

## Making a public interest disclosure

### Do you want to make a complaint about an official or agency in the ACT public sector?

You are encouraged to report information and conduct in the ACT public sector that adversely affects the public interest. Anyone can make this type of disclosure as long as you reasonably believe that your information reveals a wrongdoing by an agency or an official in the ACT public sector.

Most government agencies have their own complaints departments which should be contacted first. You can contact the ACT Ombudsman if you are unable to contact the relevant complaints department.

#### ACT Ombudsman's Office

Investigates complaints from people who believe they have been treated unfairly by an ACT Government agency.

[www.ombudsman.act.gov.au](http://www.ombudsman.act.gov.au)

Phone: **1300 362 072**

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

- Conspiring or attempting to engage in any of the above conduct. This could be a criminal or disciplinary offence, or conduct providing reasonable grounds for termination.

### Steps in making a public interest disclosure

#### 1. Contact a disclosure officer.

If the disclosure relates to an ACT public service (ACTPS) entity this includes:

- the commissioner
- the head of service
- the auditor-general
- the ombudsman
- the head of an ACTPS entity
- a person declared to be a disclosure officer for an ACTPS entity

If the disclosure relates to a Legislative Assembly entity this includes:

- the clerk of the Legislative Assembly
- the auditor-general
- the ombudsman
- a person declared to be a disclosure officer for a Legislative Assembly entity

### 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

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

If you make a disclosure, the officer you contacted decides if this is covered under the Act.

## Making a public interest disclosure

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

**If NO:** The officer will notify you, and provide reasons. The decision not to investigate further may be because the substance of the disclosure has already been dealt with by another legal process.



### 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, unless you made the disclosure



### 4. Acting on disclosures of misconduct

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



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

- Prevent the conduct recurring.
- Discipline any person responsible for the conduct.
- Pursue criminal charges if appropriate.

You will be notified of the proposed action.

**If 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 to potentially make a complaint. You may also wish to seek your own legal advice about your rights.

### Where can I go for more information?

#### ACT Ombudsman's Office

Level 5 Childers Square  
14 Childers Street Canberra

[www.ombudsman.act.gov.au](http://www.ombudsman.act.gov.au)

Phone: **1300 362 072**

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

#### Legal Aid ACT

Legal Aid ACT can give free legal advice on public disclosure issues

[www.legalaidact.org.au](http://www.legalaidact.org.au)

Phone: **1300 654 314**