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From: [REDACTED]
Sent: [REDACTED]
To: PID Act Review
Subject: Submission to Public Interest Disclosure Review

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Good Afternoon,

Please see below my responses to the questions as per of the PID review.

Thank you,

[REDACTED]

3.1 Policy objectives of the PID Act

1. Are the objects of the PID Act valid and is the Act achieving these objects? Has the PID Act been effective in uncovering wrongdoing in the public sector?

Potentially the act has been effective at *uncovering* wrong doing in the public sector, however the integrity bodies practice of referring the majority of PID back to the agencies to investigate themselves means any wrong doing is not addressed and is instead covered up. Public Sector departments are reportable to their Ministers, whom (as elected representatives) have a vested interest in ensuring their department is *seen* to run smoothly under their leadership. Commissioners and executive leadership staff are acutely aware of this and thus work to quash any appearance of wrong doing quietly, rather than addressing the issue. This protects the reputation of those in power at all levels of leadership at the detriment to frontline workers and the public.

2. Is the title of the legislation suitable? Should any other terms, such as 'whistleblower' or 'wrongdoing', be included in the title or used in the legislation?

Whistleblower and wrong doing terminology and are more apt and appropriate. Language within legislation should be more accessible to the public for which the legislation exists.

3. Are changes needed to ensure public confidence in the integrity of the PID regime?

Yes

3.2 What is a public interest disclosure?

5. What types of wrongdoing should the PID regime apply to? Should the scope be narrowed or broadened? Why and how?

A public sector department's interpretation of an 'employee grievance' may be harmful and therefore any change to the wording of this may have unintended consequences. For example; sexual harassment/sexual assault/verbal assault is illegal and as such should never be classified as an employee grievance. Illegal behaviour is not an grievance.

6. Should a PID include disclosures about substantial and specific dangers to a person with a disability or to the environment? Why or why not?

Yes. The public sector requires oversight.

3.3 Who can make a public interest disclosure?

10. Should the definition of public officer be expanded to include those performing services for the public sector whether paid or unpaid, for example volunteers, students, contractors and work experience participants? Should former public officers be covered?

The QLD Government over relies on contractors to perform core business functions. These parties should be covered under the PID for this reason. Having contractors, volunteers and students as excluded allows for a greater power imbalance and allows corruption and wrong doing to flourish.

12. Should different arrangements apply to role reporters? Why and how?

Yes, noting the tailoring (or at least recognition) of the function of role reporters would be beneficial.

3.4 Experiences of people who witness and report wrongdoing

13. How would you describe your experience in reporting wrongdoing under the PID Act? Do you have any suggestions for improvements?

I found that integrity body I made disclosures to did not keep me informed as to their contact with my employing agency, which made me feel vulnerable. If the integrity body is already making enquiries as to my complaint, my employer is somewhat aware of my complaint and could take action in regards to my employment before a PID is formally declared.

Further, the practice of referring PID's back to public sector departments to investigate themselves is not conducive to improving public confidence in the process and undermines the integrity of the process.

The lack of follow up or timeframes placed on departments investigating themselves further erodes any confidence in the process. The organisation I work for has been 'investigating' my PID for two years. This has left me disheartened and disillusioned with the process.

14. What factors impacted your decision to report or not report wrongdoing? Did you encounter any barriers or obstacles during the process? How can the PID regime encourage disclosers to come forward?

My strong sense of justice and anger at my employer dismissing my relevant concerns. The PID process was not well known to me, and I was bounced around to a few different integrity bodies before I was referred to the correct one. If other integrity bodies are not aware of each other's remit, what hope to disclosures have?

15. Were you supported effectively during the process? Would alternative or additional support have been helpful?

I was not supported by the integrity body at all. While I am grateful they assessed my complaint as a relevant PID, their referral of the PID back to the agency whom mishandled

my initial complaint to investigate their own conduct defies belief. Agencies cannot investigate themselves without bias.

16. Did you feel your disclosure was taken seriously, assessed in a timely way, investigated fairly and addressed appropriately?

I felt it was taken seriously, and that the integrity body assessed my complaint in a timely manner. However, their referral of the PID back to the agency whom mishandled my initial complaint to investigate was not appropriate. The public sector agency has been 'investigating' my complaint for two years without an outcome. This is not timely or just. This has affected my employment opportunities.

3.5 Making, receiving and identifying PIDs

18. Who should be able to receive PIDs? Do you support having multiple reporting pathways for disclosers? Is there a role for a clearing house or a third party hotline in receiving PIDs?

There is a role in a third party investigating PID's and not just referring them back to the agency in question.

19. At what point in time should the obligations and protections under the PID regime come into effect?

At the point of initial disclosure.

20. Should the PID legislation require a written decision be made about PID status as recommended by the Queensland Ombudsman? What would the implications be for agencies?

Yes.

21. Are the provisions for disclosures to the media and other third parties appropriate and effective? Are there additions or alternatives that should be considered?

No. For example, my employer had been investigating my PID for 2 years. Given the lack of outcome or even a timeframe for closure, I should be able to assert a protected right to take my concerns to the media. Instead, I feel like my voice has been taken away and I am bound by secrecy. As a victim, this feel inappropriate and re-traumatising. Like my personal agency is continued to be taken away.

22. Should the PID process for government owned corporations or Queensland Rail be different to those for public sector entities? Why or why not? Are the current arrangements appropriate and effective?

The same.

3.6 Managing, investigating and responding to PIDs

23. Are the requirements for managing, investigating and responding to PIDs appropriate and effective?

No. the legislation needs to be more robust in recognition that self-preservation (of an agency/senior executive) overrides morality.

24. Are agencies able to provide effective support for disclosers, subject officers and witnesses? Are any additional or alternate powers, functions or guidance needed?

A third party (from outside the agency) should be the designated support person.

25. Should the PID Act include duties or requirements for agencies to:

- a. take steps to correct the reported wrongdoing generally or in specific ways?
- b. provide procedural fairness to the discloser, subject officer and witnesses?
- c. assess and minimise the risk of reprisals?

Yes. It should also include timeframes and require the agency to report back to the integrity body on a regular basis.

3.7 Protections for disclosers, subject officers and witnesses

27. Are the current protections for disclosers, subject officers and witnesses appropriate and effective? Should additional or alternative protections be considered?

The protections are difficult to enforce. A large portion of the QLD Government workforce are on temporary contracts. A public sector agency could decline to renew a contract based on operational need while a PIOD is in progress, with the disclosure having no options of recourse. This dissuades potential disclosure from referring issues.

28. Are the current provisions about confidentiality adequate and fit for purpose? Should any improvements be considered?

Anti-gag provisions should be enacted.

30. Is there a role for an independent authority to support disclosers in Queensland? If so, what should its role be?

Yes. As the formal support person. This would support the disclosure and also provide some sort of oversight into the agency in questions process.

3.8 Remedies

I agree with the Ombudsman's recommendations.

3.9 Role of the oversight agency

35. Are the Queensland Ombudsman's functions and powers suitable and effective for the purpose of the oversight body?

No. These need to be strengthened.

37. Do the roles of integrity bodies overlap during the PID process? Are changes needed or do the existing arrangements work effectively?

Unsure, however they definitely need to be clearer. The PID process was not well known to me, and I was bounced around to a few different integrity bodies before I was referred to the correct one. If other integrity bodies are not aware of each other's remit, what hope to disclosures have?

3.10 Practical considerations

42. Are current arrangements for training and education about the PID Act effective? How could they be improved?

No. Further training/advertising with the public sector and the public is required.

44. Is the PID Act accessible and easy to understand? How could the clarity of the Act be improved?

No. Simplify the language and remove any ambiguity.
