

The Ombudsman's role in a public interest disclosure

The work of the Queensland Ombudsman improves fairness and accountability in public administration. Under the [Ombudsman Act 2001](#), the Queensland Ombudsman has a dual role: to remedy complaints about administrative actions and to work with agencies to improve their decision-making and administrative practice.

From 1 January 2013, the Ombudsman has three roles under the [Public Interest Disclosure Act 2010 \(PID Act\)](#):

1. oversight agency for the PID Act
2. a proper authority for public interest disclosure (PIDs)

about maladministration in public sector entities

3. a proper authority for PIDs about the conduct of the Office of the Queensland Ombudsman.

1. Oversight agency for the PID Act

The Ombudsman is the oversight agency for the PID Act. This means the Ombudsman:

- monitors the management of PIDs by checking compliance with the PID Act, collecting and publishing statistics about PIDs, and identifying trends in relation to PIDs
- reviews the way public sector entities deal with PIDs
- promotes PIDs awareness, gives advice about PIDs and provides PID education and training.

The Queensland Ombudsman has developed three PID standards which public entities must comply with when preparing for and responding to a PID. These standards are:

- [Public Interest Disclosure Standard No. 1/2019 – Public Interest Disclosure Management Program \(PDF 168.4KB\)](#)
- [Public Interest Disclosure Standard No. 2/2019 – Assessing, Investigating and Dealing with Public Interest Disclosures \(PDF 257.2KB\)](#)
- [Public Interest Disclosure Standard No. 3/2019 – Public Interest Disclosure Data Recording and Reporting \(PDF 117.8KB\)](#)

2. Proper authority for PIDs about administration in public sector entities

The Ombudsman investigates the administrative actions and decisions of Queensland public agencies and their staff. The Ombudsman can investigate a specific complaint or undertake 'own motion' investigations into wider issues of possible maladministration.

Maladministration includes administrative actions that are unlawful, unreasonable, unfair, improperly discriminatory, taken for an improper purpose or otherwise wrong. Where maladministration is found, the Ombudsman can make recommendations for remedy or improvement.

PIDs can be brought to the Ombudsman's attention through a direct report from a discloser or as a referral from another public sector entity. In certain circumstances, the Ombudsman also has the power to refer disclosures to other agencies.

Agency administrative decisions about managing a PID matter are generally within the Ombudsman's jurisdiction for determining maladministration. This means the Ombudsman has the power to review and investigate administrative decisions about PID management.

The Ombudsman is an Officer of Parliament. This means no person or body can direct how investigations should be conducted whether particular complaints should or should not be investigated or the level of priority given to investigations.

3. A proper authority for PIDs about the conduct of the Office of the Queensland Ombudsman

As a public sector entity, the Office of the Queensland Ombudsman is subject to the PID Act. The Ombudsman has established a PIDs management plan and procedure. Office employees and members of the public may make PIDs about the conduct of the Office.

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