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# Coexistence Queensland Public Interest Disclosure Procedure Protocol

## 1. Protocol Statement

The Coexistence Queensland (the organisation/CQLD) is committed to fostering an ethical and transparent culture. In pursuit of this, we value the disclosure of information about suspected wrongdoing in the public sector so that it can be properly assessed and, if necessary, appropriately investigated. Coexistence Queensland will provide support to an employee or others who make disclosures about matters in the public interest. This Protocol demonstrates this commitment and ensures that practical and effective procedures are implemented which comply with the requirements of the [Public Interest Disclosure Act 2010](#) (PID Act) and Public Interest Disclosure Standard No.1/2019.

## 2. Scope

This protocol applies to anyone who wishes to make a Public Interest Disclosure (PID) about the Coexistence Queensland, including:

- officers employed at Coexistence Queensland (the Chief Executive Officer and Board Members, including volunteers or contractors)
- public service officers of other public entities in Queensland
- members of the public.

This protocol provides information about how the organisation will manage PIDs in accordance with the PID Act and applicable standards and guidelines.

## 3. Objective

By complying with the PID Act, the organisation will:

- promote the public interest by facilitating public interest disclosures (PIDs) of wrongdoing
- ensure that PIDs are properly assessed and, where appropriate, properly investigated and dealt with
- ensure appropriate consideration is given to the interests of persons who are the subject of a PID
- ensure protection from reprisal is afforded to persons making PIDs.

As required under section 28 of the PID Act and 1.1.1 of the Public Interest Disclosure Standard No.1/2019, the Chief Executive Officer will implement procedures to ensure that:

- any public officer who makes a PID is given appropriate support
- PIDs made to the organisation are properly assessed and, where appropriate, properly investigated and dealt with
- appropriate action is taken in relation to any wrongdoing which is the subject of a PID
- a management program for PIDs made to the organisation's requirements, and consistent with the standards issued by the Queensland Ombudsman, is developed and implemented
- public officers who make PIDs are offered protection from reprisals.

The Coexistence Queensland's Public Interest Disclosure Protocol is available for public viewing at [www.cqld.org.au](http://www.cqld.org.au). The Public Interest Disclosure Protocol will be reviewed annually and updated as required to ensure it meets the requirements of the PID Act and the standards issued by the Queensland Ombudsman.

## 4. PID Management Program

The Chief Executive Officer has overall responsibility for ensuring that the organisation develops, implements and maintains a PID management program. The organisation's PID management program encompasses:

- commitment to encouraging the internal reporting of wrongdoing

- senior management endorsement of the value to the organisation of PIDs and the proper management of PIDs
- a communication strategy to raise awareness among employees about PIDs and the organisations PID 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 engagement of a PID Coordinator (Department of Resources)
- the appointment of an internal CQLD PID Support Officer to be responsible for communications 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.

The Chief Executive Officer has designated the following roles and responsibilities for managing PIDs within the Coexistence Queensland and Portfolio Agency the Department of Resources (the Department):

<b>Role:</b>	<b>Responsibilities:</b>	<b>Officer:</b>
<b>PID Coordinator</b>	<ul style="list-style-type: none"> <li>▪ principal contact for PID issues within the Department</li> <li>▪ review the PID procedure annually</li> <li>▪ review the implementation of the organisation's PID management program</li> <li>▪ maintain and update internal records of PIDs received</li> <li>▪ report data on PIDs to Queensland Ombudsman</li> <li>▪ assess PIDs received</li> <li>▪ provide acknowledgment of receipt of PID to discloser</li> <li>▪ undertake risk assessments in consultation with disclosers and other relevant officers</li> <li>▪ liaise with other agencies about referral of PIDs</li> <li>▪ allocate Investigator and Support Officer to PID matter</li> </ul>	<p><i>Executive Director, Human Resources Department of Natural Resources and Mines, Manufacturing and Rural Development</i></p> <p><b>Email:</b> <a href="mailto:ethics@resources.qld.gov.au">ethics@resources.qld.gov.au</a></p> <p><b>Letter:</b> <i>Confidential</i> <b>ATTN: PID Coordinator</b> <i>Executive Director, Human Resources Human Resources Department of Natural Resources and Mines, Manufacturing and Rural Development PO Box 15216 City East 4002</i></p> <p><b>Phone:</b> 0477 344 750</p> <p><b>In person:</b> 1 William Street, Brisbane – Phone 0477 344 750 first for an appointment</p>
<b>PID Support Officer</b> (Coexistence Queensland)	<ul style="list-style-type: none"> <li>▪ principal contact for PID issues at the organisation</li> <li>▪ provide advice and information to discloser on the organisation's PID procedure</li> <li>▪ provide personal support and referral to other sources of advice or support as required</li> <li>▪ facilitate updates on progress of investigation</li> <li>▪ proactively contact discloser throughout PID management process</li> </ul>	<p><b>Hayley Jenkinson</b> <i>Coexistence Queensland</i> <b>PID Support Officer</b></p> <p><b>Email:</b> <a href="mailto:ethics@cqld.org.au">ethics@cqld.org.au</a></p> <p><b>Letter:</b> <i>Confidential</i> <b>ATTN: PID Support Coordinator</b> <i>PO Box 15266 City East 4002</i></p> <p><b>Phone:</b> 0437 779 164</p>

	<ul style="list-style-type: none"> <li>▪ update PID procedure annually and submit to <b>PID Coordinator</b> for review</li> <li>▪ document and manage implementation of the organisation's PID management program</li> <li>▪ actively monitor the progression of disclosures throughout the process</li> <li>▪ monitor the <a href="mailto:ethics@cqld.org.au">ethics@cqld.org.au</a> inbox.</li> </ul>	<p><b>In person:</b>  Level 15, 53 Albert Street, Brisbane -  Phone 0437 779 164 to arrange for a meeting in person.</p>
Investigator	<ul style="list-style-type: none"> <li>▪ conduct investigation of information in PID in accordance with terms of reference</li> <li>▪ prepare report for delegated decision-maker</li> </ul>	An appropriate internal or external investigator will be appointed for each PID investigated depending upon the type of disclosure and other relevant considerations.
Delegated decision-maker	<ul style="list-style-type: none"> <li>▪ review investigation report and determine whether alleged wrongdoing is substantiated</li> </ul>	An appropriate decision-maker will be appointed for each PID investigated.

## 5. Why make a PID?

Employees who are prepared to speak up about public sector misconduct, wastage of public funds, suspected unlawful activity or danger to health, safety or the environment can be the most important sources of information to identify and address problems in public sector administration. Coexistence Queensland supports the disclosure of information about wrongdoing because:

- implementing systems for reporting and dealing with wrongdoing contributes to the integrity of the organisation
- the outcomes of PIDs can include improvements to systems that prevent fraud and other economic loss to the organisation; and
- the community's trust in public administration is strengthened by having strong processes in place for reporting wrongdoing.

When making a PID the discloser receives the protections provided under the PID Act, including:

- confidentiality – the discloser's name and other identifying information will be protected to the extent possible
- protection against reprisal – the discloser is protected from unfair treatment by the organisation and employees of the organisation as a result of making the PID
- immunity from liability – the discloser cannot be prosecuted for disclosing the information but is not exempt from action if they have engaged in wrongdoing
- protection from defamation – the discloser has a defence against an accusation of defamation by any subject officer.

## 6. What is a Public Interest Disclosure?

A public interest disclosure is a report or complaint about wrongdoing in the public sector where investigation and correction are in the public interest.

For an allegation to be considered a public interest disclosure under the PID Act it must be:

- public interest information about serious wrongdoing or danger
- an appropriate disclosure
- made to a proper authority.

Refer to **Appendix 1 – Appropriate Disclosure Chart** for a visual overview of the elements of what constitutes an appropriate disclosure.

Under section 12(3) and 13(3) of the PID Act, a disclosure is where:

- the person honestly believes on reasonable grounds that the information tends to show the conduct or other matter; or
- the information tends to show the conduct or other matter, regardless of whether the person honestly believes the information tends to show the conduct or other matter.

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.

Please refer to **Appendix 2 – Disclosure Examples** for a list of disclosure examples that may be reported.

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 PID Coordinator 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.

A person may make a PID about past, present or future events, including in the following circumstances:

- events that happened or may have happened, whether before or after the commencement of this Act
- events that are or may be happening
- events that will or may happen.

The number of disclosures a person may make under the PID Act is not limited and does not prevent a person from making disclosures under separate provisions of the Act, including to another proper authority.

## **7.1 Who can a PID be disclosed to?**

A PID must be made to the 'proper authority' to receive disclosures of the type being made.

Disclosers are encouraged to make a disclosure to an appropriate officer of the organisation first. If the matter is not resolved, or the discloser is concerned the disclosure may be made to another appropriate agency (second preference options).

Who to contact within the Coexistence Queensland:	Other agencies that can receive PIDs:
FIRST PREFERENCE	SECOND OPTION
<p>Any person (including employees) can make a disclosure within the organisation via any of the following methods:</p> <p><b>Email:</b> <a href="mailto:ethics@cqld.org.au">ethics@cqld.org.au</a></p> <p><b>Note:</b>  <i>This inbox address is secure to the PID Support Officer / CQLD Corporate Governance Manager. All disclosures will be treated confidentially as per the PID Act. The disclosure will be discussed with the appropriate delegates and actioned according to policy.</i></p> <p><b>Letter:</b>  <b>Confidential</b>  ATTN: PID Support Officer  Coexistence Queensland  PO Box 15266  City East QLD 4002</p> <p><b>Phone:</b> 0437 779 164</p> <p><b>In person:</b> Level 15,53 Albert Street, Brisbane (please phone 0437 779 164 first for an appointment).</p> <p><b>Note:</b> Disclosures can also be made direct to the Chair or CEO, the organisation's PID Support Coordinator or to a direct line manager.</p> <p><b>For employees,</b> it is encouraged that the officer speaks with their direct line manager in the first instance if appropriate. The direct line manager will provide guidance on the matter.</p>	<p>If not appropriate to issue to Coexistence Queensland due to concerns, send externally to:</p> <p>The Coexistence Queensland's Portfolio Agency (the Department of Natural Resources and Mines, Manufacturing and Regional and Rural Development)</p> <p><b>Email:</b> <a href="mailto:ethics@resources.qld.gov.au">ethics@resources.qld.gov.au</a></p> <p><b>Letter:</b>  <b>Confidential</b>  ATTN: PID Support Coordinator  PO Box 15216  City East QLD 4002  <b>Phone:</b> 0477 344 750  <b>In person:</b> 1 William Street, Brisbane (please phone 0477 344 750 first for an appointment)</p> <p style="text-align: center;"><u>or</u></p> <p>As per the PIC Act disclosures can also be made to an agency that has a responsibility for investigating the information disclosed:</p> <ul style="list-style-type: none"> <li>• Crime and Corruption Commission (CCC) for disclosures about corrupt conduct including reprisal</li> <li>• Queensland Ombudsman for disclosures about maladministration</li> <li>• Queensland Audit Office for disclosures about a substantial misuse of resources</li> <li>• A Member of the Legislative Assembly (MP) for any wrongdoing or danger</li> <li>• Department of Environment and Science disclosures about danger to the environment</li> <li>• Department of Children, Youth Justice and Multicultural Affairs for disclosures about danger to the health and safety of a child or young person with a disability</li> <li>• Department of Seniors, Disability Services, and Aboriginal and Torres Strait Islander Partnerships for disclosures about danger to the health and safety of a person with a disability</li> <li>• Office of the Public Guardian for disclosures about danger to the health and safety of a person with a disability</li> <li>• Chief Judicial Officer of the relevant court or tribunal (if the disclosure relates to a judicial officer).</li> </ul>

## 7.2 Disclosures to journalists

The PID Act includes a provision to permit disclosures to be made to a journalist by an employee, but only as a last resort and only in accordance with Section 20 of the PID Act.

A disclosure can be made to a journalist if the following conditions have been met:

- a valid PID was initially made to a proper authority, and
- the proper authority:

- decided not to investigate or deal with the disclosure, or
- investigated the disclosure but did not recommend taking any action, or
- failed to notify the discloser within six months of making the disclosure whether or not the disclosure was to be investigated or otherwise dealt with.

A person who makes a disclosure to a journalist in these circumstances is protected under the PID Act. However, disclosers should be aware that journalists are not bound under the confidentiality provisions of section 65 of the PID Act.

*Note: Before a PID is made to a journalist a discloser should consider seeking legal advice about whether the required criteria for making a PID to a journalist has been met and if PID protections will still be applicable.*

### **8.1 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 de-identified telephone number if wishing to remain anonymous)
- 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.

Section 1.1 of the Code of Conduct for the Queensland Public Service requires public service employees to report all suspected wrongdoing when they first become aware of it or suspect that it is occurring.

### **8.2 Anonymous Disclosures**

The person disclosing may remain anonymous as per Section 17(1) of the PID Act. However, anonymous PIDs are often more difficult to investigate so it is therefore encouraged that disclosers identify themselves if possible.

A discloser has the option to approach the Portfolio Agency PID Coordinator to discuss confidentiality concerns prior to identifying themselves.

If a decision is made to make a disclosure anonymously, the discloser should:

- ensure sufficient information in the disclosure that the wrongdoing or danger has occurred or will occur
- assess whether the information and documents in the disclosure can be understood without further clarification or further explanation
- assess whether the disclosers' identity will likely be revealed when the documents are disclosed
- assess whether the discloser will find it difficult to remain anonymous if an investigation is occurring around or involving them.

An anonymous disclosure may also mean that it will be difficult for the assessing body to assess risk on safety, support and protections that could be provided to the discloser. The anonymous discloser should consider a de-identified email or phone number to allow for any further contact that may be required at varying stages of the investigation process.

## **10. 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 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 organisation 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 organisation proposes to take in relation to the matter
- any other options the discloser has in relation to the matter.

Regardless of whether the information is perceived or determined to be a PID or not, all public service employees are required to report suspected wrongdoing to comply with section 1.1 of the Queensland Public Service Code of Conduct and will be actioned according to the appropriate process.

## **11. Assessing a PID**

The disclosure will be assessed in accordance with the PID Act, the PID standards, the organisation's Public Interest Disclosure Protocol and any other relevant procedure(s). The disclosure will be assumed to be a PID to ensure that the process is protected and managed appropriately. The PID Coordinator will determine if the matter meets the PID criteria.

Once the matter has been assessed as a PID, the organisation will advise the discloser in writing of the following:

- that their information has been received and assessed as a PID
- the action to be taken by the organisation 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 organisation 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
- the commitment of the organisation 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 organisation Employee Assistance Program.

If the PID has been made anonymously and the discloser has not provided any contact details, the organisation will not be able to acknowledge the PID or provide any updates. Please refer to section 8.2 *Anonymous Disclosures* to further understand the risks to safety in not providing your identity.

## **12. Referring a PID**

If the organisation 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 PID Coordinator and organisation 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 organisation 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 Coexistence Queensland.

### **13. 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 PID Coordinator 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 organisation 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 organisation and PID Coordinator 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 organisation 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.

The PID Coordinator will on receipt of the disclosure undertake an assessment of the risk of reprisal to the discloser and other people associated with the disclosure. This risk assessment will include:

- asking the discloser who else is aware of the matter, who they have told and how they believe those involved might respond to the allegation
- consulting with management or heads of the local business area which are best placed to provide information about perceived risks of reprisals
- determining the likelihood of reprisal or the opportunity to commit reprisal
- considering any previous business unit reactions to disclosures were applicable
- informing the discloser of the above findings and conclusions in making a decision.

If reprisal action is taken, a complaint may be lodged with the Anti-Discrimination Commission or an application for an injunction through the Queensland Industrial Relations Commission or Supreme Court may be made. However, a person may not apply for an injunction about a reprisal under sections 48 or 49 of the PID Act if the person makes a complaint under the Anti-Discrimination Act 1991 (section 50, PID Act). Further information can be sourced by contacting the Queensland Ombudsmen regarding an appropriate course of action.

### **14. When employees are not afforded protections under the PID Act**

Protections under the PID Act are not available if the employee(s):

- fail to follow the correct disclosure process
- intentionally give false or misleading information
- make a PID directly to or through the media instead of or before using this procedure (e.g., making a disclosure to a journalist before following the Coexistence Queensland PID process).

## **15. Reasonable Management Action**

The organisation may need to take reasonable management action against a discloser whether it is in relation to their PID or not. This action can only be taken if the manager's reasons for taking the action do not include the fact that the person has made the public interest disclosure.

Examples of reasonable management action, taken by a manager as outlined in section 45(3) of the PID Act include:

- reasonable appraisal of the employee's work performance
- reasonable requirement that the employee undertake counselling
- reasonable suspension of the employee from the employment workplace
- a reasonable disciplinary action
- a reasonable action to transfer or deploy the employee
- a reasonable action to end the employee's employment by way of redundancy or retrenchment
- a reasonable action in relation to an action mentioned in the above examples
- 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.

## **14. Declining to take action on a PID**

Under the PID Act, the organisation 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 organisation from the performance of its functions
- another agency with jurisdiction to investigate the information has informed the organisation that an investigation is not warranted.

If a decision is made not to investigate or deal with a PID the organisation, in accordance with section 30(2) of the PID Act the organisation 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 Chief Executive Officer of the organisation within 28 days of receiving the written reasons for decision.

### **15.1 The right of internal and external review**

#### **15.1.1 Internal Review – section 30(3)**

Reviews requested by the affected employee or discloser will be undertaken in accordance with the organisation's complaints management process. The complaint and the response providing details of the action and outcome must be received in writing.

#### **15.1.2 External Review**

If the affected employee or other discloser remains dissatisfied after completion of the internal review, the matter may be externally reviewed by the Queensland Ombudsmen. In some circumstances there may also be a right to apply to the Industrial Registry of the Queensland Industrial Relations Commission or the Supreme Court for an injunction about reprisal.

## **15. Communication with disclosers**

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

The organisation 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 organisation
- support arrangements.

The organisation 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 organisation will advise the discloser in writing of the action taken and the results of the action.

## **16. Confidentiality**

While the organisation 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 organisation will ensure that communication with all parties involved will be always arranged discreetly and in accordance with section 65 of the PID Act to avoid identifying the discloser wherever possible. Information regarding the disclosure must not be recorded or disclosed recklessly or intentionally to anyone other than for reasons outlined in section 65(3).

Disclosers should be aware that while the organisation will make every attempt to keep their details confidential, it cannot guarantee that others will not try to deduce their identity. Appropriate confidentiality must be maintained during the assessment phase; investigation phase and after the relevant matter has been closed by all relevant parties.

## **17. Support for disclosers**

The organisation 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 be continue to be managed in accordance with normal, fair and reasonable management practices during and after the handling of the PID.

## **18. 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 organisation will review systems, policies and procedures to identify whether there are improvements that can be made and consider if staff training is required.

### 19.1 Rights of subject officers

The organisation acknowledges that for officers who are the subject of a PID the experience may be stressful. The organisation 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 and if applicable their family members to the free Employee Assistance Program for support.

#### 19.1.1 Natural Justice

There are three principles involved to afford natural justice. The subject officer has the right to:

- know about the substance of the allegations if a decision is going to be made about their conduct
- have a reasonable opportunity to put their case forward
- have a decision-maker act fairly and without bias.

It is not a requirement under the PID Act to advise the subject officer(s) immediately of the disclosure or investigation. However, the subject officer(s) must be provided procedural fairness to respond to an allegation before a final decision is made on an outcome. Information and support will be provided to a subject officer until the matter is finalised.

Under the PID Act, the subject officer(s) identity must also be protected [section 65(7)(a)(B)].

The PID Act s.65(5) has provisions that allow for confidential information to be disclosed for natural justice obligations under the following two conditions, that must both be met:

- it is essential to do so under the principles of natural justice; and
- it is unlikely a reprisal will be taken against the person because of the disclosure.

If it is possible for the subject officer(s) to answer allegations without the source of the allegations being identified, then the release of the information is not considered to be essential.

### 20. Record-keeping

In accordance with its obligations under the PID Act and the [Public Records Act 2002](#), the organisation 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.

### 21. Definitions (meanings of words and acronyms used in this Procedure)

<b>Term</b>	<b>Definition</b>
Administrative action	(a) means any action about a matter of administration, including, for example: (i) a decision and an act; and

	<p>(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</p> <p>(iii) the formulation of a proposal or intention; and</p> <p>(iv) the making of a recommendation, including a recommendation made to a Minister; and</p> <p>(v) an action taken because of a recommendation made to a Minister; and</p> <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> <p>(i) information about the identity, occupation, residential or work address or whereabouts of a person —</p> <p>(A) who makes a public interest disclosure; or</p> <p>(B) against whom a public interest disclosure has been made; and</p> <p>(ii) information disclosed by a public interest disclosure; and</p> <p>(iii) information about an individual's personal affairs; and</p> <p>(iv) information that, if disclosed, may cause detriment to a person; and</p> <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>
Corrupt conduct	<p>As defined in section 15 of the <a href="#">Crime and Corruption Act 2001</a></p> <p>(1) <b>Corrupt conduct</b> 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>(i) a unit of public administration; or</p> <p>(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>(i) is not honest or is not impartial; or</p> <p>(ii) involves a breach of the trust placed in a person holding an appointment, either knowingly or recklessly; or</p> <p>(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>(i) a criminal offence; or</p> <p>(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) <b>Corrupt conduct</b> 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>(i) collusive tendering;</p> <p>(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>(A) protecting health or safety of persons;</p> <p>(B) protecting the environment;</p> <p>(C) protecting or managing the use of the State's natural, cultural, mining or energy resources;</p> <p>(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>(iv) evading a State tax, levy or duty or otherwise fraudulently causing a loss of State revenue;</p>

	<p>(v) fraudulently obtaining or retaining an appointment; and</p> <p>(c) would, if proved, be—</p> <p>(i) a criminal offence; or</p> <p>(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>
Detriment	<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>
Disability	<p>As defined in section 11 of the <a href="#">Disability Services Act 2006</a>, 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);</p> <p>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 <a href="#">Public Interest Disclosure Act 2010</a> .
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 <a href="#">Public Interest Disclosure Act 2010</a>, 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	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

	<p>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"> <li>• avoid bias; and</li> <li>• give a fair hearing.</li> <li>• act only on the basis of logically probative evidence.</li> </ul>
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"> <li>• providing moral and emotional support</li> <li>• advising disclosers about agency resources available to handle any concerns they have as a result of making their disclosure</li> <li>• appointing a mentor, confidante or other support officer to assist the discloser through the process</li> <li>• referring the discloser to the agency's Employee Assistance Program or arranging for other professional counselling</li> <li>• generating support for the discloser in their work unit where appropriate</li> <li>• ensuring that any suspicions of victimisation or harassment are dealt with</li> <li>• maintaining contact with the discloser</li> <li>• 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.</li> </ul>
Proper authority	A person or organisation that is authorised under the <a href="#">Public Interest Disclosure Act 2010</a> 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 <a href="#">Public Interest Disclosure Act 2010</a> 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"> <li>• has made or intends to make a disclosure; or</li> <li>• has been or intends to be involved in a proceeding under the disclosure Act against any person.</li> </ul> <p>Reprisal under the <a href="#">Public Interest Disclosure Act 2010</a> is a criminal offence and investigations may be undertaken by the Queensland Police Service.</p>
<b>Subject officer</b>	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>

## 22. Relevant Legislation

[Crime and Corruption Act 2001](#)

[Local Government Act 2009](#)

[Ombudsman Act 2001](#)

[Public Interest Disclosure Act 2010](#)

[Public Records Act 2002](#)

[Public Sector Ethics Act 1994](#)

[Coexistence Queensland Act 2013](#)

## 23. Related Policies and Procedures

Complaints Management Framework

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

Queensland Ombudsmen PID Resources Page

## 24. Supporting information

- [Public Interest Disclosure Standard No. 1/2019](#)
- [Public Interest Disclosure Standard No. 2/2019](#)
- [Public Interest Disclosure Standard No. 3/2019](#)
- [Disclosure Fact sheet 1: What is a disclosure](#)
- [Disclosure Fact sheet 2: Checklist for making a disclosure](#)
- [Disclosure Fact sheet 3: \*\*Discloser\*\* information and support](#)

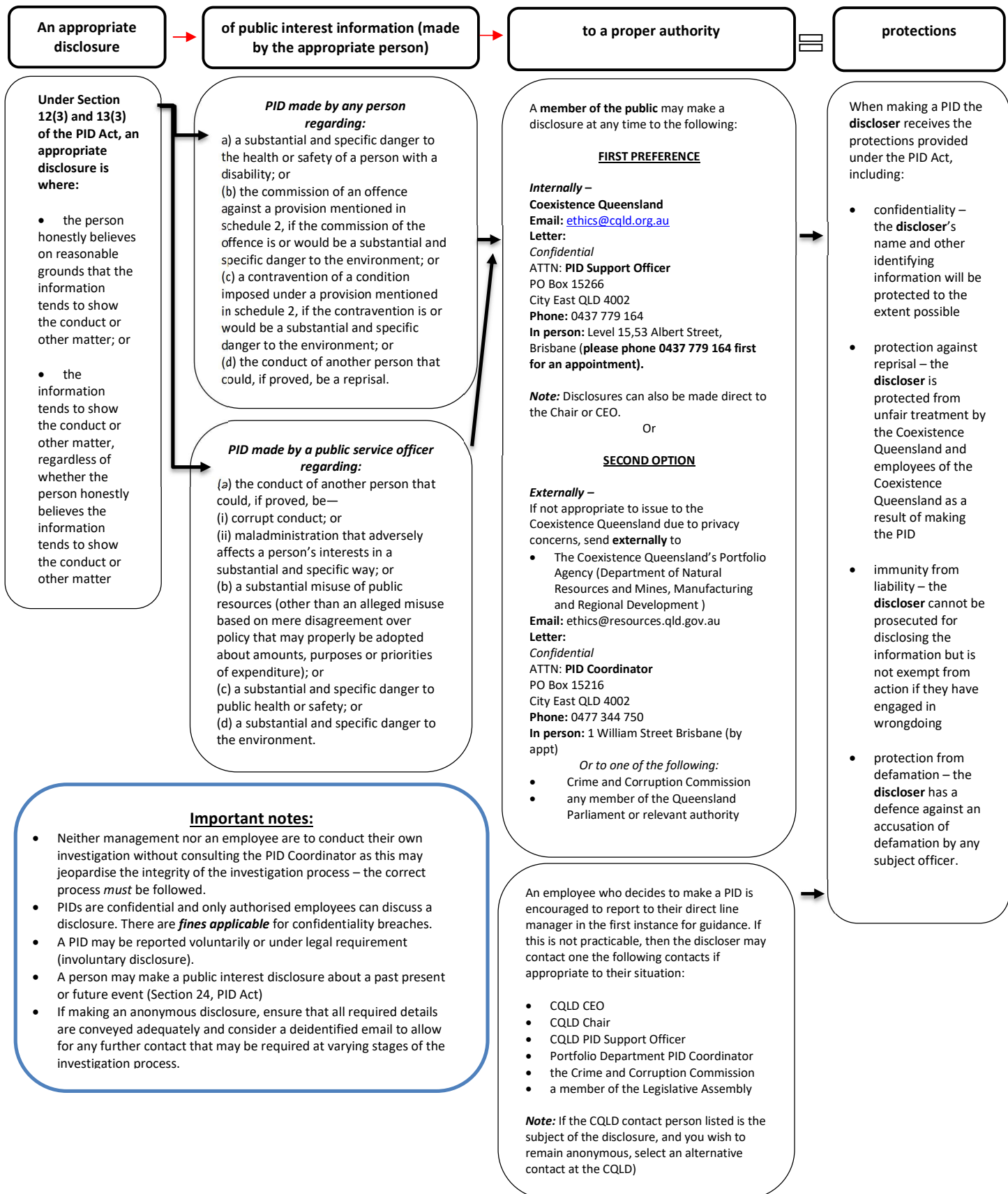
## 25. Version Control

Version	Amendments	Approved	Date
1.	New Policy	CEO	15 June 2022
2.	Annual Review	CEO	12 June 2025



## Appendix 1 – Appropriate Disclosure Chart

To be eligible for the legal protections available under the PID Act an *appropriate disclosure* must be made. This requires the disclosure to be made to an appropriate authority. The following chart provides an overview of an appropriate disclosure.



## Appendix 2 – Disclosure Examples

Under Section 12(1) of the PID Act, **any person** (including public officers) can make a disclosure if the person has information about the following PID types. The table below provides some examples for each PID type.

PID Type	Example
<b><i>A substantial and specific danger to the health and safety of a person with a disability</i></b>	This includes any substantial and specific danger to the health or safety of a person with a disability. Examples include: <ul style="list-style-type: none"> <li>- carers physically or sexually abusing clients</li> <li>- inadequate decision making in respect of a mental health patient</li> </ul>
<b><i>The commission of an offence against a provision mentioned in schedule 2, if the commission of the offence is or would be a substantial and specific danger to the environment</i></b>	Refer to PID Act Schedule 2
<b><i>A contravention of a condition imposed under a provision mentioned in schedule 2, if the contravention is or would be a substantial and specific danger to the environment</i></b>	Refer to PID Act Schedule 2
<b><i>The conduct of another person that could, if proved, be a reprisal.</i></b>	A reprisal is a form of detriment to a person because it is believed that somebody has made or intends to make a PID. Examples include: <ul style="list-style-type: none"> <li>- threatening or harassing a discloser or those close to them</li> <li>- discriminating against a discloser in subsequent job applications</li> </ul>

Under Section 13(1) of the PID Act, a public officer can make a disclosure if the person has information about the following PID types. The table below provides some examples for each PID type.

PID Type	Example
<b><i>Corrupt Conduct</i></b>	The abuse of entrusted power for private gain. For example: <ul style="list-style-type: none"> <li>- collusive tendering</li> <li>- a former public official selling confidential information gained while working in an official capacity</li> <li>- a local councillor voting in favour of a development in which the councillor has an undisclosed financial interest.</li> </ul>
<b><i>Maladministration that adversely affects a person's interests in a substantial and specific way</i></b>	Defined in schedule 4 of the PID Act, maladministration is widely defined to cover an act or failure to do an act that was unlawful, unreasonable, unfair, improper, unjust, improperly discriminatory or based on a mistake of law or fact or otherwise wrong. Examples include: <ul style="list-style-type: none"> <li>- incompetent / negligent decision-making</li> <li>- unreasonable decisions regarding planning or development applications</li> </ul>
<b><i>Substantial misuse of public resources</i></b>	This involves a substantial misuse of public resources. A PID cannot be based on an individual disagreeing with policy that may properly be adopted about amounts, purposes or priorities of expenditure. Examples include: <ul style="list-style-type: none"> <li>- inaccurate reporting of a project's performance information</li> <li>- negligent accounting practices</li> </ul>
<b><i>Substantial and specific danger to public health or safety</i></b>	This includes any substantial and specific danger to the health or safety of the public. For example: <ul style="list-style-type: none"> <li>- selling or providing contaminated products to the public</li> <li>- a nurse's negligence that results in the death of a (public or private) hospital patient</li> </ul>
<b><i>Substantial and specific danger to the environment</i></b>	This refers to any conduct that is an offence, or the contravention of a condition imposed, under Queensland environmental legislation (as listed in PID Act, schedule 2). For example: <ul style="list-style-type: none"> <li>- a shipping company discharging oil into the coastal waters of Queensland</li> <li>- any person or business clearing trees without a permit.</li> </ul>