

Corporate Services POLICY and PROCEDURE

Title: Public Interest Disclosures

Policy Statement:

The department is dedicated to promoting the public interest by facilitating disclosures of 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*, ensuring suitable protection from reprisal action against a person making a disclosure.

Principles:

- Public interest disclosures are the disclosure of information as specified in the *Public Interest Disclosure Act 2010* (the 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 wrongdoing, as well as to those employees who have a disclosure of wrongdoing made against them.
- Reprisal action against employees reporting 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. Confidentiality is paramount in all aspects of managing a public interest disclosure, to the extent necessary for appropriate investigation and response to the disclosure.

Human Rights and decision making:

The Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships (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?

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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
- 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 to 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)(d) 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 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).

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Managers — Managers of units will:

- encourage employees to report wrongdoings 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 wrongdoing to the delegate for consideration.

Manager, Ethical Standards — The Manager, Ethical Standards will:

- provide advice and promote awareness of the *Public Interest Disclosure Act 2010* 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 *Public Interest Disclosure Act 2010* 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 statistical information to the Office of the Queensland Ombudsman
- where appropriate report allegations of reprisal action to the relevant parties including but not limited to the Queensland Police Service, the Crime and Corruption Commission and the Office of the Queensland Ombudsman.

Manager, Complaints and Investigations — The Manager, Complaints and Investigations will:

- contribute to the development, implementation and maintenance program for public interest disclosures
- contribute to the regular evaluation and monitoring of the public interest disclosure policy and guidelines
- receive and assess the eligibility of a discloser for protections under the *Public Interest Disclosure Act 2010* for disclosures of substantial and specific dangers to the health or safety of a person with a disability
- 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 statistical information to the Office of the Queensland Ombudsman
- where appropriate report allegations of reprisal action to the relevant parties including but not limited to the Queensland Police Service, the Crime and Corruption Commission and the Office of the Queensland Ombudsman.

Authority:

[Public Interest Disclosure Act 2010](#)

[Public Service Act 2008](#)

[Crime and Corruption Act 2001](#)

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Delegations:

As per the department's [Human Resource Delegations](#).

Date of approval: 7 September 2021

Date of operation: 7 September 2021

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Office: Corporate Services

Help Contact: Ethical Standards

Related policy:

HR Policy '[Reporting and managing corrupt conduct](#)'

HR Policy '[Discipline and suspension](#)'

HR Policy '[Resolution of individual employee grievances](#)'

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 07/20 '[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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Chris Sarra

Director-General