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Our Ref: PID Act Review  
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Public Interest Disclosure Review Secretariat  
Strategic Policy and Legal Services  
Department of Justice and Attorney-General  
GPO Box 149  
BRISBANE QLD 4001

Email to: [PIDActReview@justice.qld.gov.au](mailto:PIDActReview@justice.qld.gov.au)

Dear Sir / Madam,

**ROCKHAMPTON REGIONAL COUNCIL PID ACT REVIEW SUBMISSION**

I acknowledge the opportunity to provide feedback on the Issues Paper authored by the Honourable Alan Wilson KC for the review of the *Public Interest Disclosure Act 2010*.

Our feedback is numbered as per the questions in the Issues Paper.

2. The term 'whistleblower' is more synonymous with the community to easily recognise its purpose compared to the current titled legislation.

5/6. The types of complaints assessed as PIDs should be narrowed. Council deals with PIDs that are unlikely to have an impact on 'public interest' and are difficult to meet the requirements of. PIDs should consider the actions of the organisation, not individual employees in more minor situations – e.g., a grievance complaint of bullying by one person is not a PID versus a complaint that an organisation regularly undertakes complaint investigations in an unfair and unjust manner, protects certain people within the organisation etc. should constitute as a PID.

There would be little to no public interest in a complaint of grievances between employees that had no real impact on the function of Council. Council has adequate policies relating to bullying, grievance complaints and investigations to manage these complaints without needing PID legislation. The requirement for confidentiality is also extremely difficult to uphold in these situations. How can a Respondent adequately respond to a grievance complaint without being notified who the Complainant is. The idea that we can say 'here is an allegation that you bullied somebody, but we can't tell you who it is' is very limiting in a fair investigation process.

Substantial and significant danger to persons with a disability and environment should be removed, and that complaints raised by persons who are not public officers are not assessed as PIDs.

If these categories are going to remain, clearer guidance needs to be provided.

For example, all sections under the Environmental Protection Act where there is an offence meets the definition. Is that in relation to actions of Council only, or all complaints made to Council about environmental matters.

The NSW *Public Interest Disclosure Act 2022* under section 26(3) that “a discloser does not comply with this section if the information disclosed – (a) concerns only a grievance about a matter relating to the employment of an individual, and (b) either – (i) does not have significant implications beyond matters personally affecting or tending to personally affect the individual, or (ii) relates to a disagreement with the taking or proposed taking of reasonable management action.” Implementing a similar provision within our legislation would therefore be beneficial both for agencies and in the public interest.

7. There would be a benefit to the introduction of a ‘public interest’ or ‘risk of harm’ test to aid in defining a PID. This risk matrix should involve both elements of whether the disclosure is in the public interest (for example, whether it relates to a personal matter [if retained] or is indicative of wider systemic issues) and the risk of harm it involves. Considering these elements together within a risk matrix would provide further clarity in determining what is a PID and therefore the appropriate course of action.

Further, it would be beneficial to implement a clause whereby an assessing officer can determine that a disclosure is a PID during any stage of the assessment or investigation of that disclosure to ensure appropriate protections are afforded to the discloser.

12. An employee with managerial/supervisory responsibilities should not require the application of a PID simply because they are raising allegations or concerns regarding employees they manage, as this is part of their inherent role as a manager/supervisor.

As such, there should be a provision in the Act regarding mandatory public interest disclosures which are made in meeting the ordinary requirements of the official’s particular role of functions within the organisation. Consideration should be given to creating categories of disclosers and having separate arrangements for role reporters more appropriately tailored to their position. For example, the NSW *Public Interest Disclosures Act 2022* differentiates the types of public interest disclosures, which include voluntary, witness and mandatory public interest disclosures.

Consideration also needs to be given to an employee raising a complaint but not through their role. If an employee notices behaviour by another employee in their personal life that raises a suspicion of corrupt conduct and notified Council. It is a PID because it is a complaint of corrupt conduct by an employee, but the issue was actually noticed by the complainant when they were at home. Should this still be a PID, or should it be considered this complaint of corrupt conduct was raised by a member of the public and therefore not a PID.

19. At Council complaints are regularly reassessed as new information becomes available to determine if it is now a PID, or no longer a PID. Obligations and protections would be appropriate once those determinations are made.

24/27/28. Having a PID Support Officer who is removed from the complaint investigation process is unrealistic for Council. The positions with the understanding of the PID process are the positions who are involved in the investigation and are making recommendations about whether a complaint is a PID.

It would be reasonable for a PID Support Officer to have oversight of the complaint/investigation. If we have concerns that a PID Support Officer is not providing any information to the discloser, or is providing inappropriate information to the discloser, this would be an issue with in itself.

Providing support via confidentiality is not always appropriate nor achievable. If PIDs remain to have a broad assessment, confidentiality should be able to be assessed for each complaint.

**Additional**

With the introduction of the WHS Psychosocial Code there is a potential for the investigation process and subsequent outcomes to have a negative impact on the mental well-being of those involved. Perhaps an independent authority to support disclosers (Q30) may assist in this area.

Overall, the concept of having a tiered assessment of PIDs is a good idea as it may help to provide guidance about managing those complaints and the level of risk associated with it. It may also assist the Ombudsman's Office provide better oversight to agencies dealing with PIDs. Many complaints fall into the category of a PID our view is that the PID Act should be dealing with significant wrongdoings only. If this were to occur, a tiered approach may not be necessary.

Once again thank you for the opportunity to supply our feedback on our experiences. We look forward to the review process concluding and any potential improvements occurring for the benefit of the community and disclosers.

Should you wish to discuss any of the above comments please contact Travis Pegrem, Coordinator Workforce Relations and Ethics on [REDACTED] or email [REDACTED]

Yours sincerely

[REDACTED]  
**Ross Cheesman**  
**Deputy Chief Executive Officer**