



Every Queensland
community deserves
to be a liveable one

Public Interest Disclosure Act Review

Submission to Public Interest Disclosure Review
Secretariat, Department of Justice and Attorney-
General

February
2023

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About the Local Government Association of Queensland (LGAQ)

The Local Government Association of Queensland (LGAQ) is the peak body for local government in Queensland. It is a not-for-profit association established solely to serve councils and their needs. The LGAQ has been advising, supporting, and representing local councils since 1896, enabling them to improve their operations and strengthen relationships with their communities. The LGAQ does this by connecting councils to people and places; supporting their drive to innovate and improve service delivery through smart services and sustainable solutions; and providing them with the means to achieve community, professional and political excellence.

Partners in Government Agreement

In February 2023 the LGAQ, on behalf of all 77 Queensland local governments, was a signatory to a three-year partners-in-government-agreement with the State of Queensland.

The Agreement details the key principles underlying the relationship between the state and local governments, and by identifying the roles and responsibilities of each party establishes the foundation for effective negotiation and engagement between both levels of government.

The Agreement acknowledges that local government is the closest level of government to the community, affecting the lives of everyday Queenslanders and acknowledging local government as a genuine partner in the Australian government system.

The intent of the agreement is to continue the tradition of working in genuine partnership to improve the quality of life for all Queenslanders.

The LGAQ is committed to working with the Queensland Government and will continue to be a passionate advocate for councils, to serve our joint jurisdiction for the people of Queensland.

Review of the *Public Interest Disclosure Act 2010*

Executive Summary

The LGAQ welcomes the opportunity to provide feedback to the review of the *Public Interest Disclosure Act 2010* (the PID Act or the Act).

The Local Government Association of Queensland (LGAQ), as the peak body representing the State's 77 councils, plays an important daily role in ensuring that the shared interests, perspectives, and position of local government in Queensland is accurately communicated to policy makers.

The local government sector in Queensland is diverse from unique rural and remote communities to the intrinsic value of the state's 17 first nation councils that are rich with cultural history, heritage and custom. When considering legislation reform, compared to the dynamic and population dense SEQ corner, there is no 'one size fits all'. The resources and capacity to respond to present and future devolved reform must be seriously considered by legislators to ensure the successful achievement of the legislative objective, as well as to ensure that all Queensland communities continue to be liveable communities.

The LGAQ Policy Statement (2020) is a definitive statement of collective voices from local governments in Queensland. The relevant policy positions of councils in the context of the Consultation Paper include:

- 2.1.2 Legislation/Compliance
 - 2.1.2.1 Legislation affecting local government in Queensland should be framed in recognition of the diversity of capacity, size, resources, skills and physical location of local governments, and should not be drafted under a "one size fits all" model.
 - 2.1.2.2 Additional compliance placed on local government by the State Government should take into consideration risk management and materiality and the value of transparency to the community and should not be based on simply aligning local government with the State Government.

In line with the Policy Statement, the LGAQ supports a robust integrity framework for the Queensland public sector, that is reasonable and practical in its administration and implementation.

The LGAQ recognises that the PID Act, and the notion of protected whistleblowing, are important components of that framework. This review provides an opportunity for the State Government to fairly consider the current and future impact the changes to the legislation will

have on the resources and operations of local government, and the overall effectiveness of the framework in achieving the Act objectives.

The LGAQ engaged with local government via a number of email communications and a webinar to garner thoughts, views and considerations on the Review Terms of Reference and Issues Paper. The LGAQ has also encouraged individual councils to make their own submissions.

The LGAQ looks forward to ongoing engagement regarding the review, and encourages further, deeper consultation with local government at each stage of the review and implementation process.

Recommendations

The LGAQ has prepared comments on the ten areas for consideration outlined in the Issues Paper¹, and has made seven key recommendations, summarised below:

- **Recommendation 1:** The LGAQ recommends consideration of the best way to provide protections against reprisal for councillors, when acting in good faith in responding to requests that assist integrity agencies conduct their enquiries, or when complying with their statutory duty to report.
- **Recommendation 2:** The LGAQ recommends a review of the role of relevant integrity agencies, particularly in circumstances where there are overlapping responsibilities (such as the Ombudsman, CCC or OIA). As well as a review of overlapping legislations to improve clarity, understanding and confidence in the operational effectiveness of the PID regime.
- **Recommendation 3:** The LGAQ recommends that a public interest, or risk of harm test be introduced into the assessment process for determining a Public Interest Disclosure.
- **Recommendation 4:** The LGAQ recommends that the definition of what is a public interest disclosure be reviewed to incorporate consideration and clarification of the meaning of 'public interest'.
- **Recommendation 5:** The LGAQ recommends retention, without expansion, of the three categories of disclosers.
- **Recommendation 6:** The LGAQ recommends that the definition of public officer should not be expanded.
- **Recommendation 7:** The LGAQ strongly recommends there be a requirement that a PID remains confidential until it is resolved, to ensure natural justice for all involved.
- **Recommendation 8:** The LGAQ strongly recommends the establishment of an independent clearing house for the initial reception of all PIDs.
- **Recommendation 9:** The LGAQ recommends the removal of the second bullet point in the Public Interest Disclosure Standard No. 2/2019, Standard 2.1, at 2.1.1.
- **Recommendation 10:** The LGAQ recommends development of improved education, training and resources for the local government sector.

¹ [Issues Paper https://www.publications.qld.gov.au/ckan-publications-attachments-prod/resources/fa6980aa-3a46-4c9f-904a-9beaf9288f7e/issues-paper-pid-act-review.pdf?ETag=bf268b8946d507e21e1acfd2d3d61b8b](https://www.publications.qld.gov.au/ckan-publications-attachments-prod/resources/fa6980aa-3a46-4c9f-904a-9beaf9288f7e/issues-paper-pid-act-review.pdf?ETag=bf268b8946d507e21e1acfd2d3d61b8b)

Introduction

All 77 local governments in Queensland are captured by the PID Act. For local government, the PID Act operates in conjunction with other legislation such as the *Local Government Act 2009*, *Crime and Corruption Act 2001*, *Human Rights Act 2019*, *Industrial Relations Act 1999*², as well as those Acts referenced in Schedule 2 of the PID Act if a disclosure is about an offence or contravention endangering the environment. The legislation landscape is currently complex and administratively difficult to navigate and apply.

In preparing this submission, consideration has been given to the review Terms of Reference³ released by the Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence, the Honourable Shannon Fentiman, and the issues for consideration contained within the Issues Paper.

The Review to assess the effectiveness and appropriateness of protections afforded to disclosers under the PID Act is an important step in contributing to open, transparent and accountable government and public administration.

The Coaldrake Review Report⁴ states that “*The purpose of an integrity system in government is to ensure its agents – ministers, their staff, the public service and boards and staff of other government-owned bodies – work fairly, honestly, openly and accountably in the interests of the public they serve, and not for the benefit of themselves or their interests. An integrity system needs both to articulate appropriate standards to guide behaviour and decision-making, and to operate an appropriate system of regulation, review and investigation of government agencies and their operations.*”

The LGAQ, in representing our member councils, contends that in undertaking this review, the focus on ensuring ‘an appropriate system of regulation’ is paramount to achieving an effective *Public Interest Disclosure Act* and whistleblower disclosure culture in Queensland.

Submission

Due to the limited timeframe in which to provide feedback, the LGAQ has not been able to seek comprehensive input from our member councils and thus our response should be properly tempered by this limitation. As noted, we would request the opportunity to provide additional input and comment as the review process progresses.

At a policy level, and relevant to this review, our members seek the State Government to:

- Ensure alignment of the *Public Interest Disclosure Act 2010* (Qld), *Defamation Act 2005* (Qld), *Parliament of Queensland Act 2001* (Qld) and *Local Government Act 2009* (Qld) to ensure councillors are protected against claims when responding in good faith

² This is not an exhaustive list.

³ [Terms of Reference https://www.publications.qld.gov.au/ckan-publications-attachments-prod/resources/2f9ecce5-5481-4488-b463-46bbb6d77321/terms-of-reference-pid-act-review.pdf?ETag=3d11d2c09565468a44fa9ada79bc62c6](https://www.publications.qld.gov.au/ckan-publications-attachments-prod/resources/2f9ecce5-5481-4488-b463-46bbb6d77321/terms-of-reference-pid-act-review.pdf?ETag=3d11d2c09565468a44fa9ada79bc62c6)

⁴ [Coaldrake Review Report https://www.coaldrakereview.qld.gov.au/assets/custom/docs/coaldrake-review-final-report-28-june-2022.pdf](https://www.coaldrakereview.qld.gov.au/assets/custom/docs/coaldrake-review-final-report-28-june-2022.pdf)

to requests from integrity agencies to participate in councillor conduct complaints investigations (*Resolution 19 – LGAQ Annual Conference, October 2022*).

Protections against reprisal are sought to ensure councillors are comfortable and willing participants in the process of reporting matters as part of their required participation “on request” from the Office of the Independent Assessor (OIA), Crime and Corruption Commission (CCC) and potentially other agencies in response to dealing with councillor conduct complaints.

There have been many reports of councillors feeling a form of decision paralysis in recent years due to the many examples of councils and councillors caught up in investigations with many questions raised about the quality of advice and conduct of various integrity agencies.

Councillors have been advised that the Integrity Commissioner for example have had their education and advice powers removed. Other councillors have seen legal action against them following interviews given to the CCC.

There is increasing concern that councillors and staff in local government may be less willing to report matters of concern, for example breaches of the *Local Government Act 2009*, due to the increasing examples of councillors who have unfortunately been on the receiving end of negative outcomes, despite fulfilling their obligations under the *Local Government Act 2009*.

Recommendation 1: The LGAQ recommends consideration of the best way to provide protections against reprisal for councillors, when acting in good faith in responding to requests that assist integrity agencies conduct their enquiries, or when complying with their statutory duty to report.

It should be noted that the information contained within this submission reflects the collective views of our contributing member councils. During consultation with our members the areas of highest importance included:

- Understanding, education, training and support needs
- Clarity of terminology and definitions
- Challenges interpreting and applying the Act
- Challenges with reporting requirements
- Understanding the roles of, and experiences/dealings with external (integrity) agencies

In line with Section 3 of the Issues Paper, the following responses are provided to each of the 10 consideration areas:

1. Policy objectives of the PID Act

The LGAQ agrees that whistle-blowers have a very important role in maintaining Queensland’s integrity framework. There is in-principle support of the Act objectives, however the LGAQ anticipates that the outcomes of this timely review will provide enhanced clarity of interpretation, understanding and application of the Act.

From a public perspective, a review of the title of the Act would benefit from closer reference to the term ‘whistleblower’ or ‘wrongdoing’. The concept of a whistleblower is a widely known term dating back to law enforcement activities in the 19th century and while education and awareness activities do occur, there is still quite a bit of uncertainty about what a public interest disclosure is, and how it applies.

The LGAQ believes that greater clarity not only in the title of the Act but within the operation of the Act, particularly where other legislation applies, is necessary to ensure the Act objectives are achieved. In instances where corrupt conduct may be the reason for the disclosure, application of the *Crime and Corruption Act 2001* (CCC Act) adds another layer of complexity in process, timeliness in response, and complication when other integrity agencies, or court processes become involved.

Necessary changes are required to the PID Act to achieve better compatibility with corresponding legislation such as the *Human Rights Act 2019*, *Crime and Corruption Act 2001*, *Industrial Relations Act 1999*, *Defamation Act 2005*, *Local Government Act 2009*⁵, as well as the legislation referenced in Schedule 2 of the Act, particularly where that legislation outlines processes and obligations for complaint management or investigation processes.

The LGAQ recommends a review of the role of relevant integrity agencies, particularly in circumstances where there are overlapping responsibilities (such as the Ombudsman, CCC or OIA). Similarly, the overlapping of corresponding legislations should also be reviewed to improve clarity, understanding and confidence in the operational effectiveness of the PID regime.

The LGAQ will continue to work with relevant agencies to support agreed review recommendations. This will assist LGAQ members to successfully embed and apply the objectives of the Act in the local government environment.

Recommendation 2: The LGAQ recommends a review of the role of relevant integrity agencies, particularly in circumstances where there are overlapping responsibilities (such as the Ombudsman, CCC or OIA). As well as a review of overlapping legislations to improve clarity, understanding and confidence in the operational effectiveness of the PID regime.

2. What is a public interest disclosure?

In consultation with its members, the LGAQ would support the narrowing of the scope of the PID regime. In support of the reasons raised by the Ombudsman, as referenced in the Issues Paper, the LGAQ supports the recommendation that matters relating to alleged substantial and specific dangers to people with disability and the environment be removed from the PID Act regime.

Recommendation 3: The LGAQ recommends that a public interest, or risk of harm test be introduced into the assessment process for determining a Public Interest Disclosure.

This recommendation would have the effect of “weeding out” purported disclosures that are about trivial, vexatious and inconsequential matters, which in reality, may be workplace grievances that can be dealt with via an alternative resolution process. Narrowing the definition of a PID would assist local governments to enhance the processing and reporting of disclosures in a timely and accurate way and ensure that resourcing demands within councils and relevant reporting agencies are utilised in the most effective manner.

⁵ This is not an exhaustive list.

In the context of local government, the obligation of good faith should be imposed on the discloser. Consideration of the possible harm to individual public officers through vexatious or spurious disclosures, as has been witnessed in the sector, and remedial steps to reduce similar situations would be supported by the local government sector. Similarly, where following satisfactory investigation a subject officer is found to be exonerated, and no disclosures are substantiated, consideration needs to be given to the ongoing protections afforded to the discloser, and the well-being of the subject officers and other individuals involved, particularly when the mechanisms of the Act have been intentionally misused. Section 66 of the Act does not provide a realistic or practical option for vexatious or spurious matters to be dealt with.

This situation is also evident when elected members are called on to respond to a request from integrity agencies to participate in councillor conduct complaint investigations as part of their obligations under the *Local Government Act 2009*.

In considering what is a public interest disclosure, it is first necessary to understand what is 'public interest'. The Act could be improved by providing clarification or a definition of the meaning of 'public interest' to which the definition contained in Section 11 could be built upon. Section 11 of the Act: states that '*A public interest disclosure is a disclosure under this chapter and includes all information and help given by the discloser to a proper authority for the disclosure.*' This definition is also not clear, concise or easily understood by officers applying the Act. It is recommended that the definition of what is a public interest disclosure be reviewed to incorporate consideration and clarification of the meaning of 'public interest'.

Recommendation 4: The LGAQ recommends that the definition of what is a public interest disclosure be reviewed to incorporate consideration and clarification of the meaning of 'public interest'.

3. Who can make a public interest disclosure?

The LGAQ supports retention, without expansion, of the three categories of disclosers (public officer, employees of government owned corporations or Queensland Rail, and any person). Additional categories would not materially improve the regime and would impose additional and unwarranted compliance obligations on councils, when it is currently clear that agencies, including local government are already struggling with the regime.

From a local government point of view, the definition of public officer should not be expanded to include those performing services for the public sector whether paid or unpaid, for example volunteers, students, contractors, work experience participants and former public officers. Any expansion would add to the already significant burden of protecting disclosers and create protection obligations to persons whom councils have no (employer-employee) authority over. This would result in greater liability exposures, in the event of attempts at protection failing.

While it is acknowledged that disclosures, and or participation in the investigation process (i.e. witnesses) of a PID by this expanded group is encouraged, the practicality of managing the process within the controls and jurisdiction in which agencies and local government have would be burdensome and in reality difficult to administer.

In support of the objectives of the PID Act, the principles of local government, and the purpose of this review, the LGAQ agrees that everyone should be entitled to make a PID in good faith. However, the LGAQ would contend that disclosers who are not public officers should be captured in an alternative mechanism separate to the arrangements currently relating to those defined as public officers (council officers). The protections required to be provided to disclosers are complex and have often proven difficult to achieve, even for council employees.

Recommendation 5: The LGAQ recommends retention, without expansion, of the three categories of disclosers.

Recommendation 6: The LGAQ recommends that the definition of public officer should not be expanded.

4. Experiences of people who witness and report wrongdoing

The multi-agency obligations, particularly in the instance of reporting corrupt conduct, can result in extensive delays in the process, leaving disclosers, subject officers, witnesses and other involved parties feeling vulnerable and anxious. Confidence in the regime is affected, and so too the ongoing operation and effectiveness of essential local government functions. There have been examples where the timeframe for having matters assessed by the CCC was extraordinarily long. This is of major concern as in most instances councils are prevented from taking any investigative action on a matter until the CCC has finalised their assessment and provided a matter's assessed report.

Further delays can then occur when a disclosure/matter is referred to a local government to investigate. In a lot of councils, the resources or skill sets do not exist to undertake this task to ensure it meets the obligated standard, therefore external expertise is purchased to undertake the investigation, which may further prolong the timeframe and resulting concern of the relevant parties.

5. Making, receiving and identifying PIDs

The LGAQ strongly recommends the establishment of an independent clearing house for the initial reception of all PIDs.

As the Logan City Council experience exemplifies, the multiple reporting pathways available allowed the discloser to make the disclosure to all the councillors (relying on section 17(3)(c) of the PID Act), in circumstances where disclosure to only one of those councillors was, in practical terms, necessary. Unnecessary disclosure to all the councillors placed those councillors at unnecessary risk of claims of reprisal, which claims in fact occurred and were subsequently pursued via protracted legal action. Whilst the claims pursued were, ultimately, unsuccessful, they have resulted in lifelong negative impacts on the former councillors involved.

For the protection of all local government elected members and employees, the LGAQ would welcome ongoing discussions with all relevant parties to examine how exploiting the disclosure system in this way must be eradicated in order for the Act to achieve its true objectives.

Referring all such disclosures in the first instance to an independent clearing house allows the disclosure (if valid) to be referred to the appropriate council officer.

If an independent clearing house option is not favoured, an alternative solution would be to tighten section 17 of the Act, so far as it relates to local government, so that disclosure is made to one person only, namely:

1. The chief executive officer; or
2. If the chief executive officer is the discloser, the most senior member of the governing/elected body (i.e. the Mayor or, if the Mayor is the subject of the disclosure, the Deputy Mayor); or
3. If the chief executive officer is the subject of the disclosure, the Mayor.

For the protection and wellbeing of all parties, the obligations and protections under the PID regime should not come into effect until after the disclosure has been properly assessed and determined that it raises a reasonable suspicion that it is a matter properly the subject of a PID.

Recommendation 7: The LGAQ strongly recommends there be a requirement that a PID remains confidential until it is resolved, to ensure natural justice for all involved.

To the extent that appropriate protections do not already exist, the LGAQ agrees that disclosures to third parties (for example friends, colleagues, union representatives or legal advisors) for the purpose of seeking advice about whether or not to make a formal disclosure, should be permitted and protected.

Recommendation 8: The LGAQ strongly recommends the establishment of an independent clearing house for the initial reception of all PIDs.

6. Managing, investigating and responding to PIDs

Consultation with LGAQ members has identified that being unable to assure witnesses they can be protected has been a problem since the commencement of the Act. In the local government context, the LGAQ would suggest that the legislative protections for disclosers found in Chapter 4 be extended so that they apply, in equal terms, to witnesses.

The LGAQ does not see the necessity to expand the PID Act to include duties or requirements for agencies to take steps to correct the reported wrongdoing generally or in specific ways, provide procedural fairness to the discloser, subject officer and witnesses, or assess and minimise the risk of reprisals. There is already more than sufficient legislation, regulation, accepted requirements for workplace investigations and published standards to address these duties and/or requirements.

All disclosers should be able to opt out of protections afforded under the Act, such as the requirement to receive information or be provided support.

A review of the definition of reprisal or supporting material should also be developed that provides clear clarity on the circumstances that would meet a reprisal standard. This is particularly the case when an unsubstantiated disclosure is made about a colleague or

elected member, and an ongoing, continued working arrangement exists. The practical realities of undertaking business as usual and exercising reasonable management action can largely be compromised for fear of claims of reprisal action.

The various roles required in managing a PID (PID Coordinator, PID Support Officer, Investigators, Role Reporter etc), are complicated and not necessarily fully understood. This creates a risk that the required support and protections are not in place or effective. In support of reducing any barriers or obstacles to encourage disclosures, the LGAQ and the local government sector would welcome participation in the development of a suite of template correspondence forms and tools to streamline, and increase confidence in, the processing of PIDs. This would greatly assist local governments to address disclosures in a timely way by providing a baseline (notwithstanding the unique scenarios of disclosures) for the fair and appropriate address of any disclosure.

7. Protections for disclosers, subject officers and witnesses

The LGAQ considers the expense of an independent authority for the protection of disclosers does not seem necessary at this point in time, as disclosers are adequately protected and supported by the PID Act.

There is a known risk that not being able to assure witnesses that they can be protected has been an ongoing problem with the implementation of the Act. The legislative protections for disclosers found in Chapter 4 should be extended so that they apply, in equal terms, to witnesses.

8. Remedies

The LGAQ considers the remedies available to disclosers, and the evidentiary requirements for remedies under the PID Act are adequate, and no changes are required at this time. In particular, any suggestion that the onus of proof be reversed should be strongly resisted.

In the pursuit of cost effective and timely management of disclosures, and to protect the wellbeing and safety of local government elected members and employees, the LGAQ would encourage a discussion on encouraging disclosers to focus on alternative dispute resolution (ADR) possibilities and suggests that a local government awareness campaign may be appropriate to ensure ADR is available and pursued wherever possible.

9. Role of the oversight agency

The LGAQ supports the work of the Queensland Ombudsman's PID Management Team. The Team provides a range of training and resources that are very well received by the local government sector. The networking group lead by the PID Team, is an effective collaboration of PID Coordinators and other relevant officers that meets on a regular basis to share information, education and advice.

As reiterated above, the role of oversight agencies and the overlap of corresponding legislation creates complex pathways and protracted timeframes in the management of PID matters. Public Interest Disclosure Standard No. 2/2019, Standard 2.1, at 2.1.1, second bullet point, relevantly states: *"Where there is doubt on the face of the information as to whether it*

should be assessed as a PID, treat the disclosure as a PID and apply the PID Act to the management of the disclosure.”

As evidenced through ongoing engagement with members, the LGAQ has identified that this mandated precautionary approach has resulted in an increase in local governments categorising matters as PIDs to avoid breaching statutory obligations, particularly where it is unclear whether a matter may or may not be a PID, or meet the definition of corrupt conduct. For local governments with Section 40 (CCC Act) arrangements there is also a greater responsibility to ensure compliance across the various pieces of legislation.

Similarly, the mandated precautionary approach in the Standard has resulted in an increase in spurious and vexatious staff complainants seeking to avoid what was looming as disciplinary action against them. Some relaxation of this approach, by way of removing the bullet point, would assist in reducing the lodgement of spurious and vexatious staff complaints as PIDs.

Recommendation 9: The LGAQ recommends the removal of the second bullet point in the Public Interest Disclosure Standard No. 2/2019, Standard 2.1, at 2.1.1.

Recommendation 10: The LGAQ recommends development of improved education, training and resources for the local government sector.

10. Practical considerations

It is evident that the PID Act should be more specific about how it interacts with other legislation, processes and schemes. This lack of clarity seems to be one of the biggest areas of concern for local government practitioners.

LGAQ member feedback identified that improved clarity of the Act, for better understanding and application, would be beneficial in the following areas:

- A clearer definition of a PID
- Clarification regarding ‘public interest’
- Clearer definition of reprisal
- Clarity on when PID protections end, particularly when the complaint is unsubstantiated and proven to be vexatious.

The LGAQ is of the view that the Act should not include incentives for disclosers. The legislation, if drafted effectively, should provide enough incentive that the statutory protections will be provided for. An incentives scheme would create another layer of administrative burden and create a potential risk of misuse.

Practical review considerations as they relate to rural and remote, First Nations councils (and councils with a high proportion of First Nations people), and local government areas which include significant CALD populations must be given priority to create the best opportunity for compliance. Increased levels of compliance obligations for these groups of councils that are already faced with significant workforce and financial constraints must be duly considered, and the practical realities of a one size solution realised.

The LGAQ would recommend ongoing consultation with these member councils when forming and implementing any recommendations from the Review.

Conclusion

The LGAQ welcomes the opportunity to provide feedback to the review of the *Public Interest Disclosure Act 2010* (the PID Act or the Act).

The LGAQ supports a robust integrity framework for the Queensland public sector, that is reasonable and practical in its administration and implementation.

The LGAQ recognises that the PID Act, and the notion of protected whistleblowing, are important components of that framework.

We would encourage the State Government to fairly consider the current and future impact the changes to the legislation will have on the resources and operations of local government, and the overall effectiveness of the framework in achieving the Act objectives.

Contact Details

Please do not hesitate to contact Kim Driver, Manager – Governance and Advisory Services via email or phone [REDACTED] should you wish to discuss any aspect of this submission.

Appendix

LGAQ Policy Statement

The LGAQ Policy Statement⁶ is a definitive statement of the collective voice of local government in Queensland. The relevant policy positions of local government in the context of Governance are as follows:

- 2.1.2 Legislation/Compliance
 - 2.1.2.1 Legislation affecting local government in Queensland should be framed in recognition of the diversity of capacity, size, resources, skills and physical location of local governments, and should not be drafted under a “one size fits all” model.
 - 2.1.2.2 Additional compliance placed on local government by the State Government should take into consideration risk management and materiality and the value of transparency to the community and should not be based on simply aligning local government with the State Government.

LGAQ Advocacy Action Plan/ Annual Conference Resolutions

The LGAQ is committed to member driven advocacy and working with members to build stronger local government and more resilient local communities. We take our position on the issues that matter most to Queensland councils and communities through an ongoing cycle of engagement with our members, which includes an Annual Conference where councils vote on significant policy issues they would like the LGAQ to drive on their behalf.

The Local Government Association of Queensland’s Advocacy Action Plan (AAP)⁷ is a roadmap designed to highlight the top policy positions and funding priorities councils believe are critical to ensuring Queensland flourishes and our communities thrive. On behalf of our members, we are asking the state government to:

- ***Resolution 19 – 2022 LGAQ Annual Conference*** - Ensure alignment of the Public Interest Disclosure Act 2010 (Qld), Defamation Act 2005 (Qld), Parliament of Queensland Act 2001 (Qld) and Local Government Act 2009 (Qld) to ensure councillors are protected against claims when responding in good faith to requests from integrity agencies to participate in councillor conduct complaints investigations.

⁶ <https://www.lgaq.asn.au/downloads/file/183/2019-lgaq-policy-statement>

⁷ <https://www.lgaq.asn.au/downloads/file/383/advocacy-action-plan-2021>