

Maranoa Regional Council

Public Interest Disclosure Act 2010

Review Submission

Reviewed by:

Chief Executive Officer – Edwina Marks

Corporate Services Director – Erik Lambert

Manager – Communication, Information & Administration Services – Dale Waldron

Governance Officer – Grace Pobar

Questions to Consider	MRC Response
<p>Are the objects of the PID Act valid and is the Act achieving these objects?</p> <p>Has the PID Act been effective in uncovering wrongdoing in the public sector?</p>	<p>Yes</p> <p>We don't do many, which doesn't mean that wrong doing doesn't exist, but we presume that most of the time it does work.</p>
<p>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?</p>	<p>'Whistleblower' is better.</p>
<p>Are changes needed to ensure public confidence in the integrity of the PID regime?</p>	<p>We don't use the system enough to know.</p>
<p>Are any changes needed to the PID Act to make it more compatible with the <i>Human Rights Act 2019</i>?</p>	<p>We don't use the system enough to know.</p>
<p>What types of wrongdoing should the PID regime apply to?</p> <p>Should the scope be narrowed or broadened? Why and how?</p>	<p>As listed in Section 13.</p> <p>Covers most things that would apply to a public office.</p>
<p>Should a PID include disclosures about substantial and specific dangers to a person with a disability or to the environment?</p> <p>Why or why not?</p>	<p>Legislation responds to needs.</p> <p>Yes, keep in there.</p>
<p>Is there benefit in introducing a public interest or risk of harm test in the definition of a PID?</p>	<p>Yes, so that the person has a clarity over what this means.</p> <p>Reduces vexatious complaints</p>
<p>Should a person be required to have a particular state of mind when reporting wrongdoing to be protected under the PID regime?</p> <p>Are the current provisions appropriate and effective?</p>	<p>No, disability, mental health sufferers could still validly report abuse.</p>
<p>Who should be protected by the PID regime?</p> <p>Should the three categories of</p>	<p>Recommend no change – there is a history to these.</p>

<p>disclosers (public officer, employees of government owned corporations or Queensland Rail, and any person) be retained?</p> <p>Why or why not?</p>	
<p>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?</p> <p>Should former public officers be covered?</p>	<p>Yes to volunteers discreetly recruited to a public office. For the time that they worked in the public office is relevant.</p>
<p>Should relatives of disclosers, or witnesses be eligible to make PIDs?</p> <p>Should they, or anyone else, be entitled to protection under the PID regime?</p>	<p>They should stand on their own merit. No to relatives, witnesses etc.</p>
<p>Should different arrangements apply to role reporters?</p> <p>Why and how?</p>	<p>Yes, entitled to protection, as far more likely to suffer retaliation.</p>
<p>How would you describe your experience in reporting wrongdoing under the PID Act?</p> <p>Do you have any suggestions for improvements?</p>	<p>Challenge – it is done so rarely you forget to do it. Make the input screen finished section and moves on (closes section out).</p>
<p>What factors impacted your decision to report or not report wrongdoing?</p> <p>Did you encounter any barriers or obstacles during the process?</p> <p>How can the PID regime encourage disclosers to come forward?</p>	<p>Reported after the fact as I did not commence process. Systems have to be easy to use, but it is still understanding.</p>
<p>Were you supported effectively during the process?</p> <p>Would alternative or additional support have been helpful?</p>	<p>Role reporters should be kept in the loop to what happened/outcome.</p>
<p>Did you feel your disclosure was taken seriously, assessed in a timely way,</p>	<p>Taken seriously, was not a timely response however.</p>

investigated fairly and addressed appropriately?	
Are the requirements for making, receiving and identifying PIDs appropriate and effective?	Yes making, not received PIDs and identification could be enhanced.
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?	Role reporters, heads of local authority, heads of agencies, parliamentary personnel.
At what point in time should the obligations and protections under the PID regime come into effect?	Upon investigation of any matter.
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 for transparency. This may be problematic for human service agencies, disability agencies.
Are the provisions for disclosures to the media and other third parties appropriate and effective? Are there additions or alternatives that should be considered?	Procedure for managing investigation of personnel. (PID Test). Protections are needed for media. Social media should be banned.
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?	Unsure for QLD Rail. Government owned corporations yes as conduct is still important.
Are the requirements for managing, investigating and responding to PIDs appropriate and effective?	Yes, however capacity to investigate at scale should be taken into account for small organisations.
Are agencies able to provide effective support for disclosers, subject officers and witnesses? Are any additional or alternate	Not known. Guidance and information needed.

<p>powers, functions or guidance needed?</p>	
<p>Should the PID Act include duties or requirements for agencies to:</p> <ul style="list-style-type: none"> (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? 	<p>Yes, b & c mainly.</p>
<p>Should a discloser be able to opt out of protections afforded under the Act, such as the requirement to receive information or be provided support?</p> <p>Should this only apply to role reporters, or to any type of discloser?</p>	<p>No</p>
<p>Are the current protections for disclosers, subject officers and witnesses appropriate and effective?</p> <p>Should additional or alternative protections be considered?</p>	<p>Not known.</p>
<p>Are the current provisions about confidentiality adequate and fit for purpose?</p> <p>Should any improvements be considered?</p>	<p>Yes, however not many processed.</p>
<p>Is the definition of reprisal appropriate and effective?</p> <p>Do any issues arise in identifying, managing and responding to reprisals?</p>	<p>Yes. In small communities, it is hard to know if a reprisal has been experienced or just 'community gossip'.</p> <p>If someone is in a position of power reprisal can occur to eg. A family member without necessarily being picked up.</p>
<p>Is there a role for an independent authority to support disclosers in Queensland?</p> <p>If so, what should its role be?</p>	<p>Don't know.</p>
<p>Are the remedies available to disclosers under the PID Act reasonable and effective?</p>	<p>Yes Not known. Yes</p>

<p>Are any changes needed?</p> <p>Do the evidentiary requirements for remedies need amendment?</p> <p>Are the provisions permitting complaints to the Queensland Human Rights Commission appropriate and effective?</p> <p>What role should alternative dispute resolution play in resolving disputes?</p> <p>Do you support an administrative redress scheme for disclosers who consider they have experienced reprisals?</p>	<p>Dispute not known</p> <p>Yes but on a level of seriousness.</p>
<p>Are the Queensland Ombudsman's functions and powers suitable and effective for the purpose of the oversight body?</p>	<p>Yes</p>
<p>Are there any conflicts between the Queensland Ombudsman's advisory and review functions for PIDs?</p> <p>If yes, how could these be managed or resolved?</p>	<p>No</p>
<p>Do the roles of integrity bodies overlap during the PID process?</p> <p>Are changes needed or do the existing arrangements work effectively?</p>	<p>Yes, for example CCC, OIA & PID</p> <p>Too many options if something goes to the CCC it should not need to be a PID as well.</p>
<p>Are the Standards published by the Queensland Ombudsman effective?</p> <p>Are changes needed?</p>	<p>Not known</p>
<p>Do you agree with the recommendations of the Queensland Ombudsman's 2017 review?</p>	<p>Yes</p>
<p>Should the PID legislation be more specific about how it interacts with any other legislation, process or scheme?</p>	<p>Yes especially in relation to corruption.</p>
<p>Should the PID legislation include</p>	<p>No, will taint results</p>

<p>incentives for disclosers? If so, how should they operate?</p>	
<p>Are current arrangements for training and education about the PID Act effective? How could they be improved?</p>	<p>No, need more online materials or one-on-one training.</p>
<p>How could an effective PID scheme provide for the needs of First Nations Peoples, culturally and linguistically diverse people and those in regional or remote communities?</p>	<p>Needs to be a face to face services, one on one. Family ties would be a major barrier; reprisal is seen as a cultural right.</p>
<p>Is the PID Act accessible and easy to understand? How could the clarity of the Act be improved?</p>	<p>Yes largely understood. Good preamble</p>