



# Public Interest Disclosure Statement



## Public interest disclosure

The [Public Interest Disclosure Act 2013](#) (PID Act) promotes integrity and accountability in the Australian public sector by:

- encouraging public officials to report information about suspected wrongdoing.
- protecting and supporting public officials who make disclosures and witnesses.
- requiring agencies to investigate suspected wrongdoing and take appropriate action.

## What is an internal public interest disclosure?

Disclosures must satisfy all the requirements of a public interest disclosure (outlined below) to be covered by the PID Act and associated protections.

<b>When a public official (s69) (current or former)</b>	<b>discloses information (s26)</b>	<b>about disclosable conduct (s29)</b>	<b>to an authorised internal recipient (s34)</b>	<b>they receive protection</b>
<ul style="list-style-type: none"> <li>• public servants</li> <li>• parliamentary service officers</li> <li>• service providers under a Commonwealth contract</li> <li>• Defence Force members</li> <li>• Australian Federal Police appointees</li> <li>• statutory office holders</li> <li>• staff of Commonwealth companies</li> <li>• individuals taken to be public officials</li> </ul>	<ul style="list-style-type: none"> <li>• The information tends to show, or the public official believes on reasonable grounds that the information tends to show disclosable conduct.</li> <li>• The disclosure is not made in the course of performing the discloser's ordinary functions as a public official.</li> </ul>	<ul style="list-style-type: none"> <li>• conduct engaged in by an agency, public official or contracted service provider</li> </ul> <p><b>and</b></p> <ul style="list-style-type: none"> <li>• involves illegal conduct, corruption, maladministration, abuse of public trust, deception relating to scientific research, waste of public money, unreasonable danger to health or safety, danger to the environment, or abuse of position or grounds for disciplinary action in the form of termination of employment or appointment</li> </ul>	<ul style="list-style-type: none"> <li>• principal officer or authorised officer of own agency, agency where the public official previously belonged, or agency to which the disclosable conduct relates</li> <li>• supervisor or manager</li> <li>• Commonwealth Ombudsman (if there is reasonable belief the Ombudsman should investigate)</li> <li>• IGIS (if the matter relates to an intelligence agency or to an intelligence function of the ACIC or AFP)</li> </ul>	<p>Protection from:</p> <ul style="list-style-type: none"> <li>• reprisals (ss 14-16 and 19)</li> <li>• exposure of their identity (ss 20 and 21)</li> <li>• civil, criminal or administrative liability (s10)</li> </ul>

## Who can make a public interest disclosure?

To make a public interest disclosure you must:

- be a current or former public official - this includes current or former staff of Coal LSL, Australian Government public servants, statutory office holders and staff of Commonwealth contracted service providers.
- make the disclosure to the correct person - your supervisor or manager, or an authorised officer appointed by Coal LSL
- provide information that you believe tends to show, on reasonable business grounds, disclosable conduct within Coal LSL or by a public official.

## Disclosable conduct

A current or former public official can disclose information that they believe on reasonable grounds tends to show disclosable conduct. Disclosable conduct includes conduct by an agency, a public official in connection with their position as a public official, or a contracted Commonwealth service provider in connection with the contract if the conduct:

- contravenes an Australian or foreign law
- is corrupt
- perverts, or attempts to pervert, the course of justice
- results in wastage of public funds or property
- is an abuse of public trust
- unreasonably endangers health and safety or endangers the environment
- is maladministration, including conduct that is unjust, oppressive or negligent
- involves the public official abusing their position as a public official
- would give reasonable grounds for disciplinary action against a public official if the conduct was proved.

## Making a disclosure

To gain the protections available under the PID Act the disclosure must be made to an authorised officer. Coal LSL has appointed following authorised officers to handle public interest disclosures:

- Chief Executive Officer (Principal Officer)
- Chief Operating Officer (Authorised Officer)
- General Manager, Finance & Governance (Authorised Officer)
- General Manager, Legal (Authorised Officer)

A disclosure about suspected wrongdoing can be made openly, anonymously or using a pseudonym. Coal LSL will make every reasonable effort to ensure confidentiality.

Disclosures can be made by:

- Completing the [Public Interest Disclosure Reporting form](#)
- Speaking to an Authorised Officer
- Writing to Locked Bag 2021, Newcastle NSW 2300

If you are concerned about making a PID directly to Coal LSL, you can contact the Commonwealth Ombudsman to discuss your options:

- Emailing PID@ombudsman.gov.au. The subject line should indicate the PID is about Coal LSL. E.g. "PID about Coal LSL".
- Calling the Ombudsman PID Team on 1300 362 072 and follow the prompts.
- Writing to the Ombudsman's PID Team at: GPO Box 442, Canberra ACT 2601. Any envelopes or packaging should be marked "Confidential Agency PID".

## PID Procedures

Coal LSL has, under s59 of the PID Act, established a separate internal guide which provides the framework for dealing with Public Interest Disclosures, including how we assess a disclosure that may fall within the public interest disclosure scheme and the investigation process.

## Privacy

Please refer to Coal LSL's [Privacy Statement](#) for general information about how personal information is collected, used and disclosed by Coal LSL with the Privacy Act 1988.