

Public interest disclosure policy

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Policy owner	Chief Human Resources Officer
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1. Policy Statement

The Department of Trade, Employment and Training (the department) is committed to providing a positive, ethical, and transparent workplace culture. 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.

2. Purpose

The purpose of this policy is to outline the key principles and requirements for the management of public interest disclosures (PIDs). By complying with the *Public Interest Disclosure Act 2010* (PID Act) the department 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 managed
- ensure appropriate consideration is given to the interests of persons who are the subject of a PID, and
- ensure protection from reprisal is afforded to persons making PIDs.

This policy should be read in conjunction with the department's [Public Interest Disclosure Procedure](#) Queensland Ombudsman's Public Interest Disclosure [standards](#) and [PID Act](#).

3. Scope

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. It also applies to non-employees including contractors, students gaining work experience and volunteers. For the purposes of this policy, the term contractor includes temporary labour services (agency staff).

4. Background and context

The department will ensure that:

- appropriate action is taken in relation to any wrongdoing subject of a PID made to the department
- employees who make PIDs are provided with appropriate support and protection by the department, and
- persons who are the subject of a PID are provided with appropriate support.



4.1 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, and
- 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, 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.

4.2 Public interest disclosure procedure

Employees requiring further information on PID, including the process for making a PID, should refer to the department's [Public interest disclosure procedure](#) [INSERT LINK], or contact the department's [Workforce Relations and Integrity Unit \(People and Culture\)](#).

5. Responsibilities

Role	Responsibilities
Delegates	Exercise delegated functions and powers in accordance with the department's relevant delegations, statutory provisions, whole-of-government policy, directives, and principles of procedural fairness.
Department	<ul style="list-style-type: none"> • Ensure PIDs made to by the department are properly assessed and, where appropriate, properly investigated and dealt with. Circumstances whereby the department may decide not to investigate may include: <ul style="list-style-type: none"> - 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 lacks substance to warrant investigation and would substantially and unreasonably divert the department's resources from the performance of its functions, or - another agency with jurisdiction to investigate the information has informed the department that an investigation is not warranted. • In the circumstances where the department decides not to investigate a PID, the department will provide the discloser with written reasons for that decision. • Develop, implement and maintain a PID management program in accordance with the PID Act and Public Interest Disclosure Standard No. 1/2019 – Public Interest Disclosure Management Program. • Provide appropriate support to an employee or others who make a disclosure about matters in the public interest, including the preservation of confidentiality and protection from reprisal • Adhere to all relevant record keeping requirements in accordance with section 29 of the PID Act and Public Records Act 2002.

Role	Responsibilities
	<ul style="list-style-type: none"> Not limit a human right or limit a human right only to the extent that is reasonable and demonstrably justified in accordance with section 13 of the Human Rights Act 2019; and Ensure matters are managed appropriately and in accordance with relevant department policies and procedures, and the Public Sector Act 2022.
Employees	<ul style="list-style-type: none"> Ensure all matters of wrongdoing are reported to the department's Workforce Relations and Integrity Unit (People and Culture) or alternatively, where the complaint is about a member of the Ethics and Integrity Unit or a person responsible for the management of the complaint, directly to the Crime and Corruption Commission (CCC). For information on the process for reporting wrongdoing, see the department's Public Interest Disclosure Procedure.

6. Reporting requirements

The department will comply with the Queensland Ombudsman's reporting requirements.

7. Human rights compatibility

The department is committed to respecting, protecting, and promoting human rights in accordance with the [Human Rights Act 2019](#) (HR Act). Under this Act, the department has an obligation to act and make decisions in a way that is compatible with human rights and to give proper consideration to human rights when making decisions.

8. Definitions

Refer to **Appendix A** for definitions of key terms referred to in this policy.

9. Related documents, forms and templates and references

- [Anti-discrimination Act 1991](#)
- [Crime and Corruption Act 2001](#)
- [Human Rights Act 2019](#)
- [Industrial Relations Act 2016](#)
- [Ombudsman Act 2001](#)
- [Disability Services Act 2006](#)
- [Public Interest Disclosure Act 2010](#)
- [Public Records Act 2002](#)
- [Public Sector Act 2022](#)
- [Code of Conduct for the Queensland Public Service](#)
- [Individual employee grievances Directive](#)
- [Public Interest Disclosure Procedure](#)
- [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 Disclosure](#)
- [Public Interest Disclosure Standard No. 3/2019 – Public Interest Disclosure Data Recording and Reporting](#)
- [Queensland Ombudsman's Public Interest Disclosure resources](#)
- [Workplace investigations Directive](#)

10. Storage of information

All information should be managed in accordance with the [Public Records Act 2002](#), and the whole-of-Government [Records Governance policy](#). In addition, personal information should be managed in accordance with the [Information Privacy Act 2009](#).

11. Approval and review

People and Culture is responsible for the preparation, review, and maintenance of this document. It will be reviewed every two years, unless circumstances dictate that a review should be undertaken sooner to ensure that the contents accord with relevant legislation and standard.

12. Document control

Review frequency		Every two years				
Supersedes		1.1				
Version	Issue Date	Reason	Author	Approver	Date of approval	Approval reference
1.0	1 July 2019	New procedure	Corporate HR	Director-General		
1.1	May 2021		Corporate HR	Head of Corporate		
1.2	30/10/2024	Technical review	People and Culture	Head of Corporate	02/10/2024	

Appendix A - Definitions

Term	Definition
Administrative action	<p>a) means any action about a matter of administration, including, for example:</p> <ul style="list-style-type: none"> (i) a decision and an act; and (ii) a failure to make a decision or do an act, including a failure to provide a written statement of reasons for a decision; and (iii) the formulation of a proposal or intention; and (iv) the making of a recommendation, including a recommendation made to a Minister; and (v) an action taken because of a recommendation made to a Minister; and <p>b) does not include an operational action of a police officer or of an officer of the Crime and Corruption Commission.</p>
Confidential information	<p>(a) includes —</p> <ul style="list-style-type: none"> (i) information about the identity, occupation, residential or work address or whereabouts of a person — <ul style="list-style-type: none"> A. who makes a public interest disclosure; or B. against whom a public interest disclosure has been made; and (ii) information disclosed by a public interest disclosure; and (iii) information about an individual's personal affairs; and (iv) information that, if disclosed, may cause detriment to a person; and <p>(b) does not include information publicly disclosed in a public interest disclosure made to a court, tribunal or other entity that may receive evidence under oath, unless further disclosure of the information is prohibited by law.</p>
Corrupt Conduct	<p>As defined in section 15 of the Crime and Corruption Act 2001</p> <p>Corrupt conduct means conduct of a person, regardless of whether the person holds or held an appointment, that—</p> <ul style="list-style-type: none"> (a) adversely affects, or could adversely affect, directly or indirectly, the performance of functions or the exercise of powers of— <ul style="list-style-type: none"> (i) a unit of public administration; or (ii) a person holding an appointment; and (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— <ul style="list-style-type: none"> (i) is not honest or is not impartial; or (ii) involves a breach of the trust placed in a person holding an appointment, either knowingly or recklessly; or (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 (c) would, if proved, be— <ul style="list-style-type: none"> (i) a criminal offence; or (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>Corrupt conduct also means conduct of a person, regardless of whether the person holds or held an appointment, that—</p> <ul style="list-style-type: none"> (a) impairs, or could impair, public confidence in public administration; and

Term	Definition
	<p>(b) involves, or could involve, any of the following—</p> <ul style="list-style-type: none"> (i) collusive tendering; (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)— <ul style="list-style-type: none"> A. protecting health or safety of persons; B. protecting the environment; C. protecting or managing the use of the State’s natural, cultural, mining or energy resources; (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; (iv) evading a State tax, levy or duty or otherwise fraudulently causing a loss of State revenue; (v) fraudulently obtaining or retaining an appointment; and <p>(c) would, if proved, be—</p> <ul style="list-style-type: none"> (i) a criminal offence; or (ii) a disciplinary breach providing reasonable grounds for terminating the person’s services, if the person is or were the holder of an appointment.
Detriment	<p>includes –</p> <ul style="list-style-type: none"> (a) personal injury or prejudice to safety; and (b) property damage or loss; and (c) intimidation or harassment; and (d) adverse discrimination, disadvantage or adverse treatment about career, profession, employment, trade, or business; and (e) financial loss; and (f) damage to reputation, including, for example, personal, professional, or business reputation.
Disability	<p>As defined in section 11 of the <i>Disability Services Act 2006</i>, for the purposes of this policy and the Public Interest Disclosure Procedure :</p> <p>(1) A disability is a person’s condition that—</p> <ul style="list-style-type: none"> (a) is attributable to— <ul style="list-style-type: none"> (i) an intellectual, psychiatric, cognitive, neurological, sensory, or physical impairment; or (ii) a combination of impairments mentioned in subparagraph (i); and (b) results in— <ul style="list-style-type: none"> (i) a substantial reduction of the person’s capacity for communication, social interaction, learning, mobility or self care or management; and (ii) the person needing support. <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 PID in accordance with the PID Act .
Investigation	For the purposes of this policy, investigation includes any enquiry undertaken to establish whether the information provided in the 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.

Term	Definition
Maladministration	<p>As defined in schedule 4 of the PID Act, maladministration is administrative action that—</p> <ul style="list-style-type: none"> (a) was taken contrary to law; or (b) was unreasonable, unjust, oppressive, or improperly discriminatory; or (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 (d) was taken— <ul style="list-style-type: none"> (i) for an improper purpose; or (ii) on irrelevant grounds; or (iii) having regard to irrelevant considerations; or (e) was an action for which reasons should have been given, but were not given; or (f) was based wholly or partly on a mistake of law or fact; or (g) was wrong.
Natural justice	<p>Natural justice, also referred to as ‘procedural fairness’ applies to any decision that can affect the rights, interests, or expectations of individuals in a direct or immediate way. Natural justice is at law a safeguard applying to an individual whose rights or interests are being affected.</p> <p>The rules of natural justice, which have been developed to ensure that decision-making is fair and reasonable, are:</p> <ul style="list-style-type: none"> • avoid bias; • give a fair hearing; and • act only on the basis of logically probative evidence.
Organisational support	<p>For the purposes of this procedure, organisational support means actions such as, but not limited to:</p> <ul style="list-style-type: none"> • providing moral and emotional support; • advising disclosers about agency resources available to handle any concerns they have as a result of making their disclosure; • appointing a mentor, confidante, or other support officer to assist the discloser through the process; • referring the discloser to the agency’s Employee Assistance Program or arranging for other professional counselling; • generating support for the discloser in their work unit where appropriate; • ensuring that any suspicions of victimisation or harassment are dealt with; • maintaining contact with the discloser; and • negotiating with the discloser and their support officer a formal end to their involvement with the support program when it is agreed that they no longer need assistance.
Proper authority	Persons or organisations authorised under the PID Act to receive public interest 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.

Term	Definition
Reasonable management action	<p>Action taken by a manager in relation to an employee, includes any of the following taken by the manager—</p> <ul style="list-style-type: none"> (a) a reasonable appraisal of the employee's work performance; (b) a reasonable requirement that the employee undertake counselling; (c) a reasonable suspension of the employee from the employment workplace; (d) a reasonable disciplinary action; (e) a reasonable action to transfer or deploy the employee; (f) a reasonable action to end the employee's employment by way of redundancy or retrenchment; (g) a reasonable action in relation to an action mentioned in paragraphs (a) to (f); (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.
Reprisal	<p>The term 'reprisal' is defined under the PID Act as causing, attempting to cause or conspiring to cause detriment to another person in the belief that they or someone else:</p> <ul style="list-style-type: none"> • has made or intends to make a disclosure; or • has been or intends to be involved in a proceeding under the disclosure Act against any person. <p>Reprisal under the PID Act is a criminal offence and investigations may be undertaken by the Queensland Police Service.</p>
Substantial and specific	<p>Substantial means 'of a significant or considerable degree'. It must be more than 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>