



FACT SHEET:

Reprisal for Public Interest Disclosure

What is a public interest disclosure?

A public interest disclosure – also sometimes referred to as “whistle-blowing” – is a report of wrongdoing in the public sector that is in the public interest.

Any person can make a public interest disclosure about:

- danger to the health or safety of someone with a disability ;
- a danger to the environment caused by the commission of an offence or contravention of a condition in certain environment legislation;
- reprisal after making a public interest disclosure.

A public sector officer may also make a public interest disclosure about:

- corrupt conduct;
- maladministration that adversely affects a person’s interests in a substantial and specific way;
- a substantial misuse of public resources;
- a substantial and specific danger to public health or safety;
- a substantial and specific danger to the environment.

The Queensland Ombudsman is the oversight agency for public interest disclosures; you can find more information about making or responding to public interest disclosures from their website.

What is a reprisal?

A reprisal is when someone causes detriment to another person because they believe the other person (or someone else):

- has made a public interest disclosure;
- intends to make a public interest disclosure;
- has been involved in a proceeding under the Public Interest Disclosure Act 2010; or
- intends to be involved in a proceeding under the Public Interest Disclosure Act 2010.

It includes attempting to cause a detriment, trying to induce another person to cause a detriment, or conspiring to cause a detriment. For reprisal, a detriment includes:

- personal injury or prejudice to safety;
- property damage or loss;
- intimidation or harassment;
- adverse discrimination, disadvantage or adverse treatment about career, profession, employment, trade or business;
- financial loss;
- damage to reputation, including, for example, personal, professional or business reputation.

For example, a clerical worker in a regional council office becomes aware that a senior manager in the civil works section is directing that council materials and equipment be delivered to his private residence for use in a new driveway he is making. When the worker makes a public interest disclosure the senior manager makes a threatening phone call saying he will finish the worker's career and that they'll be sorry they ever took him on.

Complaints about reprisals for public interest disclosures can be made to us at the Commission. Reprisal is also a criminal offence. A person who experiences a reprisal can report it to the police.

If a complaint about a reprisal is accepted into our complaint handling process, the complainant cannot then start proceedings in a court.

If the person subjected to the reprisal has started proceedings in a court, they cannot make a complaint to the Commission about the same reprisal.