

# Legal Aid ACT

## REPORTING MISCONDUCT:

### Making a public interest disclosure to Legal Aid

The *Public Interest Disclosure Act 1994* (ACT) encourages people to disclose information and report conduct in the ACT public sector that adversely affects the public interest. Anyone can make a disclosure. The only requirement is that you reasonably believe that your information reveals a wrongdoing by an agency or a person in the ACT public sector.

#### What can be disclosed or reported?

- dishonesty or bias when performing official functions
- misuse of official information
- negligent or improper management of government funds
- attempts to influence a public official to act improperly
- victimising a person because they have made a public interest disclosure
- endangering the health and safety of the public
- conspiring or attempting to engage in any of the above conduct. This could be criminal or disciplinary offences, or conduct providing reasonable grounds for termination

#### How are you protected if you make a disclosure?

- If you are a public sector employee and being victimised, you may be moved to another job
- You can go to court to take action to stop victimisation or to seek damages
- You may need to see a lawyer if you need legal advice about your case or about going to court

#### STEPS IN MAKING A PUBLIC INTEREST DISCLOSURE

##### 1. Contact an ACT government agency

- Legal Aid ACT
- The agency where the conduct occurred
- The ACT Ombudsman or Auditor General
- Any ACT government agency you think appropriate



## **2. Disclosure covered by the Act**

If you make a disclosure, the agency you contacted decides if it is covered under the Act.



**YES.** The agency will investigate the disclosure, or refer it to another agency or the ombudsman if they are not the appropriate body to deal with the matter.

**NO.** The agency will provide reasons. It may be that the matter has already been dealt with by a court, tribunal or government body, or that the disclosure raises no wrongdoing.

## **3. Investigation**

An impartial investigation will take place where information is gathered about the reported wrongdoing. You can ask for advice or progress notes at this stage.



## **4. Acting on disclosures of misconduct**

The agency will decide if there is enough evidence to substantiate the disclosure.



**YES:** Action will be taken to:

- prevent the conduct recurring
- discipline any person responsible for the conduct.
- Pursue criminal charges if appropriate

**NO:** The agency will write to you about the decision.

If you do not agree with the decision/action taken you can contact the ACT Ombudsman or Auditor General to see if you can make a complaint. You may also wish to seek your own legal advice about your rights.



### **Where can I go for more information?**

If you would like further information about Public Interest Disclosures, you can download a copy of the *Public Interest Disclosures Act 1994* (ACT) at:

<http://www.legislation.act.gov.au/a/1994-108/current/pdf/1994-108.pdf>

You can also contact Legal Aid ACT (see over) or the ACT Ombudsman's Office

### **ACT Ombudsman's Office**

Level 5, Childers Square, 14 Childers Street, CANBERRA ACT 2601

### **Postal Address**

GPO Box 442 CANBERRA ACT 2601

### **Contact Numbers**

COMPLAINTS: 1300 362 072 (local call charge)

SMS: 0413 COM OMB (0413 266 662) (standard carrier rates apply)

FAX: 02 6276 0123

**Website** <http://www.ombudsman.act.gov.au/act/publish.nsf/Content/home>

**Email:** [ombudsman@ombudsman.gov.au](mailto:ombudsman@ombudsman.gov.au)

