

If your information relates to one of the categories explained earlier in this guide, the table below will help guide you to the appropriate entity to receive your report. If your information relates to more than one category (e.g. a decision that may constitute both maladministration and a misuse of public resources), contact one of the appropriate agencies for advice (see '[Where can I get more information?](#)' on p. 30).

When the disclosure relates to:	The appropriate entity is:
Official misconduct	→ Public organisation concerned → Crime and Misconduct Commission (CMC)
Maladministration	→ Public organisation concerned → Queensland Ombudsman
Misuse of public resources	→ Public organisation concerned → Queensland Audit Office
Danger to public health or safety	→ Public organisation concerned → Health Quality and Complaints Commission
Danger to public health and safety of a person with a disability	→ Public organisation concerned → Disability and Community Care Services → Adult Guardian
Danger to environment	→ Public organisation concerned → Department of Environment and Resource Management
Reprisal	→ Public organisation concerned → CMC (if related to official misconduct)

## ***Reporting to a Member of Parliament (MP)***

You can also make a PID to an MP. MPs do not have any authority to investigate PIDs, so they need to decide which public sector entity they believe can appropriately deal with the matter (s. 34).

If you are concerned about reprisal if details of your PID or your identity are made public, or there are other reasons your confidentiality needs to be maintained, it is essential that you raise your concerns when you make your disclosure.

MPs are required to protect the identity of disclosers, and be careful about when and how to discuss the matter in parliament. However, keep in mind that MPs have the discretion to raise the matter in parliament at any time and your identity may then become public.

## ***Reporting in relation to the judiciary, local government corporations and government owned corporations***

If you are making a PID concerning judicial, local government corporation or government owned corporation officers, you must approach the chief judicial officer of the relevant court or tribunal, or the local government corporation or government owned corporation itself (ss. 16, 18, 19). This protects the independence of the judiciary, and the commercial operations of local government corporations and government owned corporations.

The exceptions to this are:

- reports of official misconduct, which can be received by the CMC
- reports of wrongdoing in court registries not relating to their judicial functions, which may be received by the Department of Justice and Attorney-General, the Queensland Ombudsman or another appropriate entity (see [‘Where can I get more information?’](#) on p. 30).

## ***Reporting to a journalist***

As a public sector employee you have a duty to maintain appropriate confidentiality in respect of official information. The PID Act includes a provision to permit disclosures to be made to a journalist, but only as a last resort. You can make a PID to a journalist only if you first made the PID to your organisation and it has:

- decided not to investigate or deal with the PID
- investigated the PID but did not recommend taking any action
- not notified you within six months of you making the PID whether or not the disclosure was to be investigated or dealt with. (s. 20)

Remember that organisations may refer a PID to another agency that has the power to investigate and deal with the matter. If the PID is referred to another agency, the responsibility to investigate and deal with the PID rests with the agency to which the PID was referred.

Before you make a PID to a journalist you should be certain that the actions of the organisation dealing with the PID meet the above criteria. If you have not received any written advice about the status of the PID, you can do this by contacting the person who has been dealing with the PID or the organisation’s specialist area to seek further advice. You should also consider seeking legal advice about whether making a PID to a journalist would be protected in the circumstances.

If you make a PID to a journalist in compliance with these requirements you will receive the protections of the PID Act. However you should note that the journalist is under no requirement to keep the information given to them as a PID confidential. Consider carefully whether you would be able to accept your identity becoming public knowledge.

## Organisations that cannot receive a PID

The PID Act does not prohibit you from making a disclosure to any person or organisation. However, you must make a disclosure to proper authority to gain the protections available under the PID Act, such as confidentiality and immunity from disciplinary action or prosecution for making the disclosure (s. 36).

This means that, even if you subsequently make the disclosure to a proper authority, your disclosure will not receive these specific protections if made to:

- the media, other than as permitted by the PID Act
- unions or professional associations
- Commonwealth Government departments and agencies
- private organisations
- organisations operating outside of Queensland.

There are two main reasons for limiting protection to proper authorities:

- to ensure that the reputation of the person(s) about whom the disclosure was made is not unfairly damaged
- to encourage you to make a disclosure to proper authorities that have responsibility or power to take action.

## What if my report isn't a PID?

**Even if your information is not a PID, it's still important to speak up.**

Whether your information constitutes a PID under the PID Act or not, your organisation may still need to take appropriate action. As an employer, your organisation has a duty of care to support you and protect you from any adverse action if you report wrongdoing. Harassing a person who has reported wrongdoing can be dealt with in a number of ways, including as a disciplinary offence.

Use your organisation's **bullying or harassment, workplace health and safety or complaints** processes (depending on the particular circumstances of the information).

To find out more about these processes, look on your intranet, contact your Human Resources (HR) section or specialist area, or ask your supervisor. Your code of conduct should also advise you on how to disclose wrongdoing.

Almost half (49 per cent) of all wrongdoing observed by staff *may* not qualify as a disclosure but concerns personnel or workplace grievances. Examples observed in Queensland include:

- bullying
- sexual harassment
- racial discrimination.

(Chapter 2, pp. 29–30)

## ***What if I'm involved in workplace conflict?***

**Many reports of wrongdoing will involve disclosures in the public interest as well as employee complaints, issues between personnel, or performance management concerns.**

Your organisation is likely to respond by dealing with the issues separately. They will try to distinguish between disclosures that are PIDs and disclosures about other concerns, and deal with each using the best mechanism available. This ensures that all of your concerns can be dealt with appropriately.

Even if your PID is connected with workplace conflicts or grievances, or if there are particular people in your organisation who are likely to feel defensive about the matter, still speak up. How the issue will be dealt with and resolved, and how well you will be supported, will depend on whom you raise it with and how. Consider making your PID to someone outside your immediate work unit, such as a more senior manager, your organisation's specialist area or another entity.

Be aware that making a PID does not exclude you from being reasonably managed or disciplined for any unsatisfactory performance or wrongdoing on your part. It also does not make you immune from the reasonable operational decisions of management.



# Making a public interest disclosure

## What do I do before making a PID?

**Make sure you seek advice.**

Most public sector organisations have policies and procedures in place to manage your PID. Read, and make your PID in accordance with, your organisation's guidelines. These should be on your organisation's intranet. Alternatively, contact your HR section or specialist area to find out how they can be obtained. Your code of conduct should also contain information about how to disclose wrongdoing.

It is a good idea to seek advice confidentially before making a PID, either by phoning your specialist area anonymously or by discussing your situation hypothetically with a manager you trust. You may want to find out more about how to make the PID, what you can expect, whether it is likely that your identity can be kept confidential, and what protection and support is available.

If you are planning to make your PID to an external entity, contact them for similar information (see '[Where can I get more information?](#)' on p. 30).

You may like to have a look at the PID Act itself — go to the Queensland Government legislation website [www.legislation.qld.gov.au](http://www.legislation.qld.gov.au) for the most up-to-date version.

## Can I disclose anonymously?

**Yes. You do not have to identify yourself when making a PID [s. 17(1)].**

Remaining anonymous means you do not identify yourself as the discloser at any stage to anyone. Recognising that anonymous PIDs can provide valuable information, some organisations have established confidential hotlines for receiving such PIDs.

On average, 6 per cent of reports of wrongdoing were made to organisations anonymously.<sup>1</sup>

However, anonymous PIDs are often more difficult to investigate. Most investigating organisations strongly encourage disclosers to identify themselves if possible.

If you do identify yourself to the person who receives your PID, your organisation is required to make every effort to keep your identity confidential (see '*Will my name be kept confidential?*' on p. 19).

You also have the option of initially approaching your organisation anonymously by phone to discuss your confidentiality concerns before identifying yourself.

Remember that your organisation will not be able to inform you of any action it takes if you make an anonymous PID.

### **If you plan to make a disclosure anonymously, ask yourself:**

- Have I included sufficient information in my disclosure that the wrongdoing or danger has occurred or will occur?
- Can information and documents in my disclosure be understood without clarification or further explanation from me?
- Is my identity likely to be revealed when these documents are disclosed?
- Will I find it difficult to remain anonymous if an investigation is occurring around or involving me?

## Do I have to disclose in writing?

**No. You may make a PID in person, by telephone, or electronically via email or the internet.**

It is the responsibility of your organisation — most likely the person who receives your PID — to keep a record. Check your organisation's policies and procedures first though — these may request a written PID.

On average, 11 per cent of reports of wrongdoing were made orally to organisations.<sup>2</sup>

However, keep your own records of what you disclosed and when. This may assist you later in establishing that you are entitled to protection under the PID Act, if necessary.

## ***What information should I provide?***

**Be clear and factual. Avoid speculation, emotive language or embellishment as they divert attention from the real issues.**

There is no particular information that you need to provide. In many cases, you will simply be having a conversation with your supervisor.

However, depending on your circumstances, you may wish to mention:

- your name and contact details (desirable)
- the nature of the wrongdoing
- who you think did the wrongdoing (if possible)
- when and where the wrongdoing occurred
- events surrounding the issue
- if you did anything in response to the wrongdoing
- others who know about the wrongdoing and have allowed it to continue
- if you believe your information is a PID under the PID Act
- if you are concerned about possible reprisal as a result of making your PID.

## Do I need supporting evidence?

**You should not investigate a matter yourself before disclosing; in fact, by doing so, you may hinder any future investigation.**

The sooner you raise your concern, the easier it will be for the organisation to take action.

Even if the information you provide turns out to be incorrect or unable to be substantiated, your PID is still protected by the PID Act, provided either:

- you honestly believe, on **reasonable grounds**, that your information **tends to show** the conduct or danger concerned
- the information **tends to show** the conduct or danger concerned, regardless of whether you honestly believe the information tends to show the conduct or danger [ss. 18(4), 19(3)].

Providing information in support of your concerns is therefore important. This could include:

- the names of any people who witnessed the wrongdoing or who may be able to verify the allegations or events
- correspondence or other supporting documents
- a diary of events and conversations, or file notes
- dates and times when the wrongdoing occurred.

However, if you deliberately provide false or misleading information, intending that it be acted on as a PID, you may be committing a criminal offence with a maximum penalty of two years' imprisonment or 167 penalty units (s. 66).

To determine what are **reasonable grounds**, courts apply an objective test which relates to whether the reasons or basis on which the discloser has formed the belief would induce a reasonable person to form that belief.

**Tends to show** means that the disclosure cannot be merely a suspicion, but must contain sufficient information to indicate or support the fact that the wrongdoing or danger occurred.

# Following a public interest disclosure

## What will happen after I make my PID?

**This section of the guide discusses what happens after you have made a PID.**

Your organisation will examine the information and decide whether it falls under the PID Act. When making their decision, they may consider:

- who made the disclosure and to whom
- the nature of the wrongdoing
- whether the disclosure relates to a public sector organisation or its employees
- whether you can provide enough information that tends to show the wrongdoing or danger
- whether your disclosure is intentionally false or misleading.

Whether your information is a PID or not, your organisation should still take appropriate action and ascertain whether you need any form of protection or support.

Appropriate action may include:

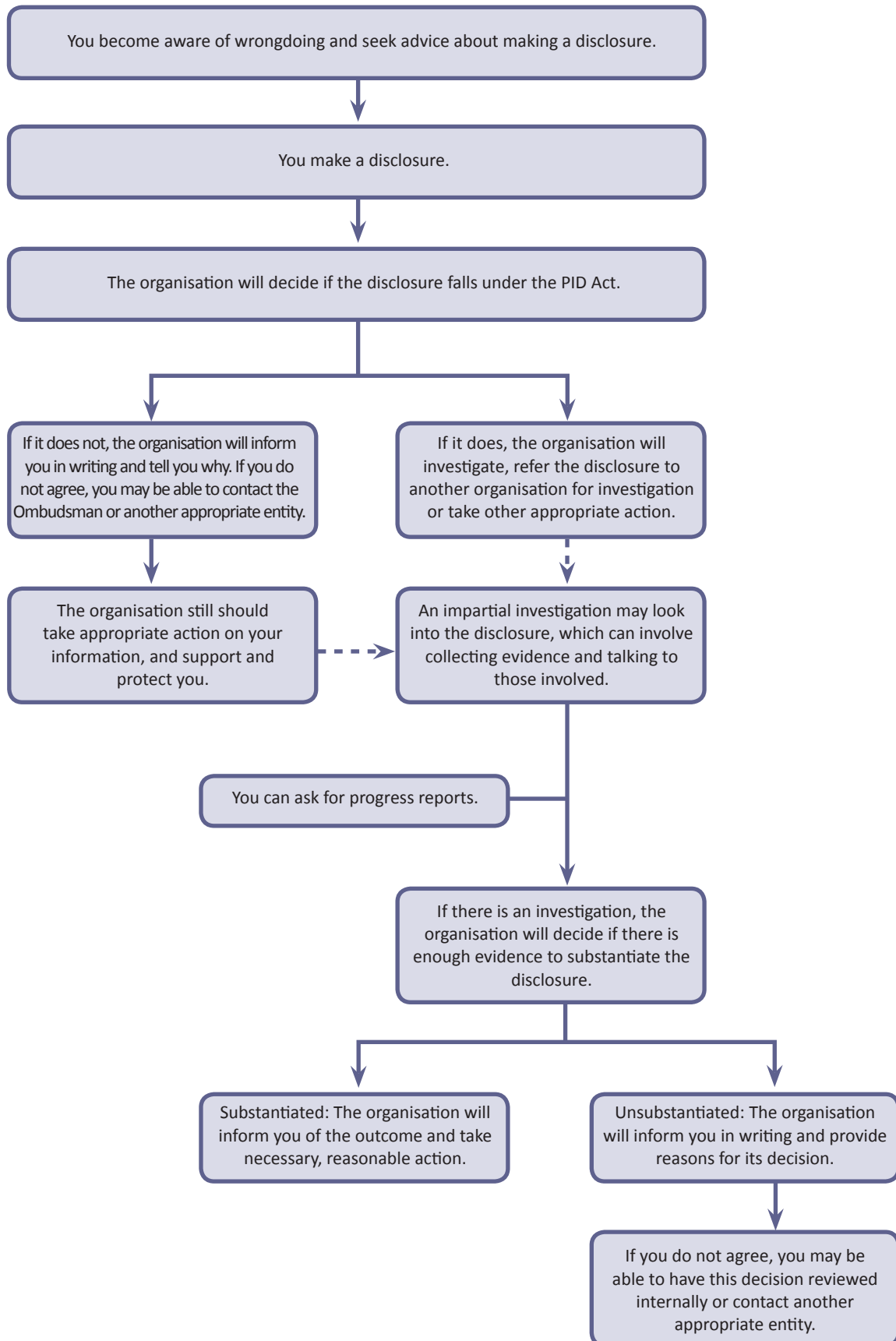
- providing you with an explanation (e.g. if you were not aware of all the circumstances surrounding an action which appeared to be improper)
- counselling or training of the wrongdoer
- mediation or conciliation
- an internal audit
- a review of an issue or the operations of a particular unit
- implementing or changing policies, procedures or practices
- a formal investigation of the allegations
- referral to another appropriate entity.

Your organisation may decide not to investigate or deal with a PID if:

- the PID has already been investigated or dealt with by another appropriate process (e.g. investigation by the CMC)
- your organisation reasonably considers that the PID should be dealt with by another process (e.g. referral to Queensland Police)
- the age of the PID makes it impractical to deal with it
- your organisation considers that it is too trivial to warrant an investigation and it would divert resources for their use from the performance of the organisation's functions
- another organisation that has power to investigate the PID has advised that an investigation is not warranted [s. 30(1)].

If your organisation decides not to investigate or deal with the PID, it must give you written reasons for not doing so [s. 30(2)].

The flowchart on the next page provides an overview of the process.



## Will my name be kept confidential?

**Any person who is involved in receiving, handling or investigating a PID must not disclose that information, intentionally or recklessly, to unauthorised people.**

A breach of confidentiality protection is a criminal offence (s. 65). Organisations will make every reasonable attempt to maintain confidentiality.

Regardless of the care those involved take, other staff may be able to infer that you are the discloser, particularly if you have complained about the issue or flagged your intention to disclose to colleagues.

Your identity may need to be disclosed where it is necessary:

- for full investigation of the PID
- for procedural fairness (after considering the risk of reprisal)
- to provide protection.

Your organisation should tell you if confidentiality is compromised and consider other steps to protect you from reprisal.

## What must I do?

**After making a PID, do not discuss the information with anyone other than those who ‘need to know’.**

Be discreet about the fact that you have made a PID, any information contained in your PID or information that would identify the person(s) about whom the PID has been made.

This does not mean that you can't access support. Make sure you talk about what you're going through — particularly if you're finding the process difficult — to support persons such as mentors or peer support officers, counsellors, family or union delegates (see *'Where can I get support?'* on p. 23). You can discuss your situation and the PID process without providing information that would identify those involved or the circumstances of the PID.

You should also be prepared to assist those investigating the PID by supplying any information on request.

Typically, whistleblowing involves more than a one-off disclosure — you will often be asked to provide more information.

(Chapter 4, p. 87)

## ***How long will the process take?***

**While a straightforward matter may be completed quickly, more complex issues, where significant evidence needs to be gathered, may take months to complete.**

If an initial investigation into your PID is not able to resolve matters, there may be a further investigation within your organisation, or the matter may need to be referred to an entity such as the CMC.

## ***Will I be kept informed?***

**If you provide your name and contact details, your organisation will inform you what it has done or intends to do about your PID.**

If, after a reasonable period of time, you have not heard back from your organisation, contact the person to whom you made your PID.

You are entitled to reasonable information on what action your organisation is taking in response to your PID (s. 32). If the matter is ongoing, you can ask the main person dealing with your PID to update you on progress.

Note, though, that your organisation may not release information if it will impact upon:

- anyone's safety
- the investigation of the allegation
- the confidentiality of the person(s) about whom a PID is made, given that they remain innocent of the allegation until proven otherwise.



## What if my PID is substantiated?

**Organisations are committed to taking action on PIDs where the information has been verified.**

Depending on the circumstances, if your PID is substantiated:

- action may be taken to stop the matter or prevent it from recurring
- policies and practices may be implemented or changed
- mediation or conciliation may be offered
- disciplinary action may be taken against a person(s) responsible for the matter
- the matter may be referred to the Commissioner of Police or another person, organisation or entity that has the power to take further action (e.g. initiating legal proceedings against those involved in criminal activity).

When a whistleblower knows the investigation outcome, wrongdoing is confirmed in two out of three cases.

More than half of whistleblowers (56 per cent) believe that things generally became better following their disclosure.

However, when asked about specific changes within organisations, only 22 per cent perceived one or more positive change.

(Chapter 5, pp. 113–116)

## What if my PID is not substantiated?

**An investigation may reveal that no wrongdoing has occurred.**

There may be a number of reasons your PID is not substantiated, including a lack of evidence. Make sure you understand these.

If you do not know what happened in response to your PID, the reasons are not clear or you have not been provided with sufficient information, you are entitled to ask. Talk to the person who handled your PID, whether this is your supervisor, a person in your organisation's specialist area or the investigator.

Ninety per cent of whistleblowers said they would report again.

(Chapter 5, p. 127)

Even if your suspicion is not substantiated, this does not mean your PID is any less valuable. Remember the important role you have played, irrespective of the final outcome. The information you provide may be useful by helping your organisation identify broader problems or prevent similar wrongdoing in the future. Keeping silent can create much bigger problems.

Regardless of the outcome, you will still receive the protections under the PID Act. Your organisation should continue to support you for having done the right thing by bringing the matter to their attention.

## What if I am not happy with the decision?

**If you are unhappy with a decision, you may be able to have it reviewed under your organisation's review process.**

Talk to your organisation's specialist area about what right of review you have, or consult your organisation's PID policy and procedure.

Alternatively, you may be able to make a PID to another proper authority (see '[Where can I get more information?](#)' on p. 30). However, this entity may decide not to investigate your PID, if it is satisfied that the matter has already been investigated properly.

If your organisation advises you that it has decided not to investigate or deal with the PID, you can apply to the CEO for a review of the decision within 28 days after receiving the advice.

Whistleblowers who pursue a further investigation do not usually achieve a better outcome.

(Chapter 5, p. 116)

You may also seek your own independent legal advice about your rights, such as whether you could apply to the Supreme Court for a review of the decision under the *Judicial Review Act 1991* (Qld).

## Where can I get support?

Being emotionally prepared with a good support network in place can be critical in helping you cope with any fall out from your PID.

### ***'But I don't need support...'***

Although the majority of people who disclose wrongdoing report that they didn't experience any negative impact, some feel:

- less trust in their organisation
- disempowerment or frustration
- increased stress, anxiety or mood swings.

**Be prepared.** Even when a PID is fully investigated and supported within an organisation, and the PID results in wrongdoing being identified and corrected, the process can still be stressful.

### ***'I need support...'***

You are entitled to support from your organisation when you are making and after you have made a PID.

Investigators will be as supportive as they can and are often a good source of information about what to expect when making a PID. However, they may not be the person best placed to support you through the PID process. Their primary role is to objectively investigate the matter and, based on the evidence at hand, they may sometimes reach a conclusion that you were not expecting.

Some organisations have support programs dedicated to disclosers, whistleblowers or 'internal witnesses' to help you through the process. The person handling your PID or the HR section in your organisation can provide information about the availability of such programs and how to access them.

In any case, your manager or the person handling your PID should link you to people in your organisation you can trust. Talk to these people about arranging a support network. This might include:

- **Managers:** Your supervisor or another senior manager should be looking out for you, and making sure that your work environment is supportive and free from victimisation. If you experience problems, this is the person to talk to.
- **Mentors or peer support officers:** A person in your workplace should be nominated to act as support person for you. They can not only act as a sounding board and provide positive reinforcement, but attend interviews or meetings with you. Your organisation may even have a peer support network.
- **Employee Assistance Programs (EAPs):** Many public sector organisations have established EAPs which provide free, confidential and professional counselling services to employees who experience problems, including stress. Contact your organisation's HR section or staff EAP representative to find out what services are provided, and how you can access them.

'The best support is psychological and comes from colleagues.'

(Chapter 9, p. 214)

If you sustain an injury (such as a psychological condition) which could have been prevented because, for example, your organisation as an employer failed to take reasonable steps to support you, your organisation may be liable. You may be able to seek compensation under the *Workers' Compensation and Rehabilitation Act 2003* (Qld) or at common law. Seek your own independent legal advice about your rights.

Seek support from your own personal support networks; however, remind these people to be discreet. While you are not breaching confidentiality by getting support from your own network (see below), do not disclose any information that you have a duty to keep confidential.

This includes not identifying those involved or providing specific information about the circumstances of the PID which could lead to people being identified. For example, saying that your disclosure concerns fraudulent financial receipts might lead to the assumption that your unit's financial officer is implicated in the wrongdoing (see '*What must I do?*' on p. 19).

**What do I do if my colleague has made a disclosure?**

- **Listen** openly — this is the best way in which you can provide support.
- **Refer** them to other sources of support, such as a peer support officer, internal witness support program or EAP (if available in your organisation).
- **Keep confidential** any information that you are told.

Your own network may include:

- **Your family and friends:** Have outside support to fall back on, particularly if you think you might be treated badly inside your workplace for providing information. You may want to talk to your family or close friends before deciding to make a PID.
- **Your union or professional association:** Such bodies are very useful sources of support and information for members. Your union may be able to advise you on your reporting options, help you if you are being treated poorly as a result of reporting, or refer you to legal advisory services.
- **Other public sector entities:** In addition to your own organisation, there are many Queensland public sector entities that accept PIDs and provide you with support throughout the process. Contact the particular entity (see '*Where can I get more information?*' on p. 30) before you make a PID to get advice on its procedures for receiving a PID and the resulting process.
- **Your legal advisor:** If you are particularly concerned about being protected against reprisal and have no one in your organisation to advise you on PID legislation, you may wish to seek your own independent legal advice, given the specific conditions about what you can disclose and to whom.

Remember that talking to a support person is not a PID protected under the PID Act.

The most common sources of support for whistleblowers are:

- work colleagues
- family
- union/professional association
- supervisor
- counsellors.

(Chapter 9, p. 215)

# Protecting public interest disclosures

## What is detriment or reprisal?

This guide encourages you to make a PID while remaining aware of the potential difficulties and challenges you may face.

When you drive a car, you do not expect to be involved in a road accident, but you recognise that you may. You do not stop driving, but you remain alert for hazards.

When making a PID, don't assume that you will experience a reprisal — most people who report wrongdoing will not. Equally, recognise that **detriment to a discloser** may happen in some circumstances, even though it is prohibited and further action can be taken if it does.

It is worth stressing that, in the majority of cases, managers do not treat disclosers poorly. At the same time, in the cases where disclosers do suffer reprisals, research shows that managers are very likely to be involved.

Whistleblowers generally find they are not treated badly for reporting wrongdoing. However, reprisals almost always come from the workplace, and managers (not co-workers) are likely to be responsible. Less than one in four whistleblowers report poor treatment:

- 13 per cent by management only
- 4 per cent by co-workers only
- 5 per cent by both.

(Chapter 5, p. 123)

**Detriment to a discloser** is commonly known as a reprisal. This includes any action that:

- causes personal injury or prejudice to safety
- results in property damage or loss
- intimidates or harasses
- discriminates against or disadvantages the person's career, profession, employment, trade or business
- causes financial loss
- causes damage to reputation.

(PID Act, schedule 4)

Detriment to a person other than the discloser (e.g. a relative, co-worker or anybody incorrectly believed to be the discloser) is a reprisal if it was taken because a PID was or will be made.

Detriment must be in response to a disclosure or an intention to make a disclosure. Unrelated disciplinary or other work-related action against a discloser may be considered as reasonable management action and therefore not detriment to a discloser under the PID Act (see s. 45).

Think about how your own manager has dealt with similar situations in the past and how they might react to your information. If you have concerns, talk to a more senior manager, a specialist area within your organisation or another appropriate entity.

Public sector organisations will not tolerate any harassment or victimisation that does occur, and will take appropriate action in order to protect you for raising a concern (see '*What if a reprisal is committed against me?*' on p. 27).

Although few whistleblowers experience bad treatment, the most common types when it does occur include harassment, undermining of authority, heavier scrutiny of work and ostracism by colleagues.

(Chapter 5, pp. 128–129)

## What are the risks of reprisal?

**Be aware of some of the potential risks so that, if necessary, you can protect yourself.**

If you are in any way concerned about possible reprisal, make this clear when you disclose. If time allows, you could also seek confidential counselling from your organisation's EAP or phone your organisation's specialist area anonymously first to identify any risks and strategies for dealing with these before making your PID.

Issues can also arise at any point after you have made your PID, such as:

- during the investigation
- once the outcome of the investigation is known
- if the person(s) about whom you made your PID is removed from and then reintegrated into the workplace.

If you are ever worried or uncomfortable, tell someone you trust, such as your manager or another person handling your PID. These people should provide you with guidance, and have a responsibility to assess any risks you may face and take all reasonable steps to protect you.

You may be at a higher risk of reprisal if:

- you do not think that the investigation will be substantiated
- the wrongdoing is serious and occurs frequently
- the investigation is conducted outside the organisation
- you became aware of the wrongdoing because it was directed at you
- the wrongdoer is more senior than you
- there is more than one wrongdoer
- your immediate work unit is small.

(Chapter 6, pp. 147–150)

## ***What if a reprisal is committed against me?***

**Advise the person to whom you made the PID so that your organisation can take further action.**

Public sector organisations, as employers, have a legal duty of care to support and protect employees who fulfil their obligations to report wrongdoing. Your organisation should:

- assess the circumstances of the case
- take whatever action is practical to stop and correct the disadvantage that has occurred and prevent further disadvantage
- consider taking disciplinary action against the person(s) who committed a reprisal
- offer you support and counselling.

The type of action your organisation may take ranges from providing conciliation or advice, counselling or training to the wrongdoers, to organising transfers, physical protection or injunctions in more serious cases. Your organisation will also have policies to deal with bullying and harassment, and can deal with reprisal behaviour by taking disciplinary or other action.

If the reprisal involves disciplinary action against yourself, a transfer, denial of a merit-based promotion or unfair treatment, you may be able to appeal the decision within your organisation or to the Public Service Commission. If necessary, you can also ask the Public Service Commission for a relocation or challenge a dismissal as unfair under the *Industrial Relations Act 1999* (Qld).

If you do not feel that you are being protected, make this clear to your manager or to the person handling your PID. You can also contact the CMC if someone commits a reprisal against you because it is believed that somebody has made or will make a PID.

## What legal options are available?

**A person who commits a reprisal is guilty of an indictable offence with a maximum penalty of two years' imprisonment or 167 penalty units (s. 41).**

You are also entitled to take civil action and seek compensation for detriment caused by a reprisal (s. 42).

Under the PID Act, if you suffer a reprisal you can bring a claim against not only the person causing the reprisal, but also their employing public sector organisation. The organisation has a defence if it can show on the balance of probabilities that it took reasonable steps to prevent the reprisal happening (s. 43).

Casehandlers and managers rate insufficient evidence as the most common reason that allegations of reprisal are not substantiated.

(Chapter 9, p. 23)

You also have a lower cost option of making a complaint to the Anti-Discrimination Commission if you suffer a reprisal. However, you cannot take both options, only one or the other.

If you sustain an injury (such as a psychological condition) which could have been prevented because, for example, your organisation as an employer failed to take reasonable steps to protect or support you, you may be able to seek compensation under the *Workers' Compensation and Rehabilitation Act* or at common law.

See a lawyer if you need advice about your rights or are thinking about taking legal action. Consider:

- your ability to prove your case
- the costs associated with legal action
- the possible adverse consequences should your action fail (including financial and emotional risks).



## ***What if I am the subject of the PID?***

**The PID Act also gives some protection to the person(s) about whom the PID is made.**

The PID Act aims to ensure that appropriate consideration is given to the interests of persons who are the subject of a PID, including protection of their identity (ss. 3, 65).

The PID Act also requires that those who may be the subject of a PID be accorded natural justice, also known as procedural fairness. This means that if a PID is made about you, you have the right to:

- know about the substance of the allegations if a decision is going to be made about your conduct
- have a reasonable opportunity to put your case forward (whether in writing, at a hearing or otherwise)
- have a decision-maker act fairly and without bias.

Any PIDs will be treated as allegations unless evidence collected during an impartial investigation shows otherwise. Natural justice does not mean that you have the right to know who made the PID, unless this information is necessary in order for you to respond to the allegations.

Deliberately providing false or misleading information, intending that it be acted on as a PID, is a criminal offence with a maximum penalty of two years' imprisonment or 167 penalty units (s. 66).

# Where can I get more information?

All contact details correct as at publication (2011).

## **For advice for managers and supervisors:**

See your own organisation's policy or *Handling a public interest disclosure: a guide for public sector managers and supervisors*.

## **For the most up-to-date version of the PID Act:**

See the Queensland Government legislation website: [www.legislation.qld.gov.au](http://www.legislation.qld.gov.au)

## **For advice on official misconduct:**

### **Crime and Misconduct Commission**

Phone:	(07) 3360 6060	Address:	Level 2, North Tower, Green Square
Toll free:	1800 061 611 (outside Brisbane)		515 St Pauls Terrace
Fax:	(07) 3360 6333		Fortitude Valley QLD
Email:	<a href="mailto:mailbox@cmc.qld.gov.au">mailbox@cmc.qld.gov.au</a>	Postal:	GPO Box 3123
Web:	<a href="http://www.cmc.qld.gov.au">www.cmc.qld.gov.au</a>		Brisbane QLD 4001

## **For advice on matters of state and local government administration:**

### **Queensland Ombudsman**

Phone:	(07) 3005 7000	Email:	<a href="mailto:ombudsman@ombudsman.qld.gov.au">ombudsman@ombudsman.qld.gov.au</a>
Toll free:	1800 068 908 (outside Brisbane)	Address:	Level 17, 53 Albert Street
Fax:	(07) 3005 7067		Brisbane QLD
Web:	<a href="http://www.ombudsman.qld.gov.au">www.ombudsman.qld.gov.au</a>	Postal:	GPO Box 3314
			Brisbane QLD 4001

## **For advice about your rights and obligations under the PID Act:**

### **Public Service Commission**

Phone:	1300 038 472	Address:	Level 13, 53 Albert Street
Fax:	(07) 3224 2635		Brisbane QLD
Email:	<a href="mailto:pscenquiries@psc.qld.gov.au">pscenquiries@psc.qld.gov.au</a>	Postal:	PO Box 15190
Web:	<a href="http://www.ethics.qld.gov.au">www.ethics.qld.gov.au</a>		City East QLD 4002

## ***For advice about a health service complaint:***

### **Health Quality and Complaints Commission**

Phone:	(07) 3120 5999	Email:	info@hqcc.qld.gov.au
Toll free:	1800 077 308 (outside Brisbane)	Address:	Level 17, 53 Albert Street Brisbane QLD
TTY:	(07) 3120 5997	Postal:	GPO Box 3089 Brisbane QLD 4001
Fax:	(07) 3120 5998		
Web:	<a href="http://www.hqcc.qld.gov.au">www.hqcc.qld.gov.au</a>		

## ***For advice about discrimination and complaints about reprisal:***

### **Anti-Discrimination Commission**

Phone:	1300 130 670	Email:	info@adcq.qld.gov.au
Toll free		Address:	Level 17, 53 Albert Street Brisbane QLD (Brisbane Office)
& TTY:	1300 130 680	Postal:	PO Box 15565 City East QLD 4002
Fax:	(07) 3247 0960		
Web:	<a href="http://www.adcq.qld.gov.au">www.adcq.qld.gov.au</a>		

Contact the Commission for the locations of their regional offices throughout Queensland.

## ***For advice on matters of the environment:***

### **Department of Environment and Resource Management**

Phone:	137 468	Email:	dermcomplaints@epa.qld.gov.au
TTY:	133 677	Postal:	GPO Box 2454 Brisbane QLD 4001
Web:	<a href="http://www.derm.qld.gov.au">www.derm.qld.gov.au</a>		

Contact the department for the locations of their regional offices throughout Queensland.

## ***For advice on matters of financial management:***

### **Queensland Audit Office**

Phone:	(07) 3149 6000	Address:	Level 14, 53 Albert Street Brisbane QLD
Fax:	(07) 3149 6011	Postal:	GPO Box 1139 Brisbane QLD 4001
Email:	enquiries@qao.qld.gov.au		
Web:	<a href="http://www.qao.qld.gov.au">www.qao.qld.gov.au</a>		

## ***For advice on matters relating to a person with a disability:***

### **Disability and Community Care Services**

Phone:	(07) 3224 7179	Email:	complain@disability.qld.gov.au
Web:	<a href="http://www.communities.qld.gov.au">www.communities.qld.gov.au</a>	Postal:	GPO Box 806 Brisbane QLD 4001

Contact the department for the locations of their regional offices throughout Queensland.

## ***For advice on matters relating to children or young people:***

### **Commission for Children and Young People and Child Guardian**

Phone:	(07) 3211 6700	Address:	Level 17, 53 Albert Street
Toll free:	1800 688 275		Brisbane QLD
Fax:	(07) 3035 5900	Postal:	PO Box 15217
Web:	<a href="http://www.ccypcg.qld.gov.au">www.ccypcg.qld.gov.au</a>		City East QLD 4002

## ***For advice on matters relating to adults with an impaired capacity:***

### **Adult Guardian**

Phone:	(07) 3234 0870	Email:	adult.guardian@justice.qld.gov.au
Toll free:	1300 653 187	Address:	Level 3, Brisbane Magistrates Court
TTY:	(07) 3406 7711		363 George Street
Fax:	(07) 3239 6367		Brisbane QLD
Web:	<a href="http://www.justice.qld.gov.au/justice-services/guardianship/adult-guardian">www.justice.qld.gov.au/justice-services/guardianship/adult-guardian</a>	Postal:	PO Box 13554, George Street
			Brisbane QLD 4003

## ***For advice about local governments:***

### **Department of Local Government and Planning**

Phone:	(07) 3227 8548	Address:	Ground Floor
Fax:	(07) 3224 4683		63 George Street
Web:	<a href="http://www.dlgp.qld.gov.au">www.dlgp.qld.gov.au</a>		Brisbane QLD
Email:	info@dip.qld.gov.au	Postal:	PO Box 15009
			City East Brisbane QLD 4002

## ***For advice on criminal conduct in public or private organisations:***

### **Queensland Police**

Contact your local police station.  
Web: [www.police.qld.gov.au](http://www.police.qld.gov.au)

## ***For advice on disclosures in Commonwealth organisations:***

### **Australian Public Service Commission's Employment Policy Adviceline**

Phone: (02) 6202 3859  
Email: [employmentadvice@apsc.gov.au](mailto:employmentadvice@apsc.gov.au)

## About the research

The research in this guide is based on findings drawn from the *Whistling While They Work*, *Whistleblowing in the Australian public sector* (ed. AJ Brown 2008, ANU E Press, Canberra). This national research project aimed to enhance the theory and practice of internal witness management in public sector organisations. Under the leadership of Griffith University, researchers from five leading universities and 14 partner organisations from across Australia were involved.

The research comprised:

- a survey of public sector agencies ( $n = 304$ , response rate = 40 per cent)
- a survey of a random sample of public sector employees ( $n = 7663$ , response rate = 33 per cent)
- a survey of internal witnesses ( $n = 240$ , response rate = 53 per cent)
- interviews with internal witnesses
- a survey of public sector casehandlers ( $n = 315$ , response rate = 19 per cent) and managers ( $n = 513$ , response rate = 17 per cent)
- interviews with casehandlers and managers
- a survey of integrity agencies ( $n = 16$ , response rate = 67 per cent) and their employees ( $n = 82$ , response rate = 27 per cent).

The majority of research presented in this guide uses data collected in the jurisdictions of Queensland, New South Wales, Western Australia and the Commonwealth. Where findings in this guide are specific to Queensland, this is noted.

The research defined a ‘whistleblower’ as:

- a discloser of *public interest* information (as opposed to personnel or workplace grievances)
- a *discretionary* discloser (as opposed to reporting being part of their normal professional responsibility).

The findings of any research are dependent on the methodology used and the information collected. Consequently, when considering the research findings, remember:

- While a large number of agencies participated in this research, many elected not to. Agencies with poorer systems in place *may* have been less likely to participate. Therefore the results presented may provide a ‘best case scenario’ of the way whistleblowing is managed.
- The extent that the respondents are representative of any individual agency is also unknown.
- Former employees were not included in the sample of employees surveyed.
- The surveys rely on the self-reported perceptions of respondents.

The final report of the project, *Whistling while they work: towards best practice* (Roberts, Olsen & Brown 2009) is available free online. It provides more detail on practical solutions for encouraging public interest disclosures in agencies, as well as new model procedures for managing whistleblowing.

For more information on the project, visit [www.griffith.edu.au/law/whistleblowing](http://www.griffith.edu.au/law/whistleblowing).



<sup>1</sup> Based on independent analysis of the Whistling While They Work research data conducted by the CMC in 2008.

<sup>2</sup> *ibid.*

**Acknowledgment:** We gratefully acknowledge the Office of the Public Sector Standards Commissioner in Western Australia and the New South Wales Ombudsman. Sections of this guide have been adapted from or informed by their publications.

**Disclaimer:** This publication has been developed to help individuals who are thinking about making a PID. However, it is a guide only and should not be relied on as legal advice or regarded as a substitute for legal advice in individual cases.



Crime and Misconduct  
Commission

[www.cmc.qld.gov.au](http://www.cmc.qld.gov.au)



Queensland  
Ombudsman

[www.ombudsman.qld.gov.au](http://www.ombudsman.qld.gov.au)



Queensland  
Government  
Public Service  
Commission

[www.psc.qld.gov.au](http://www.psc.qld.gov.au)