



## 1. Purpose

The purpose of this policy is to outline how a Public Interest Disclosure (PID) can be made and how Resources Safety and Health Queensland (RSHQ) will comply with the *Public Interest Disclosure Act 2010* (PID Act).

A Public Interest Disclosure (PID) is a report or complaint about a reasonable suspicion of serious wrongdoing in the public sector and can be made by an employee or a member of the public. An effective PID system contributes to the integrity of RSHQ and increases community trust.

## 2. Policy

RSHQ is committed to fostering an ethical, respectful and transparent culture. RSHQ therefore values the disclosure of information about suspected wrongdoing in the public sector so that it can be properly assessed and, if necessary, appropriately investigated. RSHQ will provide support to an employee or other person who makes a disclosure about matters in the public interest. This policy demonstrates this commitment and ensures that practical and effective procedures are implemented which comply with the requirements of the PID Act.

By complying with the PID Act RSHQ will:

- promote the public interest by facilitating 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 subject of a PID; and
- ensure protection from reprisal is afforded to persons making PIDs.

As required under the PID Act, the Chief Executive Officer (CEO) will implement procedures to ensure that:

- any public officer who makes a PID is given appropriate support;
- PIDs made to RSHQ 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 RSHQ consistent with the standard issued by the

- Queensland Ombudsman is developed and implemented; and
- public officers who make PIDs are offered protection from reprisal.

RSHQ's PID Policy is available for public viewing at <https://www.rshq.qld.gov.au/>. The PID Policy will be reviewed annually and updated as required to ensure it meets the requirement of the PID Act and the standards issued by the Queensland Ombudsman.

The PID Policy applies to all RSHQ employees. The policy also provides for other persons to make a PID.

### 3. Principles

The following principles outline the framework upon which PID's will be managed:

- All reasonable measures will be put in place to ensure that a discloser is not subject to reprisal action or detrimental treatment and that their identity and the details of the disclosure remain confidential to the extent provided for by the law.
- Appropriate support will be provided to employees who are the subject of a PID, including access to the Employee Assistance Scheme.
- Corrupt conduct allegations that meet the *Crime and Corruption Act 2001* definition will be referred to the Crime and Corruption Commission (CCC).
- RSHQ will provide reasonable information about the outcome of a reported PID to the discloser and to the subject officer of the PID.
- Employees will be provided with appropriate information to identify wrongdoing, how to report it and the protection and support available for making a PID.
- RSHQ will make appropriate resources and assistance available to employees who receive or manage a PID.

### 4. Authority

- Crime and Corruption Act 2001*
- Public Sector Ethics Act 1994*
- Public Service Act 2008*
- Public Interest Disclosure Act 2010* (formerly *Whistleblowers Protection Act 1994*)
- Queensland Ombudsman Public Interest Disclosure Standard No 1/2019
- Queensland Ombudsman Public Interest Disclosure Standard No 2/2019

### 5. Scope

Unless otherwise specified, this policy applies to all:

- public services officers
- permanent, temporary and casual employees

- general employees
- trainees and cadets

This procedure does not apply to consultants, contractors or volunteers

## 6. Procedure

### 6.1 PID Management Program

The CEO has overall responsibility for ensuring that RSHQ develops, implements and maintains a PID management program. RSHQ PID management program encompasses:

- the commitment to encouraging the internal reporting of wrongdoing;
- senior management endorsement of the value to RSHQ of PIDs and the proper management of PIDs;
- a communication strategy to raise awareness among employees about PIDs and RSHQ's PID Policy;
- 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 PID Coordinator;
- effective systems and procedures to ensure that issues and outcomes from PIDs inform improvements to service delivery, business processes and internal controls; and
- regular review of the PID Policy and evaluation of the effectiveness of the PID management program.

The CEO has designated the following roles and responsibilities for managing PIDs within RSHQ:

<b>Role</b>	<b>Responsibility</b>	<b>Officer</b>
CEO	<ul style="list-style-type: none"> <li>• Ensure effective procedures, systems, and compliance with the PID Act.</li> <li>• Responsible for PID management program.</li> </ul>	CEO, RSHQ Resources Safety & Health Queensland  E: officeofceo@rshq.qld.gov.au A: Level 19, 275 George Street, Brisbane QLD 4000   PO Box 15216 City East, QLD, 4002 W: www.rshq.qld.gov.au
PID Coordinator	<ul style="list-style-type: none"> <li>• Principal contact for PID issues within RSHQ.</li> <li>• Document and manage implementation of the PID management program.</li> <li>• Review the PID Policy annually.</li> <li>• Maintain and update internal records of PIDs received.</li> <li>• Report data on PIDs to the Queensland Ombudsman.</li> <li>• Assess PIDs received.</li> </ul>	Chief Complaints Officer Resources Safety & Health Queensland  E: ethics@rshq.qld.gov.au A: PO Box 15216 City East, QLD, 4002 W: www.rshq.qld.gov.au

<b>Role</b>	<b>Responsibility</b>	<b>Officer</b>
	<ul style="list-style-type: none"> <li>• Provide acknowledgement of receipt of a PID to the discloser.</li> <li>• Undertake risk assessments in consultation with disclosers and other relevant officers.</li> <li>• Liaise with other agencies about the referral of PIDs.</li> <li>• Allocate an Investigator and Support Officer to a PID matter.</li> <li>• Provide outcome advice for PIDs.</li> </ul>	
PID Support Officer	<ul style="list-style-type: none"> <li>• Provide advice and information to discloser on RSHQ PID Policy.</li> <li>• Provide personal support and referral to other sources of advice or support as required.</li> <li>• Facilitate updates on the progress of any investigation.</li> <li>• Proactively contact the discloser throughout the PID management process.</li> </ul>	<p>Director, Human Resources or Principal HR Consultant Resources Safety &amp; Health Queensland</p> <p>E <a href="mailto:ethics@rshq.qld.gov.au">ethics@rshq.qld.gov.au</a> A PO Box 15216 City East, QLD, 4002 W <a href="http://www.rshq.qld.gov.au">www.rshq.qld.gov.au</a></p>
Investigator	<ul style="list-style-type: none"> <li>• Conduct investigation of information in the PID in accordance with the terms of reference.</li> <li>• Prepare a report for the 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 the investigation report and determine whether the alleged wrongdoing is substantiated.</li> </ul>	An appropriate decision-maker will be appointed for each PID investigated.

## 6.2 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. RSHQ supports the disclosure of information about wrongdoing because:

- implementing systems for reporting and dealing with wrongdoing contributes to the integrity of RSHQ;
- the outcomes of PIDs can include improvements to systems that prevent fraud and other economic loss to RSHQ; 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 RSHQ and employees of RSHQ as a result of making a 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; and
- protection from defamation – the discloser has a defence against an accusation of defamation by any subject officer.

### 6.3 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; or
- a reprisal because of a belief that a person has made or intends to make a disclosure.

Additionally, public 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; and
- 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 RSHQ to assess information received and decide if it is a PID; or
- 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.

### 6.4 Who can a PID be disclosed to?

A PID must be made to a ‘proper authority’ (refer to ‘Definitions’) to receive disclosures of the

type being made.

Disclosers are encouraged to make a disclosure to an appropriate officer of RSHQ first. If the matter is not resolved, or the discloser is concerned about confidentiality, the disclosure may be made to another appropriate agency.

<b>RSHQ positions that can receive Public Interest Disclosures</b>	<b>Other agencies that can receive Public Interest Disclosures</b>
<p>Any person (including employees) can make a disclosure to:</p> <ul style="list-style-type: none"> <li>• any person in a supervisory or management position; or</li> <li>• the Human Resources unit; or</li> <li>• Chief Complaints Officer; or</li> <li>• CEO</li> </ul>	<p>Disclosures can 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>• Department of Child Safety, Youth and Women for disclosures about danger to the health and safety of a child or young person with a disability;</li> <li>• Department of Communities, Disability Services and Seniors 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>• Department of Environment and Science for disclosures about danger to the environment;</li> <li>• a Member of the Legislative Assembly for any wrongdoing or danger;</li> <li>• the Chief Judicial Officer of a court or tribunal in relation to a disclosure about wrongdoing by a judicial officer.</li> </ul>

A disclosure can also 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.

## 6.5 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; and
  - any further information that could help investigate the PID; and
- provide this information in writing.

## 6.6 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 from the Office of the Queensland Ombudsman to inform the decision. If doubt still remains, the matter will be considered and managed as a PID.

Mere disagreements over the policy direction of government or agency 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 to 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, RSHQ 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 RSHQ proposes to take in the matter;
- any other options the discloser has in the matter.

## 6.7 Assessing a PID

The disclosure will be assessed in accordance with the PID Act, the PID Standards and RSHQ's PID Policy.

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

- that their information has been received and assessed as a PID;
- of the action to be taken by RSHQ in relation to the disclosure, which could include referring the matter to an external agency, or investigating;
- of the likely timeframe involved;
- of the name and contact details of the RSHQ support officer they can contact for updates or advice;
- of the discloser's obligations regarding confidentiality;
- of the protections the discloser has under the PID Act;
- of the commitment of RSHQ 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; and
- of the contact details for the RSHQ Employee Assistance Program.

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

## **6.8 Referring a PID**

If RSHQ 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; or
- the agency has the power to investigate or remedy the matter.

Before referring a PID to another agency, RSHQ 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 a matter may be referred to the CCC 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 RSHQ to communicate with another agency about the referral of a PID. Officers will exercise discretion in their contacts with any other agencies.

The discloser will be advised of the key actions taken by RSHQ.

## **6.9 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, RSHQ will conduct a risk assessment to assess the likelihood of the discloser 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 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 take into account the risk to persons who may be suspected of making the PID.

Consistent with the assessed level of risk, RSHQ will arrange any reasonably necessary support or protection for the discloser (or witnesses or affected third parties).

RSHQ 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, RSHQ will:

- attend to the safety of disclosers or affected third parties as a matter of priority;
- review its risk assessment and any protective measures needed to mitigate any further risk or reprisal; and
- manage any allegation of a reprisal as a PID in its own right.

#### **6.10 Declining to take action on a PID**

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

- 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 RSHQ from the performance of its functions; or
- another agency with jurisdiction to investigate the information has informed RSHQ that an investigation is not warranted.

If a decision is made not to investigate or deal with a PID, RSHQ 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, RSHQ within 28 days of receiving the written reasons for decision.

#### **6.11 Communication with disclosers**

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

RSHQ 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 RSHQ; and
- support arrangements.

RSHQ 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, RSHQ will advise the discloser in writing of the action taken and results of the action.

## **6.12 Confidentiality**

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

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

RSHQ 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 RSHQ will make every attempt to keep their details confidential, it cannot guarantee that others will not try to deduce their identity.

## **6.13 Support for disclosers**

RSHQ 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.

## **6.14 Investigating a PID**

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

- principles of natural justice;
- obligation under the PID Act to protect confidential information;
- obligation under the PID Act to protect officers from reprisal; and
- 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, RSHQ will consider if it is necessary to review systems, policies and procedures to identify whether there are improvements that can be made and if employee training is required.

### **6.15 Rights of subject officers**

RSHQ acknowledges that for officers who are the subject of a PID the experience may be stressful. RSHQ 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 outcomes of any investigation; and
- referring them to the Employee Assistance Program for support.

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

### **6.16 Recordkeeping**

In accordance with its obligations under the PID Act and the Public Records Act 2002, RSHQ will ensure that:

- accurate data is collected about the receipt and management of PIDs; and
- anonymised data is reported to the Office of the Queensland Ombudsman in their roles 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.

## **7. Delegations**

Delegations are to be exercised in accordance with the Human Resource delegations and authorisations. Delegation Schedules are reviewed on a regular basis to ensure they remain

current and relevant to the operational needs of RSHQ. It is recommended that delegate authority levels are confirmed prior to exercising any powers in relation to determination.

## 8. Responsibilities

Every employee of the Queensland Public Service has a responsibility to report suspected corrupt conduct, maladministration, wasting of public funds, substantial and specific danger to public health and safety, the environment or a person with a disability, and reprisal action.

Managers will promote an environment in which the reporting of wrongdoing and danger is encouraged and appropriate support and protection is provided to an employee who makes a PID or is subject to a PID. Managers are to ensure their employees are aware of their responsibilities in relation to PIDs. All managers can receive a PID, however must progress it confidentially to the PID Officer.

The PID Officer is the nominated officer with overall responsibility for issues related to the management of PIDs within RSHQ.

They will:

- develop, maintain and communicate the PID Policy;
- coordinate PIDs including assessment, management and investigations on behalf of the delegate;
- provide advice to disclosers;
- provide reports to the Queensland Ombudsman;
- provide reports to the CEO and relevant senior executives as required;
- refer any corrupt conduct matters to the CCC liaison officer;
- arrange PID resources and training;
- monitor the effectiveness of the PID Policy;
- maintain records for PIDs on behalf of RSHQ.

The Chief Executive Officer must ensure effective procedures are in place to receive a PID and to monitor a discloser's workplace for signs of reprisal action. RSHQ is committed to evaluate the outcomes of PIDs to identify improvements in service delivery, process and procedures and will regularly review the PID Policy and related documents.

## 9. Definitions and glossary of terms

For full definitions, refer to the PID Act.

**Administrative action** - As defined in Schedule 4 of the PID Act. Administrative action is any action about a matter of administration including:

- a decision and an act;
- a failure to make a decision or do an act, including a failure to provide a written statement of reasons for a decision;
- the formulation of a proposal or intention;
- the making of a recommendation, including a recommendation made to a Minister; and
- an action taken because of a recommendation to a Minister.

Administrative action does not include an operational action of a police officer or of an officer of the CCC.

**Confidential information** - Includes information:

- about the identity, occupation, residential or work address or whereabouts of a person who makes a PID or against whom a PID has been made;
- disclosed by a PID;
- about an individual's personal affairs; and
- that if disclosed, may cause detriment to a person.

Confidential information does not include information publicly disclosed in a PID made to a court, tribunal or other entity that may receive evidence under oath, unless further disclosure of the information is prohibited by law.

**Corrupt conduct** - As defined in section 15 of the *Crime and Corruption Act 2001*, means conduct of a person, regardless of whether the person holds or held an appointment that:

- adversely affects, or could adversely affect, directly or indirectly, the performance of functions or the exercise of powers of a unit of public administration or a person holding an appointment; and
- results, or could result, directly or indirectly, in the performance of functions or the exercise of powers (of a unit of public administration or a person holding an appointment) in a way that:
  - is not honest or is not impartial; or
  - involves a breach of the trust placed in a person holding an appointment, either knowingly or recklessly; or
  - 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

- would, if proved, be:
- a criminal offence; or
- a disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or were the holder of an appointment.

“Corrupt conduct” also means conduct of a person, regardless of whether the person holds or held an appointment that impairs, or could impact, public confidence in public administration and involves, or could involve, any of the following:

- collusive tendering;
- fraud relating to the application for a licence, permit or other authority under an Act with a purpose or object of:
  - protecting health or safety of persons;
  - protecting the environment;
  - protecting or managing the use of the State's natural, cultural, mining or energy resources;
- dishonestly obtaining, or helping someone dishonestly obtain, a benefit from the payment of application of public funds or the disposition of State assets;
- evading a State tax, levy or duty or otherwise fraudulently causing a loss of State revenue; and
- would, if proved, be:
- a criminal offence; or
- a disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or were the holder of an appointment.

**Decision Maker** - The position holder with the delegated HR authority to instigate disciplinary action in RSHQ. Refer to the Human Resource Delegations.

**Detriment** - As defined in section 4 of the PID Act. Detriment includes:

- personal injury or prejudice to safety;
- property damage or loss;
- intimidation or harassment;
- adverse discrimination, disadvantage or adverse treatment about career, profession, employment, trade or business;
- financial loss; or
- damage to reputation, including personal, professional or business reputation.

**Disability** - As defined in section 11 of the *Disability and Services Act 2006*. Disability, for the purpose of this policy, means:

- a person's condition that is attributable to:
- an intellectual, psychiatric, cognitive, neurological, sensory or physical impairment; or
- a combination of these impairments; and

- results in:
  - a substantial reduction of the person's capacity for communication, social interaction, learning, mobility, or self care or management; and
  - the person needing support.

The disability must be permanent or likely to be permanent. The disability may be, but need not be, of an episodic nature.

**Discloser** - A person making a public interest disclosure.

**Employee** - Includes a person engaged by RSHQ under a contract of service.

**Investigation** - For the purposes of this policy, 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** - As defined in section 4 of the PID Act. Maladministration is administrative action that was:

- taken contrary to law; or
- unreasonable, unjust, oppressive, or improperly discriminatory; or
- 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
- taken:
  - for an improper purpose;
  - on irrelevant grounds; or
  - having regard to irrelevant considerations; or
- an action for which reasons should have been given, but were not given; or
- based wholly or partly on a mistake of law or fact; or
- wrong.

**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.

The rules of natural justice, which have been developed to ensure that decision making is fair and reasonable, are:

- avoid bias; and
- give a fair hearing; and
- act only on the basis of logically probative evidence.

**Organisational support** - Includes actions such as, but not limited to:

- providing moral and emotional support;
- advising disclosers about 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 disclosure through the process;
- referring the discloser to the Employee Assistance Program or arranging other professional counselling;
- generating support for the discloser in their work unit where appropriate;
- maintaining contact with the discloser;
- negotiating with the discloser or their support officer for 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 PID Act to receive disclosures. In RSHQ a 'proper authority' is any person in a supervisory or management position, the CEO and PID Coordinator.

**Public Interest Disclosure (PID)** - A PID is a report about suspected wrongdoing or danger. For a report to be considered a PID and to gain the protections of the PID Act, the discloser must have reasonable grounds for believing there is wrongdoing, and make a report to a proper authority. The PID includes all information and help given by a discloser to a proper authority for the disclosure.

**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** - Action taken by a manager in relation to an employee, including a reasonable:

- appraisal of an employee's work performance;
- requirement that an employee undertake counselling;
- suspension of an employee from the workplace;
- disciplinary action;
- action to transfer or deploy an employee;
- action to end an employee's employment by way of redundancy or retrenchment; or
- action in relation to an employee's failure to obtain a promotion, reclassification, transfer or benefit, or to retain a benefit, in relation to an employee's employment.

**Reprisal** - As defined in section 40 of the PID Act, the term 'reprisal' means causing, attempting to cause or conspiring to cause detriment to another person in the belief that they or someone else:

- has made or intends to make a disclosure; or
- has been or intends to be involved in a proceeding under the PID Act against any person.

Reprisal under the PID Act is a criminal offence and investigations may be undertaken by the Queensland Police Service.

**Subject officer** - An officer who is the subject of allegations of wrongdoing made in a disclosure.

**Substantial and specific** - Substantial means 'of a significant or considerable degree'. It must be more than trivial or minimal and have some weight or importance.

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.

## 10. Related documents

Code of Conduct for the Queensland Public Service	<a href="https://www.forgov.qld.gov.au/about-code-conduct">https://www.forgov.qld.gov.au/about-code-conduct</a>
<i>Crime and Corruption Commission Act 2001</i>	<a href="https://www.legislation.qld.gov.au/">https://www.legislation.qld.gov.au/</a>
<i>Public Interest Disclosure Act 2010</i>	<a href="https://www.legislation.qld.gov.au/">https://www.legislation.qld.gov.au/</a>
Public Interest Disclosure Standards – 1, 2 and 3	<a href="https://www.ombudsman.qld.gov.au/what-we-do/role-of-the-ombudsman/legislation-and-standard">https://www.ombudsman.qld.gov.au/what-we-do/role-of-the-ombudsman/legislation-and-standard</a>
<i>Public Records Act 2002</i>	<a href="https://www.legislation.qld.gov.au/">https://www.legislation.qld.gov.au/</a>
<i>Public Sector Ethics Act 1994</i>	<a href="https://www.legislation.qld.gov.au/">https://www.legislation.qld.gov.au/</a>
RSHQ Employee Assistance program	<a href="https://rshqintranet.lands.resnet.qg/hr/workplace-health-and-safety/employee-assistance/assistance-program">https://rshqintranet.lands.resnet.qg/hr/workplace-health-and-safety/employee-assistance/assistance-program</a>
PID Management Program Guidelines	Available via PID Coordinator
Disclosure Fact sheet 1: What is a public interest disclosure	<a href="https://www.ombudsman.qld.gov.au/improve-public-administration/public-interest-disclosures/what-is-a-public-interest-disclosure">https://www.ombudsman.qld.gov.au/improve-public-administration/public-interest-disclosures/what-is-a-public-interest-disclosure</a>
Disclosure Fact Sheet 2: Checklist for making a public interest disclosure	<a href="https://www.ombudsman.qld.gov.au/how-to-complain/how-to-make-a-public-interest-disclosure/a-checklist-for-making-a-public-interest-disclosure">https://www.ombudsman.qld.gov.au/how-to-complain/how-to-make-a-public-interest-disclosure/a-checklist-for-making-a-public-interest-disclosure</a>
Disclosure Fact sheet 3: Discloser information and support	<a href="https://www.ombudsman.qld.gov.au/how-to-complain/how-to-make-a-public-interest-disclosure/discloser-information-and-support-/discloser-information-and-support">https://www.ombudsman.qld.gov.au/how-to-complain/how-to-make-a-public-interest-disclosure/discloser-information-and-support-/discloser-information-and-support</a>

## 11. Review

Next Review: 1 July 2021, and at other times if any significant new information or legislative or organisation change warrants a change to this document.

## 12. Approval

 Signed: <b>Rob Djukic</b> Chief Operating Officer, Corporate Resources Safety & Health Queensland Date: 28 August 2020
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## 13. Version history

Date	Version	Action	Description / comments
28 August 2020	1.00	Approved by the Chief Operating Officer	New document

## 14. Keywords

RSHQ/HR/2020/04; template; policy register; PID; Ombudsman; Manager; discloser; public; Chief Operating Officer; Chief Executive; disclosure; complaint; public interest; grievance