

# Public Interest Disclosure Policy and Procedure

Owner **People and Engagement**  
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## 1. Purpose

To provide employees and members of the public with information on how to make a disclosure about suspected wrongdoing or danger, what happens when a public interest disclosure is made, and the rights of disclosers under the *Public Interest Disclosure Act 2010* (PIDA).

### 1.1 What is a Public Interest Disclosure?

A Public Interest Disclosure (PID) is a report or complaint about a reasonable suspicion of serious wrongdoing in the public sector and can be made by an employee or a member of the public.

A PID needs to be made to the proper authority in order for the discloser to be eligible for the legal protections available under the PIDA.

### 1.2 Public officers may make a PID

Employees need only have an honest belief about:

- Conduct of another person that could be corrupt conduct; this is certain conduct in the course of an officer's role which is either a criminal offence or would provide grounds for dismissal. Examples may include – stealing your employer's property; or accepting money or another benefit in return for selecting a specific supplier of goods or services
- Conduct of another person if the conduct is maladministration that adversely affects someone's interest in a substantial and specific way. Examples may include unreasonable decisions about – a person's eligibility for a licence/permit; or a person's eligibility for a grant
- Misuse of public resources; it must be a substantial misuse of public resources. For example – not following proper procedures for assessing eligibility for payments under a project resulting in a large waste of money. It cannot arise from alleged misuse based on mere disagreement over policy that may properly be adopted about amounts, purposes or priorities of expenditure
- A substantial and specific danger to public health or safety of the environment. Examples may include – a company sells contaminated products to the public
- A substantial and specific danger to the health or safety of a person with a disability. For example – carers physically or sexually abusing clients
- Conduct that is an offence, or the contravention of a condition imposed, under Queensland environmental legislation
- Someone's conduct if the conduct is a reprisal. Examples may include - threatening or harassing a discloser or those close to them; or discriminating against a discloser in subsequent job applications

### 1.3 Members of the public may make a PID

- A substantial and specific danger to the health or safety of a person with a disability. For example – carers physically or sexually abusing clients
- Conduct that is an offence, or the contravention of a condition imposed, under Queensland environmental legislation
- Someone's conduct if the conduct is a reprisal. Examples may include - threatening or harassing a discloser or those close to them; or discriminating against a discloser in subsequent job applications

## 2. Policy

The department encourages and supports the reporting of suspected wrongdoing or danger to promote openness, accountability and good management in the public sector.

The department is committed to creating an environment that encourages disclosures by:

- Protecting the dignity, wellbeing, career interests and good name of all persons involved
- Protecting the discloser from any adverse action taken as a result of making the disclosure

- Treating any bullying, harassment, unfair treatment, victimisation or discrimination that results from a disclosure being made as a breach of the [Code of Conduct for the Queensland Public Service](#)
- Responding to the disclosure thoroughly and impartially
- Ensuring people involved in a disclosure are offered an appropriate level of support
- Keeping the discloser informed of the progress and outcome

The department will ensure that all public interest disclosures received are properly assessed and dealt with, including appropriate action being taken in relation to any wrongdoing disclosed.

### 3. Authority

[Public Interest Disclosure Act 2010](#)

[Public Interest Disclosure Standard No. 1](#) (Queensland Ombudsman)

[Public Sector Ethics Act 1994](#)

[Crime and Corruption Act 2001](#)

[Public Service Act 2008](#)

[Financial Accountability Act 2009](#)

### 4. Scope

This policy applies to all departmental permanent, temporary and casual employees of the:

### 5. Procedure

#### 5.1 Making a public interest disclosure

##### 5.1.1 How to report a public interest disclosure

Under the Code of Conduct employees are required to report wrongdoing. An employee does not need to identify the report as a PID but it may later be assessed as a PID. When making a disclosure of wrongdoing or danger employees are encouraged to do so internally in writing or orally to:

- A manager/supervisor
- Any other person in a management role within the department
- A complaints manager
- The Director-General
- The PID coordinator

A member of the public can make a disclosure to the department by way of:

- Emailing the respective department at [ethics@ditid.qld.gov.au](mailto:ethics@ditid.qld.gov.au)
- Completing an online complaint form available on the website
- By mail addressed 'private and confidential' to the PID coordinator (Manager, People and Business Partnering) PO Box 15168, City East QLD 4002
- Phone 07 3333 5208
- Anytime to the Director-General, Minister or other employee responsible for receiving the type of information being disclosed

All disclosures of wrongdoing or danger will be referred immediately to the PID Coordinator (Manager, People and Business Partnering).

##### 5.1.2 Information to be provided

Information that should be provided by a discloser is:

- Their name and contact details (desirable)
- The nature of the wrongdoing
- Who they believe did the wrongdoing (if possible)
- When and where the wrongdoing occurred
- Events surrounding the issue
- If they did anything in response to the wrongdoing
- Others who know about the wrongdoing and have allowed it to continue

- If they believe the disclosure is a PID under the PIDA
- If they are concerned about possible reprisal as a result of making a PID

A person should not investigate a matter before disclosing. In fact by doing so, this may hinder any future investigation.

### 5.1.3 Disclosing to an external body

Matters may also be reported to an external public sector entity that has the power to investigate or remedy the matter. When a disclosure is made to an external body, it is very likely that it will discuss the matter with the department. Further information may be sought from the Queensland Ombudsman.

Below is a guide to appropriate external bodies:

When the disclosure relates to	The appropriate external entity is
Maladministration	Queensland Ombudsman
Corrupt conduct	Crime and Corruption Commission (CCC)
Waste of public resources	Queensland Audit Office
Danger to public health or safety	Queensland Health Office of the Health Ombudsman
Danger to public health or safety of a person with a disability	Department of Communities, Disability Services and Seniors Department of Child Safety, Youth and Women Office of the Public Guardian
Danger to the environment	Department of Natural Resources and Mines and Energy Department of Environment and Science other relevant state or local government
Reprisal	CCC (if it constitutes corrupt conduct)

### 5.1.4 Disclosure to a Member of Parliament

A person can also make a PID to a Member of Parliament (MP). MPs do not have any authority to investigate PIDs, so they need to decide which public sector entity they believe can appropriately deal with the matter and refer the matter on.

If a discloser is concerned about a reprisal should details of the PID be made public, it is essential this is raised when the disclosure is made. MPs are required to keep the matter confidential. However, MPs do have the discretion to raise the matter in Parliament at which time the disclosers identity may become public.

### 5.1.5 Disclosure to a journalist

In limited situations the PIDA enables a discloser to make a PID to a journalist only where the department:

- Decided not to investigate or deal with the disclosure, or
- Investigated it but did not recommend the taking of any action in relation to the PID; or
- Did not notify the discloser within six months after the disclosure was made whether or not the disclosure was to be investigated or dealt with

### 5.1.6 Eligibility for protection

To be eligible for protection, a PID should:

- Be made with an honest belief on reasonable grounds that the information to be disclosed tends to show the conduct or other matter
- Show the conduct or other matter regardless of whether the discloser honestly believes that the information tends to show the conduct or other matter
- Be disclosed as required by the PIDA and this policy and procedure

Intentionally giving false or misleading information as a PID, or in the course of making a PID, is a criminal offence with a maximum penalty of \$18,370 (167 penalty units - \$110 per unit) or two years in jail. Employees may also face

disciplinary action.

### **5.1.7 Anonymous complaints**

If a disclosure is made anonymously, sufficient information for the matter to be acted upon and investigated will need to be provided, as it will not be possible for the department to come back to discloser for clarification or more information. Also, it will not be possible to keep the discloser informed on the progress in handling the disclosure and the discloser could experience protection difficulties afforded by the PIDA.

## **5.2 Receiving a public interest disclosure**

### **5.2.1 Initial assessment and action**

The person making the disclosure does not have to identify the matter as a PID for it to be assessed and managed as one.

The following principles apply to an employee receiving a report of suspected wrongdoing that could be a PID:

- Err on the side of caution and interpret the PIDA broadly. When in doubt, assume that the discloser is protected and act accordingly
- A discloser cannot request that their information not be treated as a PID, nor does the department have that discretion
- Concentrate on the allegation, the information and evidence provided, not the identity of the discloser or the motive for disclosing the information
- Do not focus on how well information is communicated but on what is communicated. Poorly articulated allegations can still contain valid information
- PIDs can be made anonymously. However, it may be harder to investigate or otherwise deal with the PID. See whether there is any way to keep in contact with the discloser while not disclosing their identity

All PIDs or suspected PIDs must be referred immediately to the PID Coordinator (Manager, People and Business Partnering) via email to [ethics@ditid.qld.gov.au](mailto:ethics@ditid.qld.gov.au) or by phone (07) 3333 5208.

The PID Coordinator (Manager, People and Business Partnering) will conduct an assessment of the information, determine if any matters require reporting to other agencies, advise appropriate delegates and assess whether there are any immediate protection needs of the discloser. A Case Manager will be nominated to manage the public interest disclosure and support the discloser.

The person who received the report of suspected wrongdoing that may be a PID (the reporter) must keep the matter strictly confidential except to report the matter to the PID Coordinator (Manager, People and Business Partnering). Subject to sensitivity of the matter, the reporter may discuss the matter with their manager where there is a need for them to know.

### **5.2.2 When no action is required**

The department can decide not to investigate or deal with a PID if:

- The substance of the disclosure has already been investigated or dealt with
- The department reasonably considers it should be dealt with by another process
- The age of the disclosure makes it impracticable to investigate
- The matter is too trivial to warrant investigation and dealing with it would divert resources unnecessarily, or
- Another entity has jurisdiction to investigate and has notified the department that an investigation is not warranted

If the department chooses not to investigate the matter because of one of these reasons, a written explanation will be provided based on the decision made. A person receiving written reasons for such a decision may appeal to the Director-General for a review of the decision within 28 days after receiving the notice. Internal review of the decision will be carried out in accordance with the processes for internal review under the department's complaints management processes.

### 5.2.3 Reporting matters that are not public interest disclosures

Many reports of wrongdoing that involve PIDs also raise employee or service delivery complaints, workplace conflict, or performance management concerns. Initial complaints of workplace harassment may lead to more serious matters that may be PIDs. In these situations matters will be dealt with separately.

Distinguish between disclosures that are PIDs and disclosures about other concerns, and deal with each using the best mechanism available to ensure all concerns can be dealt with appropriately.

Reports that are not PIDs may still warrant investigation. Support or protection for the person who made the complaint may still be required to ensure that they do not suffer from bullying, harassment or any other detrimental action.

## 5.3 Managing a public interest disclosure

### 5.3.1 Taking appropriate action

The Director-General or delegated officer of the department will determine what appropriate action is required based on the seriousness of the allegations, and any CCC recommendations.

Appropriate action may include:

- Provide counselling or training
- Provide mediation or conciliation
- Conduct an internal audit
- Review an issue or the operations of a particular unit
- Implement or change policies, procedures or practices
- Conduct a formal investigation into the allegations
- Refer to another appropriate entity

Action could result in one or more of the following:

- Disciplinary process being commenced
- A recommendation to implement administrative changes
- A recommendation for corruption prevention strategies be developed
- A criminal charge
- The complaint being dismissed or not being able to be substantiated

### 5.3.2 Informing the discloser

The discloser or the entity that referred the disclosure will be provided with reasonable information under section 32 of the PIDA as follows:

- Confirmation the PID was received
- A description of the action proposed to be taken
- If action has been taken in relation to the PID, a description of the results of the action

The discloser must be informed in writing of:

- Likely timeframes
- Their involvement in the investigation process
- The importance of maintaining confidentiality
- The protections under the PIDA that may apply
- That the entity will keep the information disclosed, including the discloser's identity confidential, except as allowed under the PIDA
- How they will be advised of progress and outcomes
- Who to contact if they want further information or are concerned about reprisal

The department does not have to give the information to the discloser if it would be likely to adversely affect:

- anybody's safety
- the investigation of an offence or possible offence
- necessary confidentiality about an informant's existence or identity

Regular follow up with the discloser should be arranged by agreement to advise on the progress of resolving the PID (where this is desired by the discloser, and it is safe to do so).

### 5.3.3 Referring Public Interest Disclosures to other organisations

The PIDA allows PIDs, in certain circumstances, to be referred to another appropriate entity:

- When the PID received relates to the conduct of another public sector entity
- If another entity has the necessary jurisdiction, expertise and technical knowledge to investigate or take other action (and the department does not)

Referral may only be made by People and Engagement. Referral should only take place *following* consultation with the discloser about their risk of reprisal (if their identity is known). If, after consideration, it is determined that there is an unacceptable level of risk, the PID must not be referred.

This obligation does not affect other legal obligations of organisations to refer a report, complaint, information or evidence to another entity such as notifying the CCC of suspected corrupt conduct in accordance with section 38 of the *Crime and Corruption Act 2001*.

Before referring a PID to another entity, officers should compile a written record regarding its consultation process with the discloser and the outcome. A situation may arise where more than one organisation has jurisdiction to investigate a PID. Appropriate arrangements to avoid duplicating action and to ensure the efficient and economic use of investigative resources should be made. This may involve agreeing that one entity will investigate and take action (if necessary) or, alternatively, developing a plan for cooperative action.

### 5.3.4 Protecting the discloser from the risk of reprisal

The department is required to take action to protect employees from retribution or reprisal, such as bullying or harassment for making a PID. In addition, the PIDA provides disclosers with the following protections:

- The discloser's identity will be protected where possible.
- For making a PID, the discloser has immunity from:
  - Civil liability (e.g. for defamation)
  - Criminal liability (e.g. for breaching statutory confidentiality provisions)
  - Disciplinary action, termination of employment, or any other workplace or administrative sanctions

It is a criminal offence to cause detriment to a person because it is believed that somebody has made or will make a PID or intends to be involved in a proceeding under the PIDA against any person.

The department will undertake an assessment of the risk of reprisal to the discloser and others associated with the discloser. This will be undertaken as soon as possible after the PID is made. Steps include:

- Ask the discloser whom they have told and how they think those involved might respond
- Consult with management who are best placed to provide information about perceived risks of reprisal
- Ascertain the likelihood of confidentiality being maintained
- Explore the likelihood that anyone would want, and have the opportunity, to commit a reprisal
- Consider the history of the work unit in reacting to disclosures
- Undertake a reprisal risk assessment and inform the discloser of the conclusions. A pro-forma reprisal risk assessment is provided as Appendix A

If there is a risk of reprisal, protective measures must be put in place which is proportionate to the risk of reprisal and the potential consequences of a reprisal. If the risk is assessed as sufficiently high, a case management plan must be developed to protect the discloser. A strategy may include relocation to another work group. Relocation to another location or department can only occur at the consent of the discloser and/or other department's Chief Executive.

### 5.3.5 Managing reprisals

The department is committed to ensuring that no disciplinary or adverse action, including workplace reprisals by managers/supervisors occurs as a result of an employee making a disclosure. If any of the following occurs the employee has the right to request the department to take positive action to protect the employee:

- Unfair treatment
- Harassment
- Intimidation

- Victimisation
- Unlawful discrimination

An employee who experiences, or has fear of, any form of reprisal should notify the Manager (People and Business Partnering) or their Case Manager immediately. All managers/supervisors must notify the Manager (People and Business Partnering) if they suspect an employee is experiencing reprisal action as a result of PID.

Where it is established that reprisal action may have occurred, the department will take reasonable action to ensure this activity ceases and take appropriate action to protect the employee, including:

- Attend to the safety of the discloser or affected parties as a priority
- Review the risk assessment
- Manage the allegation of reprisal in its own right

Any employees found to have engaged in reprisals may be the subject of disciplinary action.

In the event that reprisal action is taken, disclosers have the right to lodge a complaint with the Anti-Discrimination Commission or apply for an injunction in the Queensland Industrial Relations Commission (QIRC) or Supreme Court to prevent a reprisal (s48 and 49 of the PIDA). Disclosers have the right to make a civil claim for damages for a reprisal against the person causing the reprisal or the department.

### **5.3.6 Rights of employees who are subject of a public interest disclosure**

An employee, in respect of whom a complaint is made is entitled to the presumption of innocence; the right to advice and support and the application of the principals of procedural fairness.

Employees who are the subject of a PID may seek assistance from their employee association (i.e. union) or may engage their own private legal representation. Any employee may also access the free services of the department's Employee Assistance Provider.

### **5.3.7 Preserving natural justice and confidentiality**

The subject officer(s) of any PID must be afforded natural justice.

Affording natural justice does not mean that the department must advise the subject officer(s) of the allegation as soon as it is received or an investigation is commenced. Furthermore, the subject officer(s) need not be told about the allegation if it is not substantiated. The particular requirements of natural justice will vary between cases.

Section 65 (4) of the PIDA provides that confidential information may be disclosed for natural justice obligations. However, before information can be released, two conditions must be met:

- It must be essential to release that information to provide natural justice. If it is possible for a subject officer(s) to answer allegations without the source of the allegations being identified, the release of information cannot be said to be essential
- It is unlikely that a reprisal will be taken against the discloser

Managers should notify the discloser prior to the department revealing their identity for any reason.

### **5.3.8 Support to the Discloser**

The department will provide an appropriate level of support to disclosers. The Manager (People and Business Partnering) will initiate and coordinate action to support employees who make a PID, particularly if they are suffering detriment as a result. Actions may include:

- Providing moral and emotional support
- Advising disclosers about the resources available in the department to handle any concerns they may have as a result of making a disclosure
- Appointing a mentor, confidante or other support officer to assist discloser throughout the process
- Referring the discloser to the department's Employee Assistance Program or arranging for other professional counselling
- Generating support for the discloser in their work unit (if appropriate)
- Ensuring that any suspicions of victimisation or harassment are dealt with
- Maintaining contact with the discloser if that is acceptable

- If disclosers feel they may need support as a result of making a disclosure, they are urged to contact the Manager (People and Business Partnering)

All managers/supervisors in the organisation are under an obligation to notify the Director People and Engagement or the Manager (People and Business Partnering) if they believe an employee is suffering detriment as a result of reporting any wrongdoing.

### 5.3.9 Managing the workplace

Managers/supervisors may address an employee's unsatisfactory performance or improper conduct, notwithstanding that an employee has made a PID.

A manager/supervisor can take reasonable management action against a discloser for unsatisfactory performance or improper conduct. However, the action cannot be taken because the employee made a PID. Section 39 of the PIDA provides that a person's liability for their own conduct is not affected because they subsequently reveal that conduct in a PID.

In some cases, the discloser may perceive that management action is being taken in retaliation for making the PID.

Therefore, whenever management are contemplating taking action against a discloser, they must be able to clearly demonstrate that:

- There are sufficient grounds
- The action is reasonable, as well as proportionate and consistent with similar cases
- They have taken into account the discloser's particular circumstances
- They are not taking action because the discloser has made a PID

It is helpful if a relevant Performance and Development Agreement existed prior to the person making a PID. These plans identify the key responsibilities or objectives of employees, and enable managers to clearly demonstrate any gaps or failures in the discloser's performance or proficiency.

The department's procedures in respect of performance management, diminished performance or disciplinary policies must be followed, and all actions, conversations, decisions and reasons for decisions thoroughly documented.

Managers may wish to obtain advice from Human Resources prior to taking any action against a discloser.

### 5.3.10 Finalising the matter

The discloser and subject officer(s) should be separately informed of the outcome (including investigation findings) and any steps taken as a result. Pursuant to section 32 of the PIDA, the department is obligated to advise the discloser:

- Confirmation that the public interest disclosure was received
- Description of the action taken in relation to the disclosure
- A description of the results of the action

Further, if the disclosure is one of corrupt conduct, pursuant to section 44 of the Crime and Corruption Act 2001, the department must advise the discloser:

- If no action is taken on the disclosure and the reason for not taking action or discontinuing the action
- If action is taken on the disclosure
- The action taken
  - The reason the action is considered to be appropriate in the circumstances
  - Any results of the action that are known at the time of the response

## 6. Delegations

Delegations are to be exercised in accordance with the Human Resource Delegations and Authorisations. Please confirm delegate authority levels prior to exercising any powers.



## **7. Responsibilities**

### **7.1 Director-General**

- Ensure that reasonable procedures are in place for the management of PIDs
- Ensure the proper assessment, management, and, where appropriate, investigation of PIDs
- Ensure that employees making PIDs receive support and protection from reprisals
- Ensure the public interest disclosure procedures are readily accessible to members of the public

### **7.2 PID Coordinator (Manager, People and Business Partnering)**

- Develop maintain and communicate the Public Interest Disclosure Policy and Procedure
- Provide advice in relation to public interest disclosures
- Coordinate public interest disclosures in the department including assessment, management and investigations on behalf of the delegate
- Report statistical information to the Queensland Ombudsman
- Report internally on PIDs to the Director-General, relevant senior executives and the Audit and Risk Committee as required
- Refer matters to the CCC as the CCC Liaison Officer
- Arrange resources or training to identify and manage PIDs
- Monitor the effectiveness of the department's policy and procedure
- Maintain records for public interest disclosures on behalf the department

### **7.3 PID Case Manager**

- Ensure disclosers are aware of the department's Employee Assistance Program
- Keep the discloser informed about what making a PID means
- Assess the immediate protections needed and review as required
- Listen and respond to any concerns of harassment, intimidation or victimisation in reprisal for making a PID
- Coordinate and provide support to the discloser
- Work with management to foster a supportive work environment
- Advise the discloser of progress on resolving the PID
- Keep records of all aspects of case management of the PID, including all contact and follow-up action
- Endeavour to ensure that the expectations of the discloser are realistic

### **7.4 Employees**

- Ensure their own awareness and compliance of this policy and procedure and relevant whole of government and departmental policies and procedures
- Be aware that wrongdoing or danger may exist in the workplace and disclose concerns in accordance with this policy and the Code of Conduct for the Queensland Public Service
- Complete the online Code of Conduct and Ethical Decision Making training
- When involved in a PID, not unlawfully record or disclose confidential information
- Not engage in a reprisal because of a belief that a person has made, or intends to make a PID

### **7.5 Managers and Supervisors**

- Ensure their employees are aware of and have easy access to this policy and procedure
- Know how to recognise a PID and the action to take when they receive a disclosure of wrongdoing including assessing any immediate risks of reprisal
- Identifying specialist PID training requirements
- Ensure the confidentiality of PIDs and that the identity of disclosers is maintained
- Take action where necessary to ensure that disclosers are treated fairly, and protected against reprisals
- Monitor welfare of and support and assistance available to an employee who has made a disclosure
- Create an ethical workplace culture through leading by example

## 8. Internal and External Review Avenues

### 8.1 Internal Review

If an affected employee or other discloser is dissatisfied, the person may be able to request an internal review of the decision when:

- The discloser, after receiving written reasons for a decision to take no action (refer 5.2.2), may choose to seek a review of the decision by writing to the Director-General within 28 days after receiving the notice
- The affected person or other discloser is dissatisfied with the outcome after receiving written notice of the outcome the request must be made in writing within 14 days after the written outcome is received. The request must clearly state the reasons for dissatisfaction with the outcome, and not merely state a belief the decision made was unfair or unreasonable

Internal reviews of a decision will be carried out in accordance with the processes for internal review under the department's complaints management processes.

### 8.2 External Review

Where the affected employee or other discloser remains dissatisfied after internal review, the person may seek an external review by the relevant external organisation including the Queensland Ombudsman. In the event that reprisal action is taken, disclosers may have the right to apply for an injunction in the QIRC or Supreme Court to prevent a reprisal (s48 and 49 of the PIDA).

### 8.3 Employee complaints and appeals

If an employee is aggrieved by an administrative decision they may lodge a complaint in accordance with the Managing Employee Complaints Policy. The request must be made in writing within 14 days after the written outcome is received.

Public service employees may also appeal to the QIRC about certain decisions. The Public Service Commission Directive: Appeals and the QIRC provide further information about public service appeals.

## 9. Definitions and glossary of terms

<i>Administrative Action</i>	Any action about a matter of administration, for example: <ul style="list-style-type: none"><li>a) A decision and an act</li><li>b) A failure to make a decision or do an act, including a failure to provide a written statement of reasons for a decision</li><li>c) The formulation of a proposal or intention</li><li>d) The making of a recommendation, including a recommendation made to a minister</li><li>e) An action taken because of a recommendation made to a minister</li></ul>
<i>Complaints Manager</i>	An officer either nominated by their management unit to undertake initial assessments of complaints under the department's Complaints Management Framework or an officer holding a Level 5 HR Delegation.
<i>Corrupt conduct</i>	Relating to the performance of a person's duties which: <ul style="list-style-type: none"><li>a) Is dishonest or lacks impartiality</li><li>b) Involves a breach of the trust placed in an officer by virtue of their position, or</li><li>c) Is a misuse of officially obtained information. The conduct must be a criminal offence or serious enough to justify dismissal</li></ul>
<i>Delegate</i>	A Manager delegated the authority to deal with and make decisions related to complaints or disciplinary matters, as per the department's Human Resource Delegations and Authorisations.
<i>Detriment</i>	Includes: <ul style="list-style-type: none"><li>a) Personal injury or prejudice to safety</li><li>b) Property damage or loss</li><li>c) Intimidation or harassment</li></ul>

	<p>d) Adverse discrimination, disadvantage or adverse treatment about career, profession, employment, trade or business</p> <p>e) Financial loss</p> <p>f) Damage to reputation, for example, personal, professional or business reputation</p>
<i>Disability</i>	<p>A person's condition which is attributable to:</p> <p>a) An intellectual, psychiatric, cognitive, neurological, sensory or physical impairment</p> <p>b) A combination of these impairments</p> <p>c) Results in – a substantial reduction of the person's capacity for communication, social interaction, learning, mobility or self-care or management and the person needing support</p>
<i>Environment</i>	<p>Includes:</p> <ul style="list-style-type: none"> <li>• Ecosystems and their constituent parts, including people and communities</li> <li>• All natural and physical resources</li> <li>• The qualities and characteristics of locations, places and areas, however large or small, that contribute</li> <li>• To their biological diversity and integrity, intrinsic</li> <li>• Attributed scientific value or interest, amenity, harmony and sense of community</li> <li>• The social, economic, aesthetic and cultural conditions that affect, or are affected by, things mentioned in the above paragraphs</li> </ul>
<i>Journalist</i>	<p>A person engaged in the occupation of writing or editing material intended for publication in the print or electronic news media.</p>
<i>Maladministration</i>	<p>Action which:</p> <ul style="list-style-type: none"> <li>• Was taken contrary to law</li> <li>• Was unreasonable, unjust, oppressive, or improperly discriminatory</li> <li>• Was in accordance with a rule of law or a provision of an act or a practice that is or may be unreasonable, unjust, oppressive, or improperly discriminatory in the particular circumstances</li> <li>• For an improper purpose</li> <li>• On irrelevant grounds</li> <li>• Having regard to irrelevant considerations</li> <li>• Was an action for which reasons should have been given, but were not given</li> <li>• Was based wholly or partly on a mistake of law or fact or</li> <li>• Was wrong</li> </ul>
<i>Public health or safety</i>	<p>Includes the health or safety of persons:</p> <ul style="list-style-type: none"> <li>• Under lawful care or control</li> <li>• Using community facilities and services provided by the public or private sector</li> <li>• In employment workplaces</li> </ul>
<i>Public Interest Disclosure (PID)</i>	<p>A disclosure under Chapter 2 of the PIDA and includes all information and help given by the discloser to a proper authority for the disclosure.</p>
<i>Public Officer</i>	<p>A person who is an employee, member or officer of the department and includes a person engaged under a contract of service.</p>
<i>Reasonable management action</i>	<p>Any of the following action taken by a manager/supervisor:</p> <ul style="list-style-type: none"> <li>• A reasonable appraisal of the employee's work performance</li> <li>• A reasonable requirement that the employee undertake counselling</li> <li>• A reasonable suspension of the employee from the employment workplace</li> </ul>

	<ul style="list-style-type: none"> <li>• A reasonable disciplinary action</li> <li>• A reasonable action to transfer or deploy the employee</li> <li>• A reasonable action to end the employee's employment by way of redundancy or retrenchment</li> <li>• A reasonable action in relation to an action mentioned above</li> <li>• A reasonable action in relation to the employee's failure to obtain a promotion, reclassification, transfer or benefit, or to retain a benefit, in relation to the employee's employment</li> </ul>
<i>Reprisal</i>	Causing, attempting or conspiring to cause detriment to any person because, or in the belief, anybody has made, or may make, a PID or because the other person or someone else is, has been or intends to be involved in a proceeding under the PIDA.

## 10. Related documents

[Code of Conduct for the Queensland Public Service](#)

Applying the Code of Conduct Supplement  
Complaints Management Policy

## 11. Further information

Further information and resources are available from the [Queensland Ombudsman](#).

For support, advice and assistance employees should contact:

- Their manager or supervisor
- Their respective HR network representative
- The PID Coordinator via email to [ethics@ditid.qld.gov.au](mailto:ethics@ditid.qld.gov.au), or by phone (07) 3333 5208
- Employee Assistance Program – a free confidential counselling service available on 1800 604 640

## 12. Storage of information

Public sector organisations have a duty under the *Public Records Act 2002* to make, keep, manage and dispose of public records (see CCC, Queensland State Archives or the Queensland Ombudsman websites for further information).

Section 29 of the PIDA provides that the CEO of an organisation must ensure that a proper record is kept about PIDs received by the organisation, including:

- The name of the discloser, if known
- The information disclosed
- Any action taken on the PID

The definition of a PID includes purported PIDs. Therefore, for record-keeping purposes, organisations should adopt this wider interpretation. If a Member of Parliament (MP) refers a PID to an organisation, the name of the MP must also be recorded. MPs who receive PIDs are not required to keep any records.

The following information is to be recorded, and properly secured:

- The identity of the discloser
- How the PID was made and to whom
- Any notes the discloser has made or documentary evidence that supports the allegation
- The nature of the PID and its background
- Whether confidentiality was requested/explained
- Whether the risk of reprisal was considered and any steps taken to prevent reprisal
- Details of information provided to the discloser and any response, including dates
- Action taken in response, including any investigation
- Any support provided or offered to the discloser

All records should be factual and free from unnecessary statements such as observations, sentiment or personal opinions. If the PID was made orally, ensure that the written version of the PID is accepted as accurate by the discloser. A complete and accurate system also helps the department identify trends or recurring issues, evaluate its program and meet its statutory obligations to keep records and report on PID matters.

### 13. Evaluation and monitoring

The department will conduct periodic reviews, including jointly with external agencies, to ensure its policy and procedure are consistent with legislation and best practice and will seek to improve overall public interest disclosure management, service delivery, business processes and internal controls.

### 14. Education and training

The department’s online Code of Conduct and Ethical Decision Making training provides information for all employees about public interest disclosures, this policy and procedure. Completion of this training is mandatory and required to be completed annually. Specialist support and training to staff and managers who may receive or manage PIDs in the workplace is available as required.

### 15. Reporting requirement

The department must report to the Queensland Ombudsman statistical information about PIDs and any other information requested from time to time. This information will not include any details that could identify a discloser.

### 16. Approval

#### DITID Corporate

Manager People and Business Partnering People and Engagement Department of Innovation, Tourism Industry Development and the Commonwealth Games Date: 25/07/2018	Director People and Engagement Department of Innovation, Tourism Industry Development and the Commonwealth Games Date: 25/07/2018
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### 17. Version history

Date	Version	Action	Description / comments
25/07/18	1.00	Endorsed	Corporate identify update to DITID

### 18. Keywords

Public Interest Disclosure; discloser; protections; reprisal; misconduct; PID; maladministration; complaints; whistleblower; CCC; corruption;

## 19. Appendix A - Reprisal Risk Assessment Guide

Adapted from the [Handling a Public Interest Disclosure](#) – a guide for public sector managers and supervisors.

- Commence an assessment of risk as early as possible. Steps to take include:
  - Ask the discloser whom they have told and how they think those involved might respond.
  - Ascertain the likelihood of confidentiality being maintained. Confidentiality is less likely to be maintained if:
    - The discloser has complained about the issue or flagged their intention to disclose to colleagues
    - The information, or the issues raised, can easily be traced to the discloser
    - The issues raised cannot be investigated with procedural fairness without identifying the discloser
  - Explore the likelihood that anyone would want, and have the opportunity, to commit a reprisal. Disclosers may be at a higher risk of reprisal if:
    - The investigation is unlikely to be substantiated
    - The wrongdoing is serious and occurs frequently
    - The investigation is conducted outside the organisation
    - The discloser became aware of the wrongdoing because it was directed at them
    - The wrongdoer is more senior than the discloser
    - There is more than one wrongdoer
    - The discloser's immediate work unit is small
  - Consider the history of the work unit in reacting to disclosures
- Managers and supervisors must inform Case Management of their own conclusions
- Mitigate risks to protect the discloser (see below)
- Plan how to best monitor the situation for problems that may arise
- Discussing risks with disclosers may discourage them, or be perceived as a warning to withhold their information, so be sensitive

Likelihood	Consequence			
	Minor	Moderate	Major	Severe
Almost certain	High	High	Very high	Very high
Likely	Medium	High	High	Very high
Possible	Medium	Medium	High	High
Unlikely	Low	Medium	Medium	High
Rare	Low	Low	Medium	Medium

### Mitigation examples

**Very high** – Suspension, removal of officers from workplace

**High** – use of indirect means of looking into the matter such as system reviews, audits, management reviews.

**Medium/low** – monitor workplace and request discloser to advise of any reprisal concerns

Likelihood	Consequence
<b>Almost certain</b> Expected to occur without controls in place	<b>Severe</b> Permanent effect on officer (e.g. mental illness, permanent physical injury)
<b>Likely</b> 50% or greater chance of occurring	<b>Major</b> Effect on officer requires medical/psychological intervention/workplace change
<b>Possible</b> May occur, evidence of similar events occurring and similar may occur this time	<b>Moderate</b> Effect on officer requires less than 3 days leave
<b>Unlikely</b> Unlikely to occur, but a similar event has occurred in the past	<b>Minor</b> Effect on officer able to be managed without absence from work
<b>Rare</b> May occur in exceptional circumstances, no history of a similar event	