

# Public Interest Disclosure Policy

## 1 Purpose

This policy establishes the underlying principles and obligations of the Department of Communities, Housing and Digital Economy (the department) concerning public interest disclosures (PIDs) under the [Public Interest Disclosure Act 2010](#) (PID Act). This policy has been developed in accordance with the PID Act and the Public Interest Disclosure Standards issued by the Queensland Ombudsman (PID Standards) which require agencies to have reasonable procedures to deal with PIDs.

This policy applies to:

- all employees working for the department regardless of whether they are permanent, temporary, full-time, part-time or casual employees and/or on secondment from another department
- other persons who perform work for the department including contractors, students gaining work experience and volunteers. For the purposes of this policy, the term contractor includes on-hired temporary labour services (agency staff)
- other persons whose complaint or information has been assessed as a PID.

## 2 Policy statement

The department is committed to fostering an ethical, transparent culture. In pursuit of this, the department values the disclosure of information about suspected wrongdoing in the public sector so that it can be properly assessed and, if necessary, appropriately investigated.

The department will ensure disclosers are supported and protected from reprisal action for making a PID and that appropriate consideration is given to persons who are the subject of a PID. The department is also committed to developing, implementing and maintaining a PID management program.

This policy forms part of the department's overall approach to integrity management and should be read in conjunction with the Public interest disclosure procedure (PID Procedure), Corrupt conduct prevention policy, Corrupt conduct prevention procedure, Complaints Management Policy, Employee complaints policy, Fraud and corruption control policy, Fraud and corruption control plan, Risk management policy and the Code of Conduct for the Queensland Public Service.

## 3 What is a PID?

Under the PID Act, any person, including an employee, 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.

Employees can make a disclosure about the following public interest matters:

- corrupt conduct
- maladministration that adversely affects a person's interests in a substantial and specific way
- a substantial misuse of public resources
- a substantial and specific danger to public health or safety
- substantial and specific danger to the environment.

A person or employee who makes a disclosure under the PID Act are generally referred to as 'disclosers' under this policy.

## 4 Making a PID?

Disclosers are encouraged to report PIDs directly to the department's Integrity Services Unit:

Integrity Services Unit  
 Strategy and Corporate Services  
 GPO Box 2457  
 Brisbane Qld 4001  
 Telephone: (07) 3109 4897  
 Email: [integrityservices@chde.qld.gov.au](mailto:integrityservices@chde.qld.gov.au)

Disclosers can, however, report PIDs externally to another proper authority, either as a first step or if they are unhappy with the department's initial response.

Disclosures can be made in any way, including anonymously, either verbally or in writing. Disclosers are, however, encouraged to give their contact details so the department can contact them to provide support, obtain any further information and provide outcome advice.

The department is committed to taking appropriate action on disclosures (subject to sufficient information being provided).

Under the PID Act, a discloser may disclose substantially the same information to a journalist after they have made a PID to the department or another entity under certain circumstances (refer to the PID Procedure for more information).

## 5 Protection from reprisal

Making a PID about suspected wrongdoing is the right thing to do. Disclosers should not suffer harm or detriment because they have spoken up, or someone believes they may have spoken up. This type of action is called reprisal and is an offence under the PID Act.

The department will protect persons who make a PID, or are involved in a PID investigation, from reprisal.

When a disclosure is made, the department will assess the risks to the discloser and offer support.

Allegations of reprisal are taken very seriously and will be assessed and appropriate action taken, which may include referral to the Crime and Corruption Commission and/or the Queensland Police Service.

## 6 Responsibilities

Key roles and responsibilities are as follows:

### 6.1 Director-General

The Director-General has overall responsibility for:

- the department's compliance with the PID Act and delegating responsibilities under the PID Act as considered appropriate, including:
  - receiving and assessing PIDs
  - establishing reasonable procedures to deal with PIDs
  - keeping a record of disclosures
  - reviewing the department's decisions not to investigate or deal with PIDs on request
  - providing disclosure information to the Office of the Queensland Ombudsman
- leading a workplace culture that encourages, supports and raises awareness about disclosures and the appropriate management of PIDs
- ensuring that the department develops, implements and maintains a PID management program

- appointing a PID Coordinator of the department with responsibility for the implementation of the department's PID management program, including acting as a principal point of contact with the Office of the Queensland Ombudsman.

## 6.2 PID Coordinator

The PID Coordinator is appointed under departmental administrative Delegation 1008A and is responsible for:

- coordination of the department's PID processes, including a PID management program and reporting to the Office of the Queensland Ombudsman. The PID Coordinator is the principal contact for PID issues within the department
- allocating an investigator and support officer to PID matters
- monitoring the investigation (if applicable) and resolution of PIDs and managing support and protection of disclosers
- reviewing and updating the PID procedure annually.

## 6.3 Integrity Services Unit

The Integrity Services Unit is responsible for:

- developing and delivering awareness and education initiatives in relation to PIDs, including protections afforded to disclosers
- assessing disclosures, recording, reporting and managing PIDs in accordance with the PID Act, the PID Standards and the PID Procedure
- liaising with other agencies about the referral of PIDs
- undertaking and managing investigations of PIDs and any allegations of reprisal.

## 6.4 Divisional Heads and Managers/Supervisors

The Divisional Heads and Managers/Supervisors are responsible for:

- raising awareness with staff about PIDs and encouraging the reporting of wrongdoing
- responding to a reported PID in accordance with this policy and the PID procedure
- ensuring all new employees and agency staff complete an induction process, including the completion of mandatory training in relation to public sector ethics and the Code of Conduct for the Queensland Public Service
- in response to a PID and in consultation with the Integrity Services Unit:
  - providing support to the discloser
  - monitoring for reprisal
  - maintaining appropriate confidentiality
  - keeping appropriate records
- ensuring that PIDs are properly investigated and appropriate action is taken with respect to any wrongdoing which is the subject of a PID.

## 6.5 All employees and persons who performs work for the department

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

- reporting suspected wrongdoing, including any breaches of this policy, to the Integrity Services Unit (or an external agency, if appropriate). For further information on how to make a PID, refer to the department's PID Procedure
- maintaining appropriate confidentiality in relation to a PID
- refraining from taking reprisal action in relation to a PID
- where relevant, undertaking mandatory public sector ethics training provided by the department, including training in relation to the Code of Conduct for the Queensland Public Service.

## 7 Delegations

Refer to [Delegation 1008A](#) – Delegation to Deal with Public Interest Disclosures under the Public Interest Disclosure Act 2010.

## 8 Reporting requirements

The Integrity Services Unit is responsible for providing statistical reports on PIDs to the Deputy Director-General, Strategy and Corporate Services and the Board of Management, in addition to other reporting as required including to the Queensland Ombudsman as the oversight agency for the PID Act.

## 9 Human rights

The policy has been reviewed for compatibility with human rights under the [Human Rights Act 2019](#) (the Act). The policy has been found to limit human rights only to the extent that is lawful, reasonable, and demonstrably justifiable in accordance with section 13 of the Act therefore, it is reasonable to conclude that the policy is compatible with human rights.

## 10 Approval

This policy was approved by the Director-General on 18 August 2022.

**Attachment 1:** Contacts

**Attachment 2:** References

**Attachment 3:** Definitions

## Licence

Public interest disclosure policy © The State of Queensland (Department of Communities, Housing and Digital Economy) 2022.



<http://creativecommons.org/licenses/by/4.0/deed.en>

This work is licensed under a Creative Commons Attribution 4.0 Australia Licence. You are free to copy, communicate and adapt this work, as long as you attribute by citing 'Public interest disclosure policy, State of Queensland (Department of Communities, Housing and Digital Economy) 2022'.

## Version Control

Version	Date	Comments
1	18 August 2022	Policy approved

## Attachment 1: Contacts

For further information, please contact:

Director (PID Coordinator)  
Integrity Services Unit  
Strategy and Corporate Services  
Telephone: (07) 3109 4897  
Email: [integrityservices@chde.qld.gov.au](mailto:integrityservices@chde.qld.gov.au)

To report corrupt conduct, email [integrityservices@chde.qld.gov.au](mailto:integrityservices@chde.qld.gov.au)

## Attachment 2: References

The requirements set out in this document are based on, and are consistent with, relevant Government legislation, regulations, directives, information standards and/or policies at the time of publication.

Examples are:

### Legislation and regulations

[Anti-Discrimination Act 1991](#)

[Crime and Corruption Act 2001](#)

[Human Rights Act 2019](#)

[Industrial Relations Act 1999](#)

[Public Interest Disclosure Act 2010](#)

[Public Records Act 2002](#)

[Public Sector Ethics Act 1994](#)

[Public Service Act 2008](#)

### Queensland Government documents

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

[Public Interest Disclosure Standard No. 1/2019 – Public Interest Disclosure Management Program](#)

[Public Interest Disclosure Standard No. 2/2019 – Assessing, Investigating and Dealing with Public Interest Disclosures](#)

[Public Interest Disclosure Standard No. 3/2019 – Public Interest Disclosure Data Recording and Reporting](#)

[Making a public interest disclosure – a guide for individuals working in the public sector 2011](#) (publication jointly prepared by the Queensland Ombudsman, the former Crime and Misconduct Commission and the Public Service Commission)

[Handling a public interest disclosure – a guide for public sector managers and supervisors 2011](#) (publication jointly prepared by the Queensland Ombudsman, the former Crime and Misconduct Commission and the Public Service Commission)

[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](#)

### Department of Communities, Housing and Digital Economy documents

Corrupt conduct prevention policy

Corrupt conduct prevention procedure

Complaints management policy

Employee complaints policy

Fraud and corruption control policy

Fraud and corruption control plan

Public interest disclosure procedure

Risk management policy

## Attachment 3: Definitions

Term	Description
<b>Administrative action</b>	<p>(a) means any action about a matter of administration, including, for example:</p> <ul style="list-style-type: none"> <li>(i) a decision and an act; and</li> <li>(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</li> <li>(iii) the formulation of a proposal or intention; and</li> <li>(iv) the making of a recommendation, including a recommendation made to a Minister; and</li> <li>(v) an action taken because of a recommendation made to a Minister; and</li> </ul> <p>(b) does not include an operational action of a police officer or of an officer of the Crime and Corruption Commission.</p>
<b>Confidential information</b>	<p>(a) includes —</p> <ul style="list-style-type: none"> <li>(i) information about the identity, occupation, residential or work address or whereabouts of a person — <ul style="list-style-type: none"> <li>(A) who makes a public interest disclosure; or</li> <li>(B) against whom a public interest disclosure has been made; and</li> </ul> </li> <li>(ii) information disclosed by a public interest disclosure; and</li> <li>(iii) information about an individual's personal affairs; and</li> <li>(iv) information that, if disclosed, may cause detriment to a person; and</li> </ul> <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>
<b>Corrupt conduct</b>	<p>as per the <a href="#">Crime and Corruption Act 2001</a>:</p> <p><b>"Corrupt conduct"</b> means <a href="#">conduct</a> of a person, regardless of whether the person holds or held an <a href="#">appointment</a>, that—</p> <p>Section 15(1)</p> <p>(a) adversely affects, or could adversely affect, directly or indirectly, the performance of functions or the exercise of powers of—</p> <ul style="list-style-type: none"> <li>(i) a unit of public administration; or</li> <li>(ii) a person holding an <a href="#">appointment</a>; and</li> </ul> <p>(b) results, or could result, directly or indirectly, in the performance of functions or the exercise of powers mentioned in <i>paragraph (a)</i> in a way that—</p> <ul style="list-style-type: none"> <li>(i) is not honest or is not impartial; or</li> <li>(ii) involves a breach of the trust placed in a person holding an <a href="#">appointment</a>, either knowingly or recklessly; or</li> </ul>

<b>Term</b>	<b>Description</b>
	<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 <a href="#">appointment</a>; 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 <a href="#">appointment</a>.</p> <p><b>"Corrupt conduct"</b> also means <a href="#">conduct</a> of a person, regardless of whether the person holds or held an <a href="#">appointment</a>, that—</p> <p>Section 15(2)</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 <a href="#">appointment</a>; 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 <a href="#">appointment</a>.</p>
<b>Detriment</b>	<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>



<b>Term</b>	<b>Description</b>
<b>Disability</b>	<p>as per section 11 of the <a href="#">Disability Services Act 2006</a>:</p> <p>(1) A disability is a person's condition that—</p> <p>(a) is attributable to—</p> <p>(i) an intellectual, psychiatric, cognitive, neurological, sensory or physical impairment; or</p> <p>(ii) a combination of impairments mentioned in subparagraph (i); and</p> <p>(b) results in—</p> <p>(i) a substantial reduction of the person's capacity for communication, social interaction, learning, mobility or self-care or management; and</p> <p>(ii) the person needing support.</p> <p>(2) For subsection (1), the impairment may result from an acquired brain injury.</p> <p>(3) The disability must be permanent or likely to be permanent.</p> <p>(4) The disability may be, but need not be, of a chronic episodic nature.</p>
<b>Discloser</b>	means a person who makes a disclosure in accordance with the <a href="#">Public Interest Disclosure Act 2010</a> .
<b>Divisional Heads</b>	means the Queensland Government Chief Customer and Digital Officer, all Deputy Directors-General and Associate-Directors-General.
<b>Employee</b>	<p>means a person employed in the department under the <a href="#">Public Service Act 2008</a> as a public service officer, general employee or temporary employee and/or a person on secondment from another department/agency.</p> <p>For clarity, labour hire or agency staff who perform work for the department are not engaged under a contract of service and are not 'employees' of the department for the purposes of this policy but are still 'persons' covered by this policy.</p>
<b>Investigation</b>	includes any enquiry undertaken to establish whether the information provided in a PID can be substantiated, including a review or audit.
<b>Journalist</b>	means a person engaged in the occupation of writing or editing material intended for publication in the print or electronic news media.
<b>Natural justice</b>	<p>Natural justice, also referred to as 'procedural fairness' applies to any decision that can affect the rights, interests or expectations of individuals in a direct or immediate way. Natural justice is at law a safeguard applying to an individual whose rights or interests are being affected.</p> <p>The rules of natural justice, which have been developed to ensure that decision-making is fair and reasonable, are:</p> <ul style="list-style-type: none"> <li>• avoid bias;</li> <li>• give a fair hearing</li> <li>• act only on the basis of logically probative evidence.</li> </ul>

<b>Term</b>	<b>Description</b>
<b>Maladministration</b>	<p>as per schedule 4 of the <a href="#">Public Interest Disclosure Act 2010</a>, means administrative action that—</p> <p>(a) was taken contrary to law; or</p> <p>(b) was unreasonable, unjust, oppressive, or improperly discriminatory; 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 style="padding-left: 40px;">(i) for an improper purpose; or</p> <p style="padding-left: 40px;">(ii) on irrelevant grounds; or</p> <p style="padding-left: 40px;">(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>
<b>Manager/supervisor</b>	means any person whose duties involve or include managing or supervising others in the carrying out of their duties, irrespective of their formal title.
<b>Organisational support</b>	<p>For the purposes of this procedure, organisational <i>support</i> 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>
<b>Proper authority</b>	a person or organisation that is authorised under the <a href="#">Public Interest Disclosure Act 2010</a> to receive disclosures.
<b>Reasonable belief</b>	A view which is objectively fair or sensible.
<b>Reasonable management action</b>	Action taken by a manager in relation to an employee, includes any of the following taken by the manager—

<b>Term</b>	<b>Description</b>
	<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>
<b>Reprisal</b>	<p>as per section 40 of the <a href="#">Public Interest Disclosure Act 2010</a>, means 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 <i>made</i> or intends to make a disclosure; or</li> <li>• has <i>been</i> or intends to be involved in a proceeding under the disclosure Act against any person.</li> </ul>
<b>Subject officer</b>	An officer who is the subject of allegations of wrongdoing made in a disclosure.
<b>Substantial and specific</b>	<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>