

A Member of Parliament's role, as a 'proper authority'

This is information for Members of Parliament (MPs) about the *Public Interest Disclosures Act 2010* (PID Act) and MP's role as a 'proper authority' for receiving public interest disclosures (PIDs). Standing Order 233A and Schedule 5 of the Standing Rules and Orders of the Legislative Assembly, focuses on protecting the identity of persons who have made a PID to an MP by providing guidance to MPs about disclosing a PID's existence in parliamentary proceedings (extracts from Standing Orders are attached to this fact sheet).

The Public Interest Disclosure Act and Standard

The PID Act encourages the disclosure of information about suspected wrongdoing in the public sector so that it can be properly evaluated and appropriately investigated.

For a complaint or allegation to be a PID, the disclosure must be:

- an appropriate disclosure of public interest information (ss 12 and 13 of the PID Act) and
- made to a proper authority (Division 2 of the PID Act).

The Public Interest Disclosure standards, issued by the Ombudsman under section 60 of the PID Act, detail the actions public entities must take when preparing for and

responding to a public interest disclosure. These standards are:

- [Public Interest Disclosure Standard No. 1/2019 – Public Interest Disclosure Management Program \(PDF 144KB\)](#)
- [Public Interest Disclosure Standard No. 2/2019 – Assessing, Investigating and Dealing with Public Interest Disclosures \(PDF 169.4KB\)](#)
- [Public Interest Disclosure Standard No. 3/2019 – Public Interest Disclosure Data Recording and Reporting \(PDF 117.8KB\)](#)

What is ‘public interest information’ and what makes it ‘appropriate’?

Under the PID Act, only certain types of information disclosures can be considered PIDs.

Under s.12, any person, including a public sector officer, may disclose information about:

- a substantial and specific danger to the health or safety of a person with a disability
- a substantial and specific danger to the environment (as set out in the PID Act)
- reprisal action following a PID.

Under s.13, a public sector officer may also disclose information about:

- corrupt conduct by another person
- maladministration that adversely affects someone’s interests in a substantial and specific way
- a substantial misuse of public resources
- a substantial and specific danger to public health or safety
- a substantial and specific danger to the environment.

An appropriate disclosure is where:

- the discloser honestly and reasonably believes the information provided tends to show the conduct or danger OR
- the information tends to show the conduct or danger regardless of the discloser's belief.

Information that 'tends to show' wrongdoing or danger must be more than a mere suspicion—there must be information that indicates the wrongdoing or danger has or will occur. The discloser is not required to undertake any investigative action before making a PID and a disclosure remains a PID even if the information turns out to be incorrect or cannot be substantiated provided the disclosure was 'appropriate'.

Who are 'proper authorities'?

The PID Act gives disclosers reporting choices by creating a range of proper authorities. Proper authorities are persons and organisations authorised under the PID Act to receive public interest disclosures.

Examples of proper authorities:

- The public sector entity that is the subject of the PID. A public sector entity is a proper authority if the disclosure is about the conduct of that entity or its employees. The PID Standard encourages internal reporting and most PIDs are reported by public officers to their own organisations.
- An entity with the power to investigate or remedy the matter. For example, the Crime and Corruption Commission is a proper authority for PIDs about corrupt conduct; the Ombudsman is a proper authority for PIDs about maladministration; and the Queensland Audit Office is a proper authority for PIDs about misuse of public funds.
- The Chief Judicial Officer of a court or tribunal is a proper authority if the PID is about suspected corrupt conduct or reprisal by judicial officers.

MPs are proper authorities to receive PIDs except where the PID relates to a judicial officer.

Can public interest disclosures to Members of Parliament be referred to another public sector entity?

Under s.34 of the PID Act, an MP may refer a PID to another public sector entity if the member considers the referral entity has powers to investigate or remedy the matter. For the purpose of the PID Act, the MP has no role in investigating the PID.