

Policy and Procedure

Public Interest Disclosures

Policy Statement

The Department of Treaty, Aboriginal and Torres Strait Islander Partnerships, Communities and the Arts (the department) is dedicated to promoting the public interest by facilitating disclosures of suspected wrongdoing and ensuring that public interest disclosures are correctly assessed, appropriately and thoroughly investigated, and dealt with in accordance with the *Public Interest Disclosure Act 2010* (the PID Act), ensuring suitable protection from reprisal action against a person making a disclosure.

Scope

This policy applies to all 'employees' and includes all persons working for and with the department (including permanent, fixed-term temporary, full-time, part-time or casual employees and/or on secondment from another department) and other persons who perform work for the department including contractors, students gaining work experience and volunteers. For the purposes of this policy and procedure, the term contractor includes on-hired temporary labour services (agency staff).

This policy and procedure forms part of the department's overall approach to integrity management and should be read in conjunction with the Public Interest Disclosure Questions and Answers (PID QA), Public Interest Disclosure Management Plan, Conflict of Interest policy and procedure, Reporting and Managing Corrupt Conduct policy, Resolution of Individual Employee Grievances policy, Complaints Management Policy, Fraud and Corruption Control policy, Fraud and Corruption Control Plan, Risk Management policy and the Code of Conduct for the Queensland Public Service.

PID Management Program

The Director-General has overall responsibility for ensuring that the department develops, implements and maintains a PID management program. The department's PID management program encompasses:

- commitment to encouraging the internal reporting of suspected wrongdoing
- senior management endorsement of the value to the department of PIDs and the proper management of PIDs
- a communication strategy to raise awareness among employees about PIDs and the department's PID policy and procedure
- a training strategy to give employees access to training about how to make a PID, information on the support available to a discloser, and advice on how PIDs will be managed
- specialist training and awareness about PIDs for senior management and other staff who may receive or manage PIDs, disclosers or workplace issues relating to PIDs
- the appointment of a specialist officer/unit to be responsible for issues related to the management of PIDs
- ensuring effective systems and procedures are in place so that issues and outcomes from PIDs inform improvements to service delivery, business processes and internal controls
- regular review of the Public Interest Disclosure Procedure and evaluation of the effectiveness of the PID management program.

Principles

- Public interest disclosures (PIDs) are the disclosure of information as specified in the PID Act (sections 12 & 13) and made to a proper authority with the responsibility or power to take appropriate action about the information disclosed or to provide an appropriate remedy.
- Public interest disclosures will be managed by a program that has established procedures for dealing with disclosures.
- Certain protection, support and information will be provided to employees and members of the public when making disclosures of suspected wrongdoing, as well as to those employees who have a disclosure of suspected wrongdoing made against them.
- Reprisal action against employees or persons reporting concerns of suspected wrongdoing will not be tolerated. Reasonable procedures will be maintained to manage and reduce the risk of reprisal against an employee who has made a disclosure and witnesses and other people involved in a proceeding under the Act.
- Confidentiality is paramount in all aspects of managing a public interest disclosure, except to the extent necessary for appropriate investigation and response to the disclosure.

Human Rights and decision making

The department is committed to respecting, protecting and promoting human rights.

Under the *Human Rights Act 2019*, the department has an obligation to act and make decisions in a way that is compatible with human rights and, when making a decision, to give proper consideration to human rights. This includes decisions about clients, and about employees (for example when human resources decisions are being made).

There are three key points to remember when it comes to making human rights compatible decisions:

1. Identify the human rights of clients and/or staff members when making decisions about them, plus the rights of other persons involved.
2. Identify the impact of decisions — will a human right of an individual be limited?
3. If a human right will be limited, then the decision maker must show that any limitation is justified and reasonable by demonstrating that the decision is: lawful, has a proper purpose, rational, necessary, and fair and balanced.

More information regarding Human Rights and the *Human Rights Act 2019*, including a guide to decision making, is available on the Queensland Government website: www.forgov.qld.gov.au/apply-human-rights-your-work and www.forgov.qld.gov.au/human-rights-resources.

The Queensland Human Rights Commission website also has a range of information: www.qhrc.qld.gov.au/your-rights/human-rights-law.

Managing and Monitoring

Director-General – The Director-General (or delegate), is responsible for developing, implementing and maintaining a program compliant with the three PID Standards and:

- must develop and implement reasonable procedures for the management of PIDs (in accordance with section 28(1) of the PID Act)
- must ensure the entity's procedures for the management of PIDs are published (in accordance with section 28(2) of the PID Act)
- must develop, implement and maintain a management program for PIDs (in accordance with section 28(1)(d) of the PID Act)
- must establish and maintain oversight of the management program for PIDs implemented in accordance with section 28(1)(d) of the PID Act

PUBLIC INTEREST DISCLOSURES POLICY AND PROCEDURE

- must establish and maintain a process for assessing information received by the entity or referred to it by another entity or a Member of the Legislative Assembly to determine whether it is a PID (in accordance with section 28(1)(b) of the PID Act)
- where a public interest disclosure is made under section 15, or referred under sections 31 or 34 must ensure that the person who made the disclosure, or the entity that referred the disclosure, is given reasonable information about the disclosure (in accordance with section 32(1) of the PID Act)
- when determining to not investigate or deal with a PID under section 30(1) of the PID Act, must ensure that the entity gives written reasons for its decision to the discloser (in accordance with section 30(2) of the PID Act)
- must ensure reasonable procedures to ensure that officers of the entity are offered protection from reprisal by the entity or other officers of the entity (in accordance with section 28(1)(e) of the PID Act)
- must ensure reasonable steps are taken to prevent officers taking a reprisal in contravention of section 40 of the PID Act (in accordance with section 43 of the PID Act)
- must ensure reasonable procedures to ensure that PIDs are properly investigated and dealt with (in accordance with section 28(1)(b) of the PID Act), and appropriate action is taken in relation to any suspected wrongdoing that is the subject of a PID (in accordance with section 28(1)(c) of the PID Act)
- must keep a proper record of the PID (in accordance with section 29 of the PID Act)
- must give to the oversight agency all or any of the information mentioned in section 29 of the PID Act, including information required in a standard made under section 60 of the PID Act (in accordance with section 33 of the PID Act).

PID Coordinator – Is the Manager, Ethical Standards and is:

- responsible to the Director-General for the PID management program.

Managers – Managers of units will:

- encourage employees to report suspected wrongdoing by other employees
- ensure effective systems and procedures are in place to monitor a discloser's workplace for any signs of reprisal action
- where appropriate refer allegations of suspected wrongdoing to the delegate for consideration.

Manager, Ethical Standards – The Manager, Ethical Standards will:

- provide advice and promote awareness of the PID Act to the Director-General and all units within the department of the obligations to manage public interest disclosures
- develop, implement and maintain a management program for public interest disclosures
- regularly evaluate and monitor the effectiveness of public interest disclosure policy and guidelines
- receive and assess the eligibility of a discloser for protections under the PID Act for disclosures about employee conduct
- conduct a risk of reprisal assessment for each eligible public interest disclosure and determine a level of support proportionate to the risk
- assist to implement risk reduction strategies to reduce the likelihood of reprisal action
- provide acknowledgment of receipt of PID to discloser
- allocate an Investigator and Support Officer to the PID matter
- provide statistical information to the Office of the Queensland Ombudsman

PUBLIC INTEREST DISCLOSURES POLICY AND PROCEDURE

- where appropriate report allegations of reprisal action to relevant parties including but not limited to the Queensland Police Service, the Crime and Corruption Commission and the Office of the Queensland Ombudsman.

Director, Cultural Heritage Unit – The Director, Cultural Heritage Unit (CHU) (PID Liaison Officer, CHU) will:

- receive and assess the eligibility of a discloser for protections under the PID Act in relation to information of an offence against a provision mentioned in [schedule 2](#) (of the PID Act), if the commission of the offence is or would be a substantial and specific danger to the environment
- where appropriate, liaise with the Department of Environment and Science's Environmental Services and Regulation Division to progress investigation requests for consideration by the Compliance Steering Committee in accordance with the Service Level Agreement
- conduct a risk of reprisal assessment for each eligible public interest disclosure and determine a level of support proportionate to the risk
- assist to implement risk reduction strategies to reduce the likelihood of reprisal action
- provide acknowledgment of receipt of PID to discloser
- allocate an Investigator (if relevant) and Support Officer to PID matter
- provide statistical information to the Office of the Queensland Ombudsman (via the PID Coordinator)
- where appropriate report allegations of reprisal action to relevant parties including but not limited to the Queensland Police Service, the Crime and Corruption Commission and the Office of the Queensland Ombudsman.

PID Support Officer – Will be nominated by the Manager, Ethical Standards or Director, Cultural Heritage Unit as individual disclosures are assessed. PID Support officers will:

- provide advice and information to a discloser on the department's PID procedure
- provide support and referral to other sources of advice or support as required
- facilitate updates on progress of an investigation
- proactively contact disclosers throughout the PID management process.

Investigator – An appropriate internal or external investigator will be appointed for each PID investigated depending upon the type of disclosure and other relevant considerations. The investigator will:

- conduct an investigation of the information in accordance with the terms of reference (or relevant legislative provisions if applicable)
- prepare a report for the delegated decision-maker

Delegated decision-maker – An appropriate decision-maker will be identified in accordance with the department's HR Delegations. The delegated decision maker will:

- review any investigation report and determine whether alleged suspected wrongdoing is substantiated.

All employees – All employees and persons who perform work for the department are responsible for:

- reporting suspected wrongdoing, including any breaches of this policy and procedure, to Ethical Standards or the Cultural Heritage Unit (for matters involving a substantial and specific danger to the environment) (or an external agency, if appropriate)
- maintaining appropriate confidentiality in relation to a PID

- refraining from taking reprisal action in relation to a PID
- where relevant, undertaking mandatory public sector ethics training in accordance with the department's mandatory training schedule, including training in relation to the *Code of Conduct for the Queensland Public Service*.

What is a Public Interest Disclosure?

Under the PID Act, any person can make a disclosure about a:

- substantial and specific danger to the health or 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 because of a belief that a person has made, or intends to make a disclosure.

In addition, public sector officers can make a disclosure about the following public interest matters:

- 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
- substantial and specific danger to the environment.

A discloser can have either a 'reasonable belief' that wrongdoing has occurred, or provide evidence which tends to show the wrongdoing has occurred.

A disclosure amounts to a PID and is covered by the PID Act even if the:

- discloser reports the information as part of their duties – such as an auditor reporting a fraud or an occupational health and safety officer reporting a safety breach
- disclosure is made anonymously – the discloser is not required to give their name or any identifying information
- discloser has not identified the material as a PID – it is up to the department to assess information received and decide if it is a PID
- disclosure is unsubstantiated following investigation – the discloser is protected when the information they provide is assessed as a PID, whether or not it is subsequently investigated or found to be substantiated.

How to make a PID

A discloser can make a PID in any way, including anonymously, either verbally or in writing. To assist in the assessment, and any subsequent investigation of a PID, disclosers are requested to:

- provide contact details (this could be an email address that is created for the purpose of making the disclosure or a telephone number)
- provide as much information as possible about the suspected wrongdoing, including:
 - who was involved
 - what happened
 - when it happened
 - where it happened
 - whether there were any witnesses, and if so who they are
 - any evidence that supports the PID, and where the evidence is located
 - any further information that could help investigate the PID
 - provide this information in writing.

For further information on how to make a PID, refer to the department's PID Questions and Answers.

Deciding whether a matter is a PID

If there is any doubt as to whether a matter is a PID, further information may be obtained to inform the decision. If doubt still remains, the matter will be considered and managed as a PID.

Mere disagreements over policy do not meet the threshold for a PID under the PID Act.

It is an offence under the PID Act to intentionally give false or misleading information intending it be acted on as a PID. Employees may be subject to disciplinary action for intentionally giving false or misleading information in a PID, or during an investigation into a PID.

Where a discloser states they are making a PID, but it is assessed that the matter is not a PID the department will advise the discloser:

- that their information has been received but was not assessed as a PID
- the reasons for the decision
- the review rights available if the discloser is dissatisfied with the decision and how to request review
- any action the department proposes to take in relation to the matter
- any other options the discloser has in relation to the matter.

Assessing a PID

The disclosure will be assessed in accordance with the PID Act, the PID standards, the department's Public Interest Disclosure Policy and Procedure and any other relevant procedure(s).

Once the matter has been assessed as a PID, the department will advise the discloser:

- that their information has been received and assessed as a PID
- the action to be taken by the department in relation to the disclosure, which could include referring the matter to an external agency, or investigating
- the likely timeframe involved
- the name and contact details of the department support officer they can contact for updates or advice
- of the discloser's obligations regarding confidentiality
- the protections the discloser has under the PID Act and how to report concerns of reprisal
- the commitment of the department to keep appropriate records and maintain confidentiality, except where permitted under the PID Act
- how updates regarding intended actions and outcomes will be provided to the discloser
- contact details for the department Employee Assistance Program.

If the PID has been made anonymously and the discloser has not provided any contact details, the department will not be able to acknowledge the PID or provide any updates.

Referring a PID

If the department decides there is another proper authority that is better able to deal with the PID, the PID may be referred to that agency. This may be because:

- the PID concerns wrongdoing by that agency or an employee of that agency
- that agency has the power to investigate or remedy the matter.

Before referring the PID to another agency, the department will conduct a risk assessment, and will not proceed with the referral if there is an unacceptable risk of reprisal.

It may also be necessary to refer the PID to another agency because of a legislative obligation, for example, refer a matter to the Crime and Corruption Commission where there is a reasonable suspicion that the matter involves or may involve corrupt conduct (as required by section 38 of the [Crime and Corruption Act 2001](#)).

The confidentiality obligations of the PID Act permit appropriate officers of the department to communicate with another agency about the referral of a PID. Officers will exercise discretion in their contacts with any other agency.

The discloser will be advised of the action taken by the department.

Risk assessment and protection from reprisal

Disclosers should not suffer any form of detriment as a result of making a PID. Upon receiving a PID, the department will conduct a risk assessment to assess the likelihood of the discloser (or witnesses or affected third parties) suffering reprisal action as a result of having made the disclosure. This assessment will take into account the actual and reasonably perceived risk of the discloser (or witnesses or affected third parties) suffering detriment, and will include consultation with the discloser.

A risk assessment will be undertaken if the discloser is anonymous on the basis of information available in the PID. The risk assessment will also take into account the risk to persons who may be suspected of making the PID.

Consistent with the assessed level of risk, the department will develop and implement a risk management plan and arrange any reasonably necessary support or protection for the discloser (or witnesses or affected third parties).

The department will regularly reassess the risk of reprisal while the PID is being managed, in consultation with the discloser, and review the risk management plan if required.

In the event of reprisal action being alleged or suspected, the department will:

- attend to the safety of the discloser (or witnesses or affected third parties) as a matter of priority
- review its risk assessment, risk management plan and any protective measures needed to mitigate any further risk of reprisal
- manage any allegation of a reprisal as a PID in its own right.

Declining to take action on a PID

Under the PID Act, the department may decide not to investigate or deal with a PID in various circumstances, including:

- the information disclosed has already been investigated or dealt with by another process
- the information disclosed should be dealt with by another process
- the age of the information makes it impractical to investigate
- the information disclosed is too trivial and dealing with it would substantially and unreasonably divert the department from the performance of its functions
- another agency with jurisdiction to investigate the information has informed the department that an investigation is not warranted.

If a decision is made not to investigate or deal with a PID the department will give the discloser written reasons for that decision.

If the discloser is dissatisfied with the decision they can request a review by writing to the Director-General within 28 days of receiving the written reasons for decision.

Communication with disclosers

Under the PID Act, the department must give reasonable information to a discloser.

The department will acknowledge receipt of the PID in writing as soon as practicable. The discloser will be provided with information that meets the requirements of the PID Act and the standards issued by the Queensland Ombudsman, including:

- the action that will be taken in response to the PID

- the protections under the PID Act
- confidentiality obligations of the discloser and the department
- support arrangements.

The department will maintain contact with the discloser and provide regular updates during the management of the PID.

In accordance with the PID Act, after finalising action in response to the PID, the department will advise the discloser in writing of the action taken and the results of the action.

Confidentiality

While the department will make every attempt to protect confidentiality, a discloser's identity may need to be disclosed to:

- provide natural justice to subject officers
- respond to a court order, legal directive or court proceedings.

The department will ensure that communication with all parties involved will be arranged discreetly to avoid identifying the discloser wherever possible.

Disclosers should be aware that while the department will make every attempt to keep their details confidential, it cannot guarantee that others will not try to deduce their identity.

Support for disclosers

The department recognises that providing appropriate support to a discloser is an important feature of effective PID management.

An assessment will be undertaken to identify the support needs of the discloser. Where appropriate, a PID Support Officer will be assigned to the discloser. The PID Support Officer will assist the discloser to access information about PIDs, protections available under the PID Act and the PID management process. The PID Support Officer will proactively contact the discloser to offer support.

Information and support will be provided to the discloser until the matter is finalised.

Making a PID does not prevent reasonable management action. That means that the discloser will continue to be managed in accordance with normal, fair and reasonable management practices during and after the handling of the PID.

Investigating a PID

If a decision is made to investigate a PID, this will be done with consideration for the:

- principles of natural justice
- obligation under the PID Act to protect confidential information
- obligation under the PID Act to protect officers from reprisal
- interests of subject officers.

If as a result of investigation, the information about wrongdoing provided in the PID is substantiated, appropriate action will be taken.

Where the investigation does not substantiate wrongdoing, the department may review systems, policies and procedures to identify whether there are improvements that can be made and consider if staff training is required.

Rights of subject officers

The department acknowledges that for officers who are the subject of a PID the experience may be stressful. The department will protect their rights by:

- assuring them that the PID will be dealt with impartially, fairly and reasonably in accordance with the principles of natural justice
- confirming that the PID is an allegation only until information or evidence obtained through an investigation substantiates the allegation
- providing them with information about their rights and the progress and outcome of any investigation
- referring them to the Employee Assistance Program for support.

Information and support will be provided to a subject officer until the matter is finalised.

Record-keeping

In accordance with its obligations under the PID Act and the [Public Records Act 2002](#), the department will ensure that:

- accurate data is collected about the receipt and management of PIDs
- anonymised data is reported to the Office of the Queensland Ombudsman in their role as the oversight agency, through the PID reporting database.

Records about disclosures, investigations, and related decisions will be kept secure and accessible only to appropriately authorised people involved in the management of the PID.

Definitions

Term	Definition
Administrative action	<p>(a) means any action about a matter of administration, including, for example:</p> <ul style="list-style-type: none"> (i) a decision and an act; and (ii) a failure to make a decision or do an act, including a failure to provide a written statement of reasons for a decision; and (iii) the formulation of a proposal or intention; and (iv) the making of a recommendation, including a recommendation made to a Minister; and (v) an action taken because of a recommendation made to a Minister; and <p>(b) does not include an operational action of a police officer or of an officer of the Crime and Corruption Commission.</p>
Confidential information	<p>(a) includes —</p> <ul style="list-style-type: none"> (i) information about the identity, occupation, residential or work address or whereabouts of a person — <ul style="list-style-type: none"> (A) who makes a public interest disclosure; or (B) against whom a public interest disclosure has been made; and (ii) information disclosed by a public interest disclosure; and (iii) information about an individual's personal affairs; and (iv) information that, if disclosed, may cause detriment to a person; and <p>(b) does not include information publicly disclosed in a public interest disclosure made to a court, tribunal or other entity that may receive evidence under oath, unless further disclosure of the information is prohibited by law.</p>

PUBLIC INTEREST DISCLOSURES POLICY AND PROCEDURE

<p>Corrupt conduct</p>	<p>As defined in section 15 of the Crime and Corruption Act 2001</p> <p>(1) <i>Corrupt conduct</i> means conduct of a person, regardless of whether the person holds or held an appointment, that—</p> <p>(a) adversely affects, or could adversely affect, directly or indirectly, the performance of functions or the exercise of powers of—</p> <p style="padding-left: 40px;">(i) a unit of public administration; or</p> <p style="padding-left: 40px;">(ii) a person holding an appointment; and</p> <p>(b) results, or could result, directly or indirectly, in the performance of functions or the exercise of powers mentioned in paragraph (a) in a way that—</p> <p style="padding-left: 40px;">(i) is not honest or is not impartial; or</p> <p style="padding-left: 40px;">(ii) involves a breach of the trust placed in a person holding an appointment, either knowingly or recklessly; or</p> <p style="padding-left: 40px;">(iii) involves a misuse of information or material acquired in or in connection with the performance of functions or the exercise of powers of a person holding an appointment; and</p> <p>(c) would, if proved, be—</p> <p style="padding-left: 40px;">(i) a criminal offence; or</p> <p style="padding-left: 40px;">(ii) a disciplinary breach providing reasonable grounds for terminating the person’s services, if the person is or were the holder of an appointment.</p> <p>(2) Corrupt conduct also means conduct of a person, regardless of whether the person holds or held an appointment, that—</p> <p>(a) impairs, or could impair, public confidence in public administration; and</p> <p>(b) involves, or could involve, any of the following—</p> <p style="padding-left: 40px;">(i) collusive tendering;</p> <p style="padding-left: 40px;">(ii) fraud relating to an application for a licence, permit or other authority under an Act with a purpose or object of any of the following (however described)—</p> <p style="padding-left: 80px;">(A) protecting health or safety of persons;</p> <p style="padding-left: 80px;">(B) protecting the environment;</p> <p style="padding-left: 80px;">(C) protecting or managing the use of the State’s natural, cultural, mining or energy resources;</p> <p style="padding-left: 40px;">(iii) dishonestly obtaining, or helping someone to dishonestly obtain, a benefit from the payment or application of public funds or the disposition of State assets;</p> <p style="padding-left: 40px;">(iv) evading a State tax, levy or duty or otherwise fraudulently causing a loss of State revenue;</p> <p style="padding-left: 40px;">(v) fraudulently obtaining or retaining an appointment; and</p> <p>(c) would, if proved, be—</p> <p style="padding-left: 40px;">(i) a criminal offence; or</p> <p style="padding-left: 40px;">(ii) a disciplinary breach providing reasonable grounds for terminating the person’s services, if the person is or were the holder of an appointment.</p>
<p>Detriment</p>	<p>includes –</p> <p>(a) personal injury or prejudice to safety; and</p> <p>(b) property damage or loss; and</p> <p>(c) intimidation or harassment; and</p> <p>(d) adverse discrimination, disadvantage or adverse treatment about career, profession, employment, trade or business; and</p> <p>(e) financial loss; and</p> <p>(f) damage to reputation, including, for example, personal, professional or business reputation.</p>

PUBLIC INTEREST DISCLOSURES POLICY AND PROCEDURE

Disability	<p>As defined in section 11 of the Disability Services Act 2006, for the purposes of this procedure:</p> <p>(1) A disability is a person’s condition that—</p> <p>(a) is attributable to—</p> <p>(i) an intellectual, psychiatric, cognitive, neurological, sensory or physical impairment; or</p> <p>(ii) a combination of impairments mentioned in subparagraph (i); and</p> <p>(b) results in—</p> <p>(i) a substantial reduction of the person’s capacity for communication, social interaction, learning, mobility or self care or management; and</p> <p>(ii) the person needing support.</p> <p>(2) For subsection (1), the impairment may result from an acquired brain injury.</p> <p>(3) The disability must be permanent or likely to be permanent.</p> <p>(4) The disability may be, but need not be, of a chronic episodic nature.</p>
Discloser	A person who makes a disclosure in accordance with the Public Interest Disclosure Act 2010 .
Employee	of an entity, includes a person engaged by the entity under a contract of service.
Investigation	For the purposes of this procedure, investigation includes any enquiry undertaken to establish whether the information provided in a PID can be substantiated, including a review or audit.
Journalist	a person engaged in the occupation of writing or editing material intended for publication in the print or electronic news media.
Maladministration	<p>As defined in schedule 4 of the Public Interest Disclosure Act 2010, maladministration is administrative action that—</p> <p>(a) was taken contrary to law; or</p> <p>(b) was unreasonable, unjust, oppressive, or improperly discriminatory;</p> <p>or</p> <p>(c) 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; or</p> <p>(d) was taken—</p> <p>(i) for an improper purpose; or</p> <p>(ii) on irrelevant grounds; or</p> <p>(iii) having regard to irrelevant considerations; or</p> <p>(e) was an action for which reasons should have been given, but were not given; or</p> <p>(f) was based wholly or partly on a mistake of law or fact; or</p> <p>(g) was wrong.</p>
Natural justice	<p>Natural justice, also referred to as ‘procedural fairness’ applies to any decision that can affect the rights, interests or expectations of individuals in a direct or immediate way. Natural justice is at law a safeguard applying to an individual whose rights or interests are being affected.</p> <p>The rules of natural justice, which have been developed to ensure that decision-making is fair and reasonable, are:</p> <ul style="list-style-type: none"> • avoid bias; and • give a fair hearing. • act only on the basis of logically probative evidence.

PUBLIC INTEREST DISCLOSURES POLICY AND PROCEDURE

Organisational support	<p>For the purposes of this procedure, organisational support means actions such as, but not limited to:</p> <ul style="list-style-type: none"> • providing moral and emotional support • advising disclosers about agency resources available to handle any concerns they have as a result of making their disclosure • appointing a mentor, confidante or other support officer to assist the discloser through the process • referring the discloser to the agency’s Employee Assistance Program or arranging for other professional counselling • generating support for the discloser in their work unit where appropriate • ensuring that any suspicions of victimisation or harassment are dealt with • maintaining contact with the discloser • negotiating with the discloser and their support officer a formal end to their involvement with the support program when it is agreed that they no longer need assistance.
Proper authority	A person or organisation that is authorised under the Public Interest Disclosure Act 2010 to receive disclosures.
Public officer	A public officer, of a public sector entity, is an employee, member or officer of the entity.
Reasonable belief	A view which is objectively fair or sensible.
Reasonable management action	<p>Action taken by a manager in relation to an employee, includes any of the following taken by the manager—</p> <p>(a) a reasonable appraisal of the employee’s work performance;</p> <p>(b) a reasonable requirement that the employee undertake counselling;</p> <p>(c) a reasonable suspension of the employee from the employment workplace;</p> <p>(d) a reasonable disciplinary action;</p> <p>(e) a reasonable action to transfer or deploy the employee;</p> <p>(f) a reasonable action to end the employee’s employment by way of redundancy or retrenchment;</p> <p>(g) a reasonable action in relation to an action mentioned in paragraphs (a) to (f);</p> <p>(h) 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.</p>
Reprisal	<p>The term ‘reprisal’ is defined under the Public Interest Disclosure Act 2010 as causing, attempting to cause or conspiring to cause detriment to another person in the belief that they or someone else:</p> <ul style="list-style-type: none"> • has made or intends to make a disclosure; or • has been or intends to be involved in a proceeding under the disclosure Act against any person. <p>Reprisal under the Public Interest Disclosure Act 2010 is a criminal offence and investigations may be undertaken by the Queensland Police Service.</p>
Subject officer	An officer who is the subject of allegations of wrongdoing made in a disclosure.
Substantial and specific	<p>Substantial means 'of a significant or considerable degree'. It must be more than trivial or minimal and have some weight or importance.</p> <p>Specific means “precise or particular”. This refers to conduct or detriment that is able to be identified or particularised as opposed to broad or general concerns or criticisms.</p>

Attachments

This policy and procedure is supported by the:

- Attachment 1 _ Contacts
- Public Interest Disclosures question and answers
- Public Interest Disclosure Management Plan

Authority

[Public Interest Disclosure Act 2010](#)

[Public Sector Act 2022](#)

[Crime and Corruption Act 2001](#)

Delegations

As per the department's Human Resource Delegations.

Date of approval: 3 November 2023

Date of operation: 3 November 2023

Date to be reviewed: 3 November 2025

Office: Corporate Services

Help Contact: Ethical Standards

Related policy:

Reporting and managing corrupt conduct policy

Discipline and suspension policy

Resolution of individual employee grievances policy

Complaints management policy

Fraud and corruption control policy and procedure

Conflict of Interest policy and procedure

Risk management policy

Related Legislation or Standard

Queensland Ombudsman Standard 1/2019 — [Public Interest Disclosure Management Program](#)

Queensland Ombudsman Standard 2/2019 — [Assessing, Investigating and Dealing with Public Interest Disclosures](#)

Queensland Ombudsman Standard 3/2019 — [Public Interest Disclosure Data Recording and Reporting](#)

Related Government Guidelines or Policy

Public Service Commission Directive 04/23 '[Appeals](#)'

Queensland Ombudsman public interest disclosure supporting resources:

- [Public Interest Disclosure Risk Assessment and Risk Management Guide](#)
 - [Public Interest Disclosure Assessment Guide](#)
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Clare O'Connor
Director-General

PUBLIC INTEREST DISCLOSURES POLICY AND PROCEDURE

Attachment 1: Contacts

For further information or to make a disclosure, please contact:

Manager (PID-Coordinator)
Ethical Standards
Human Resources and Ethical Standards
Telephone: (07) 3097 8555
Email: CCCliaisonofficer@dsdsatsip.qld.gov.au

For specific disclosures pertaining to danger to the environment, please contact:

Director
Cultural Heritage Unit
Culture and Economic Participation
Telephone: 1300 378 401
Email: john.schiavo@dsdsatsip.qld.gov.au