

About Public Interest Disclosures

The ACT Integrity Commission operates two pieces of legislation - the *Integrity Commission Act 2018* and the *Public Interest Disclosure Act 2012* (PID Act). Under the PID Act, the Commission receives, assesses and investigates potential disclosures of disclosable conduct (disclosures).

What is a disclosure?

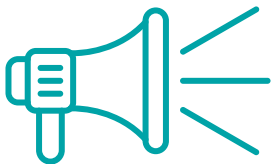
Disclosures are allegations or reports of potential wrongdoing by a public official or in a public sector entity.

Disclosures differ from other reports of wrongdoing or corrupt conduct because the disclosure is potentially in the **public interest**. You may have heard people who make disclosures referred to as 'whistleblowers.'

If an allegation of wrongdoing is found to be disclosable conduct, this means that it is a public interest disclosure (PID). If a disclosure is found to be a PID, the person who made the disclosure is entitled to protections.

What is disclosable conduct?

For a matter to be considered as a disclosure, it must be about 'disclosable conduct.' This is a broad term encompassing a range of different types of wrongdoing. However, this wrongdoing must either be:



- **Maladministration**
- Conduct that poses a **substantial and specific danger** to public health and safety, or the environment, or involves substantial mismanagement in the performance of official functions

For both types of wrongdoing that fall under the definition of disclosable conduct, the Commission will consider whether the conduct is 'substantial. This includes whether:

- 'one-off' or systemic,
- has caused significant financial damage,
- has caused significant personal damage or injury, or
- has created significant reputational or litigation risks.

Maladministration

Maladministration is a conduct, a policy, a practice or a procedure that:

- results in substantial mismanagement of public resources or public funds, or
- involves substantial mismanagement in the performance of official functions.

An example of maladministration can include, but isn't limited to:

- A manager or staff member making poor decisions that result in the wasting of hundreds of thousands of dollars in government money.



Substantial and specific danger to public health or safety, or the environment, or substantial mismanagement in the performance of official functions



'Substantial and specific danger' refers to a situation where the conduct or a public official, or a policy, practice or procedure, risks damaging public health or safety, or the environment.

What is not disclosable conduct?

There are a number of behaviours or types of wrongdoing that do not meet the definition of 'disclosable conduct' under the PID Act. These include:

- Actions, policies or procedures that relate to a personal work-related grievance of the person disclosing the conduct, or
- Give effect to a policy of the Territory about amounts, purposes or priorities of public expenditure.

If you are concerned about , contact your manager or your agency's Senior Executive Responsible for Business Integrity Risk (SERBIR).



Reporting disclosures

If you believe you have identified disclosable conduct occurring in the ACT, it is important to report it.

You can report directly to the ACT Integrity Commission via our webform. Or, you can make your disclosure to a nominated disclosure officer. A list is available on our website.

More information

The ACT Integrity Commission has published a comprehensive notifiable instrument that provides guidance on the PID Act for public sector entities and its employees.

Visit: www.integrity.act.gov.au/publications/guidelines-and-resources