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PID Act Review
The Queensland Ombudsman
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BRISBANE QLD 4001



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Dear Sir

SUBMISSION - PUBLIC INTEREST DISCLOSURE (PID) ACT 2010 REVIEW

I refer to your letter of 3 November 2015 and on behalf of Logan City Council, I hereby provide Council's formal submission to the review of the PID Act 2010.

Section 5 The main objects of the PID Act

The purpose of the PID Act is to facilitate the disclosure, in the public interest, of information about wrong doing in the public sector and to provide protection for those who make disclosures.

Section 3 of the PID Act sets out the main objects of the Act as:

- (a) to promote the public interest by facilitating public interest disclosures of wrongdoing in the public sector;
- (b) to ensure that public interest disclosures are properly assessed and, when appropriate, properly investigated and dealt with;
- (c) to ensure that appropriate consideration is given to the interests of persons who are the subject of a public interest disclosure; and
- (d) to afford protection from reprisals to persons making public interest disclosures.

Item (d) should include – ***'and natural justice to persons that are the subject of a PID.'***

Are the PID Act provisions for protecting the interests of disclosers and subject officers adequate and appropriate? What alternatives might be considered?

No. There is a lack of support for subject officers throughout the process.

Are the PID Act provisions for protection against reprisal effective? What works well in the current arrangements? What opportunities are there for improvement?

No. These provisions can be manipulated by a vexatious complainant to harass, intimidate and discredit innocent parties as a form of reprisal against reasonable management action.

Section 6.4 Dealing with public officer complaints about matters that are substantially workplace complaints or grievances

Should consideration be given to adding a public interest test for disclosures by public officers that are substantially workplace complaints?

Yes. Failure to undertake this process results in a protracted period of investigation into what should have been dealt with through internal processes.

PTO



Section 9. Reprisal considerations

Are the current arrangements for managing reprisal adequate and appropriate?

What other options or improvements could be considered?

No. It is important that matters are dealt with in a timely manner to prevent the situation where the 'Discloser' is using the PID as a form of reprisal against reasonable management action thereby causing significant losses to an organisation associated with investigations, protections against alleged reprisals and potential detrimental impact on the health and wellbeing of Subject Officers.

Section 11 Roles and powers of the oversight agency

Are the functions of the oversight body appropriate?

Should there be any requirement to audit and formally report about entities' compliance with PID Act requirements?

Are there other improvements that could be considered?

The Office of the Ombudsman is a more appropriate agency to have oversight of the PID Act. Important considerations are to ensure that Disclosures are carefully considered taking into account all other factors that may be the trigger for the PID so as to ensure that the process is not being used to create disruption to services in reaction to other matters. It is also important that the process of investigation is taken in a timely manner so as to minimise the impact on all parties and to deal with genuine PIDs effectively.

If you have any further queries, please do not hesitate to contact Councils Audit Coordination Officer [redacted] by phone on [redacted] or email [redacted]

Thank you for the opportunity to provide comment in relation to the review of the PID Act 2010.

Yours faithfully

[redacted]

A/Governance Manager
(on behalf of Chris Rose, Chief Executive Officer)