

Public Interest Disclosure Assessment Guide

To assess whether a matter amounts to a disclosure under the *Public Interest Disclosure Act (2010)* (the PID Act), it needs to include all of the following elements:

- an appropriate disclosure
- of public interest information
- made to a proper authority.

| 1. An appropriate disclosure | | |
|--|---------------|---|
| Does the discloser honestly believe on reasonable grounds that the information tends to show the conduct being disclosed? or Is there evidence which tends to show the conduct occurred (regardless of the discloser's belief)? | ☐ Yes ☐ No | Consider whether there is any evidence to suggest the disclosure is intentionally false or misleading. |
| 2. Of public interest information | | |
| If the discloser is a public officer, is the disclosure about any of the below: substantial and specific danger to health and safety of a person with a disability the commission of an offence, or contravention of a condition imposed under a provision of legislation mentioned in Schedule 2 of the PID Act, if the offence or contravention would be a substantial and specific danger to the environment reprisal connected to a previous PID corrupt conduct maladministration that adversely affects a person's interests in a substantial and specific way a substantial misuse of public resources substantial and specific danger to public health or safety substantial and specific danger to the environment | ☐ Yes | Consider whether the discloser's employment status meets the definition of public officer as defined in s.7 of the PID Act. If in doubt, proceed on the basis that the discloser is a public officer until there is evidence to the contrary. Public interest information is defined in ss.12 and 13 of the PID Act. If the disclosure is not about one of these categories of public interest information, then it is not a PID. For more information about categories of public interest information, refer to the Queensland Ombudsman's website: www.ombudsman.qld.gov.au. |
| If the discloser is NOT a public officer, is the disclosure about any of the below: | | |
| □ substantial and specific danger to health and safety of a person with a disability | | |
| □ the commission of an offence, or contravention of a condition imposed under a provision mentioned in Schedule 2 of the PID Act, if the contravention would be a substantial and specific danger to the environment □ reprisal connected to a previous PID | | |

| 3. Made to a proper authority | | | | |
|--|---------------|---|--|--|
| Has the disclosure been made to a proper authority? | ☐ Yes ☐ No | Consider whether the disclosure has been made to a proper authority as defined in ss. 14, 15, 16 or 17 of the PID Act. If the disclosure would otherwise be a PID but has not been made to a proper authority, consider what action to take. Should the matter be referred to another proper authority, or should advice be provided to the discloser about where they should lodge their PID? | | |
| | | | | |
| Decision and action | | | | |
| Based on this assessment, is the information a Public Interest Disclosure? | | | | |
| ☐ Yes ☐ No | | | | |
| Reasons for decision: | | | | |
| What action will be taken? | | | | |
| Signature and date: | | | | |
| | | | | |

Tips for effective PID assessment

- The PID assessment should occur prior to the commencement of any investigation
- Disclosers are not required to self-identify that they are making a PID
- If the discloser is anonymous, assess the content of the information for evidence that the discloser is a public officer. If in doubt, proceed on the basis the discloser is a public officer, unless there is evidence to the contrary
- If in doubt, err on the side of caution and interpret the PID Act broadly
- For further advice, please refer to the Queensland Ombudsman's PID standards at <u>www.ombudsman.qld.gov.au</u>, or contact the Queensland Ombudsman PID unit at <u>PIDadmin@ombudsman.qld.gov.au</u>