

# Public Interest Disclosure Policy and Procedure

## Professional Standards and Governance Command



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1.0	TBA	Commissioner	Policy and procedure replaces the previous QCS Public Interest Disclosure Policy document



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# 1. Purpose

This policy establishes the principles and obligations of Queensland Corrective Services (QCS) for a Public Interest Disclosure (PID) and meeting obligations under the [Public Interest Disclosure Act 2010](#) (the PID Act).

This procedure provides clear guidance to QCS employees on how to deal with a PID and comply with the requirements of the PID Act.

The combining of a policy and procedure in the same document is based on the recommendation from the Queensland Ombudsman.

# 2. Application

This policy and procedure applies to all employees working for QCS regardless of whether they are permanent, fixed term temporary, full-time, part-time or casual employees and/or on secondment from another department.

The PID Act does not define contractors and consultants who are engaged on a contract for service by an agency as [public officers](#). Such contractors or consultants can make public interest disclosures as a member of the public and could report corrupt conduct direct to the Crime and Corruption Commission, or maladministration directly to the Office of the Queensland Ombudsman.

Unless visiting officers and partners, volunteers, students etc are public officers of a public sector entity, they may only make a PID as a member of the public. For example, while officers from a Hospital and Health Service, Department of Child Safety, Youth and Women, Public Guardian and the like are Public Officers and thus able to make a PID under the PID Act section 12 and section 13, a person from a community organisation or First Nations business are not public officers, despite any contractual arrangement with QCS, and can only make a PID as a member of the public under section 12 of the PID Act.

# 3. Authority

This policy has been developed in accordance with the requirements of the PID Act.

# 4. Policy statement

QCS acknowledges that the business of corrective services, particularly correctional centre environments, creates unique corruption risks and challenges. QCS is committed to keeping the people of Queensland safe and is committed to an ethical, accountable and transparent culture.



QCS is committed to developing a policy and procedure that supports the disclosure of suspected wrongdoing in the public sector so that it may be properly assessed, and if necessary, investigated.

In doing so, the *Public Interest Disclosure Policy and Procedure* reinforces a proactive QCS performance culture where the expected attitudes and behaviours align with the *Corrections 2030* principles of safety, excellence, empowerment, respect and accountability and the QCS values of professionalism, integrity, accountability and innovation.

QCS is committed to respecting, protecting and promoting human rights. Under the [Human Rights Act 2019](#), QCS has an obligation to act and make decisions in a way that is compatible with human rights and, when making a decision regarding a public interest disclosure, to give proper consideration to human rights. When making a decision under this policy or procedure decision-makers must comply with that obligation.

## 5. Principles

By complying with this document, QCS will meet its obligations under the PID Act to:

- promote the public interest by facilitating public interest disclosures of wrongdoing in the public sector;
- ensure that public interest disclosures are properly assessed and, when appropriate, properly investigated and dealt with;
- ensure that appropriate consideration is given to the interests of persons who are the subject of a public interest disclosure; and
- afford protection from reprisals to persons making public interest disclosures.

As required under by the PID Act, the Commissioner will implement procedures to ensure that:

- any person who makes a PID and to whom this policy applies is given appropriate support;
- PIDs made to QCS are properly assessed and, where appropriate, properly investigated and dealt with;
- appropriate action is taken in relation to any wrongdoing that is subject of the PID;
- a management program for PIDs made to QCS is developed and maintained;
- consideration is given to the interests of persons who are the subject of a PID; and
- protection from reprisal by QCS or other officers to whom this policy applies is offered to persons making PIDs.



## 6. PID Management Program

Section 28 of the PID Act requires the Commissioner to establish reasonable procedures to deal with PIDs. QCS' PID management program meets this requirement and encompasses:

- commitment to encouraging the internal reporting of wrongdoing;
- senior management endorsement of the value to QCS of PIDs and the proper management of PIDs;
- a communication strategy to raise awareness among employees about PIDs and the QCS PID Policy and 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 QCS officers who may receive or manage PIDs, Disclosers, or workplace issues relating to 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; and
- regular review of the QCS PID Policy and evaluation of the effectiveness of QCS PID management.

## 7. What is a Public Interest Disclosure?

A PID is a disclosure of information about certain types of wrongdoing as outlined in sections 11-13 of the PID Act.

A person makes a PID if:

- the person discloses information of a kind set out in the table below (the Subject Information); and
- the person has either an honest and reasonable belief that the Subject Information has occurred, or provides evidence which tends to show the Subject Information has occurred; and
- the disclosure is made to a [Proper Authority](#).

The information that can be the subject of a PID depends on whether the person making the disclosure is a [public officer](#) either at QCS or within the Queensland public sector.



The table below identifies what information disclosed by any person amounts to a PID:

### Information disclosed *by any person* that amounts to a PID - section 12 PID Act

- a substantial and specific danger to the health or safety of a person with a disability;
- the commission of an offence against a provision mentioned in schedule 2 of the PID Act (which lists certain environmental legislation) if the commission of the offence would be a substantial and specific danger to the [environment](#); or
- the conduct of another person that could, if provided, be a [reprisal](#).

The table below identifies what information disclosed by a public officer amounts to a PID:

### Information disclosed *by a public officer* that amounts to a PID - section 13 PID Act

- all information that may be disclosed by any person under section 12 of the PID Act (see previous table);
- conduct of another person that could, if proved, be [corrupt conduct](#);
- conduct of another person that could, if proved, be [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](#); or
- a substantial and specific danger to the [environment](#).

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;
- the disclosure is made anonymously – the Discloser is not required to give their name or any identifying information, however, by remaining anonymous, this can make it difficult for QCS to provide support and protections to the Discloser;
- Discloser cannot identify a particular person to whom the information disclosed relates;
- the disclosure is made involuntarily, for example, because of a legal requirement;
- Discloser has not identified the material as a PID – it is up to QCS to assess information received and decide if it is a PID; and





- the disclosure is not capable of being substantiated following an 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 unsubstantiated.

If a disclosure is not a PID, it is likely to still amount to a matter that should be reported to management or the Ethical Standards Group at [ESGComplaints@corrections.qld.gov.au](mailto:ESGComplaints@corrections.qld.gov.au).

## 8. Why make a Public Interest Disclosure?

Employees who speak up about wrongdoing can be the most important source of information to identify and address problems in public sector administration. QCS encourages and supports the disclosure of information about wrongdoing because:

- systems that allow for and encourage reporting and dealing with wrongdoing positively contributes to the integrity of QCS;
- the outcomes of PIDs can include improvements to systems that prevent fraud and other economic loss to QCS; 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 QCS and QCS employees 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; and
- Protection from defamation – the Discloser has a defence against an accusation of defamation by any subject officer.

## 9. Making a Public Interest Disclosure

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

A PID must be made to a [Proper Authority](#), that is, a person or organisation authorised under the PID Act to receive a PID.

Disclosers are encouraged to make a disclosure to an appropriate officer of QCS first. The following persons within QCS are able to receive a PID:

- Commissioner



- Deputy Commissioners
- Assistant Commissioners
- Professional Standards and Governance Command
- The employee's Manager

If the matter is not resolved, or the Discloser is concerned about confidentiality, the disclosure may be made to another Proper Authority, or to an agency that has a responsibility for investigating the information disclosed:

- Crime and Corruption Commission (CCC) for disclosures about corrupt conduct including reprisal;
- Queensland Ombudsman for disclosures about maladministration;
- Queensland Audit Office for disclosures about a substantial misuse of resources;
- Department of Child Safety, Seniors and Disability Services for disclosures about danger to the health and safety of a child or young person with a disability or for disclosures about danger to the health and safety of a person with a disability;
- Office of the Public Guardian for disclosures about danger to the health and safety of a person with a disability;
- Department of Environment and Science disclosures about danger to the environment
- A Member of the Legislative Assembly (MP) for any wrongdoing or danger; or
- The Chief Judicial Officer of a court or tribunal in relation to a disclosure about wrongdoing by a judicial officer.

A person who decides to make a disclosure of information to a Proper Authority other than QCS should contact the other entity to establish the requirements for making a disclosure to that entity.

## 9.2 Making a disclosure to the media

A disclosure can only 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](#).



If the conditions outlined in section 9.2 of this document are not met, a QCS public officer disclosing information to a journalist or otherwise sharing information externally (for example on social media) is likely to breach confidentiality and may be subject to a disciplinary process.

## 10. 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 should:

- provide their contact details. This could be an anonymous email address that is created for the purpose of making the disclosure (subject to restrictions on the handling of public records) or a telephone number. If the Discloser uses an anonymous email account, it should be monitored for any response.
- provide as much information as possible, in writing or via email, about the suspected wrongdoing, including:
  - who was involved;
  - what happened;
  - when it happened; and
  - where it happened;
  - whether there were any witnesses, 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.

Additional information on how to make a PID is available on the [Queensland Ombudsman's website](#) and the [Crime and Corruption Commission's website](#).

## 11. Assessing a PID

The disclosure is assessed by the Professional Standards and Governance Command (PSGC) in accordance with the PID Act, PID standards, this policy and any other relevant policies and documents to determine whether the Subject Information amounts to 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 must be considered and managed as a PID

QCS public officers should note that it is an offence under the PID Act to intentionally give false or misleading information with the intention of such information being acted



on as a PID. QCS public officers may be subject to disciplinary action for intentionally giving false or misleading information in a PID, or during an investigation into a PID.

Once the matter has been assessed as a PID, QCS will advise the Discloser:

- that their information has been received and assessed as a PID;
- the action taken by QCS 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 QCS 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 QCS 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
- contact details for the QCS [Employee Assistance Program](#) (EAP).

Where a Discloser states that they are making a PID, but it is assessed that the matter is not a PID, QCS 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 a review;
- any action QCS proposes to take in relation to the matter; and
- any other options the Discloser has in relation to the matter.

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

## 12. Action to be taken after a disclosure is assessed as a PID

### 12.1 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, PSGC 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 risk assessment must take into account the actual and reasonably perceived risk of the Discloser (or witnesses or affected third parties) suffering detriment and must include consultation with the Discloser unless the Discloser is anonymous. In that case, the assessment must also consider the risk to persons who are suspected to have made the PID.

Consistent with the assessed level of risk, PSGC 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).

PSGC must regularly reassess the risk of reprisal while the PID is being managed, in consultation with the Discloser, and change the risk management plan if necessary.

The Discloser, if a public service employee, may apply for relocation on the grounds that:

- it is likely a reprisal will be taken against the public service employee if the employee continues in the employee's existing work location, and
- the only practical way to remove or substantially remove the danger of a reprisal is to relocate the employee.

In the event of reprisal action being alleged or suspected, PSGC, on behalf of QCS, must:

- 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, and
- manage any allegation of a reprisal as a PID in its own right.

## 12.2 Referring a PID

QCS may refer a PID to another [proper authority](#) where:

- the PID concerns wrongdoing by another agency or a public officer of that agency, or
- that agency has the power to investigate or remedy the matter.

Before referring the PID to another agency, PSGC must 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, QCS may 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 QCS public officers tasked with PID management to communicate with another agency about the referral of a PID. Officers exercise discretion in their contacts with any other agency under the instruction and guidance of PSGC.

PSGC will advise the Discloser of any referral undertaken.

### 12.3 Declining to act on a PID

Under the PID Act, QCS 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 to warrant investigation and dealing with it would substantially and unreasonably divert QCS from the performance of its functions; or
- another agency with jurisdiction to investigate the information has informed QCS that an investigation is not warranted.

If QCS decides not to investigate or deal with a PID, QCS will give the Discloser the reason for the decision in writing.

If the Discloser is dissatisfied with the decision not to investigate or deal with their disclosure, they may request a review by [emailing](#) the PSGC within 28 days of the decision.

### 12.4 Investigating a PID

If a decision is made to investigate a PID, the investigation is usually undertaken by the PSGC. If there is a reason why the PSGC cannot, or should not, undertake a PID investigation (e.g. in the case of a conflict of interest or where a Discloser is a member of PSGC), the Deputy Commissioner, Workforce Culture, Integrity and Capability, should determine who will undertake the investigation.

A PID investigation should be conducted in the same manner as a workplace investigation. The investigation should be conducted with regard for the:

- principles of natural justice;
- obligation under the PID Act to protect confidential information;





- obligation under the PID Act to protect Disclosers from reprisal; and
- interests of Subject Officers.

## 12.5 Finalising a PID

If, as a result of an investigation, the information about wrongdoing provided in the PID is substantiated, appropriate action will be taken.

Where the investigation does not substantiate wrongdoing, QCS will still consider a review of systems, policies and procedures to identify whether there are improvements that can be made and/or if staff training is required.

The Discloser must be notified of the decision, the reasons for the decision and any action to be taken by QCS as a result of the investigation in writing as soon as possible after the decision is made.

# 13. Support for disclosures

## 13.1 Confidentiality

While QCS will make every attempt to protect confidentiality, a Discloser's identity may be disclosed:

- to respond to a court order, legal directive or court proceedings;
- to provide natural justice to [Subject Officers](#); or
- as otherwise permitted by the PID Act, including the discharge of a function under another Act, or with the written consent of the person to whom the information relates.

Disclosers should be aware that their consent to disclose their identity in the circumstances outlined above is not required to be obtained by QCS.

QCS will ensure that communication with all parties involved is arranged discreetly to avoid revealing identities wherever possible.

Disclosers should be aware that while QCS will make every attempt to keep their details confidential, it cannot guarantee that others will not try to deduce their identity.

Disclosers should be aware that actions taken by them, or comments made by them (other than the actual disclosure they made), may reveal their identity.



## 13.2 Communication with the Discloser

QCS will communicate with the Discloser when:

- assessing the PID;
- to advise of the outcome of the investigation; or
- at other relevant times in accordance with the need to give reasonable information to a Discloser under section 32 of the PID Act.

## 13.3 Support for the Discloser

QCS recognises that the protection of and the provision of appropriate support to a Discloser is of paramount concern and an important focus in PID management.

QCS follows a number of steps in order to ensure that any risk to the Discloser of detriment or reprisal is managed and avoided.

The PID Coordinator, or another appropriate officer as nominated by the Assistant Commissioner, PSGC, or the Deputy Commissioner, Workforce Culture, Integrity and Capability, has responsibility for identifying and managing all support needs of the Discloser, beyond the initial risk assessment.

The Discloser should be made aware the contact details of the PID Coordinator who can support them. The level of support and support services offered will be different for Disclosers who are members of the public. This will be assessed on a case by case basis during the assessment of the PID.

Disclosers who are QCS officers and their immediate family members (including their partner, children, and other family member(s) residing with the employee) are able to access professional counselling and well-being support through the [Employee Assistance Program](#).

The [Queensland Ombudsman](#) can also provide information and advice for people who are considering making or have made a PID.

Making a PID does not prevent QCS from taking [reasonable management action](#). If the Discloser is a QCS public officer, the Discloser will continue to be managed in accordance with normal, fair and reasonable management practices during and after the handling of the PID.





## 14. QCS' treatment of an employee who is the subject of a PID

QCS acknowledges that for employees who are the subject of a PID, the experience may be stressful.

QCS will protect the rights of such employees 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, obligations and the progress and outcome of any investigation; and
- referring them to the [Employee Assistance Program](#) for support.

The right to [natural justice](#) includes being provided with an opportunity to respond to an allegation prior to any adverse decision being made. This does not mean a subject officer must be advised of the allegation as soon as the information, or complaint, has been received.

## 15. Record keeping

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

## 16. Responsibilities

### 16.1 Commissioner

The Commissioner is responsible for:

- adherence to the PID Act by QCS; and
- ensuring the Deputy Commissioner, Workforce Culture, Integrity and Capability, implements the PID management program in accordance with this policy.



## 16.2 Deputy Commissioner, Workforce Culture, Integrity and Capability

The Deputy Commissioner, Workforce Culture, Integrity and Capability, is responsible for:

- reporting to and providing advice to the Commissioner regarding PIDs and the PID Act;
- supervising the Assistant Commissioner, PSGC to ensure QCS' PID management program is operated in accordance with this policy; and
- determining appropriate investigators and decision makers for PIDs where PSGC officers are either unable to, or it is inappropriate for them to do so.

## 16.3 Assistant Commissioner, Professional Standards & Governance Command

The Assistant Commissioner, PSGC is responsible for:

- reporting, providing information including data and advising regarding:
  - PIDs (including PIDs received, decisions to take action or no action, responses, issues and timeframes);
  - internal compliance with this policy; and
  - compliance with the PID Act
  - to the Deputy Commissioner, Workforce Culture, Integrity and Capability, and to external agencies including Queensland Ombudsman and the Crime and Corruption Commission as required; and
- ensuring that any matters inappropriate for investigation by the PSGC are escalated to Deputy Commissioner, Workforce Culture, Integrity and Capability, to make a decision as to who will investigate the matter.

## 16.4 Director, Ethical Standards Group

The Director, Ethical Standards Group is responsible for:

- nominating and supervising a PID Coordinator to undertake PID assessments and investigations;
- execute the QCS PID management program in accordance with this policy; and
- to undertake the following:
  - facilitating or initiating formal investigation of matters alleged in a PID;
  - monitoring the effectiveness of the QCS PID Policy and procedure; and



- delivery of face-to-face PID training to work groups as required.

## 16.5 PID Coordinator

The PID Coordinator is responsible for the following:

- being the principal contact for PID issues within QCS;
- assessing each complaint received to determine if it is a PID;
- providing acknowledgment of receipt of a PID to the Discloser;
- undertaking risk assessments in consultation with the Disclosers and other relevant officers and parties;
- allocating an Investigator (as required) and PID Support Officers (to be determined on a case by case basis) to PID matters;
- documenting and managing implementation of QCS' PID management program;
- reviewing and updating QCS' PID Policy every three years, or as required;
- maintaining and updating internal records of PIDs received;
- liaising with other agencies about the referral of PIDs; and
- delivering face-to-face training on PIDs to work groups as required.

## 16.6 PID Support Officers

PID Support officers are responsible for:

- providing advice and information to the Discloser on QCS' PID Policy and procedure;
- providing personal support and referral to other sources of advice or support as required to the Discloser and to other participants involved in an investigation;
- facilitating updates on the progress of an investigation in line with this policy;
- documenting their engagement with a Discloser; and
- proactively checking the welfare of and providing support and updates to the Discloser throughout the PID management process.

# 17. Review of decision

If QCS decides not to investigate or deal with a PID, QCS will give the Discloser the reason for the decision in writing.



If the Discloser is dissatisfied with the decision made by QCS not to investigate or deal with their disclosure, they may request a review by [emailing](#) the PSGC within 28 days of the decision provided to them in writing by QCS.

## 18. Definitions

<b>Administrative action</b>	<p>Defined in Schedule 4 of the <i>Public Interest Disclosure Act 2010</i> and means any action about a matter of administration, including, for example:</p> <ul style="list-style-type: none"> <li>• a decision and an act; and</li> <li>• a failure to provide a written statement of reasons for a decision; and</li> <li>• the formulation of a proposal or intention; and</li> <li>• the making of a recommendation, including a recommendation made to a Minister; and</li> <li>• an action taken because of a recommendation made to a Minister; and</li> <li>• does not include an operational action of a police officer or of an officer of the CCC.</li> </ul>
<b>Confidential information</b>	<ol style="list-style-type: none"> <li>1. Includes information about the identity, occupation, residential or work address or whereabouts of a person: <ul style="list-style-type: none"> <li>• who makes a public interest disclosure; or</li> <li>• against whom a public interest disclosure has been made; and <ul style="list-style-type: none"> <li>○ information disclosed by a public interest disclosure; and</li> <li>○ information about an individual's personal affairs; and information that, if disclosed, may cause detriment to a person.</li> </ul> </li> </ul> </li> <li>2. 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.</li> </ol>



<b>Corrupt conduct</b>	<p>Corrupt conduct is defined in section 15 of the <i>Crime and Corruption Act 2001</i>. Examples may include, but are not limited to:</p> <ul style="list-style-type: none"> <li>• criminal conduct such as theft, fraud, possession of illicit drugs</li> <li>• computer hacking or misuse</li> <li>• unauthorised access or release of confidential information</li> <li>• unauthorised use of force on a prisoner</li> <li>• sexual harassment or sexual assault</li> <li>• reprisal action under the <i>Public Interest Disclosure Act 2010</i>.</li> </ul>
<b>Detriment</b>	<p>Defined in schedule 4 of the <i>Public Interest Disclosure Act 2010</i> and includes:</p> <ul style="list-style-type: none"> <li>a) personal injury or prejudice to safety; and</li> <li>b) property damage or loss; and</li> <li>c) intimidation or harassment; and</li> <li>d) adverse discrimination, disadvantage or adverse treatment about career, profession, employment, trade or business; and</li> <li>e) financial loss; and</li> <li>f) damage to reputation, including, for example, personal, professional or business reputation.</li> </ul>
<b>Disability</b>	<p>As defined in Section 11 of the <i>Disability Services Act 2006</i> for the purposes of this policy:</p> <ul style="list-style-type: none"> <li>(1) A disability is a person's condition that— <ul style="list-style-type: none"> <li>(a) is attributable to— <ul style="list-style-type: none"> <li>(i) an intellectual, psychiatric, cognitive, neurological, sensory or physical impairment; or</li> <li>(ii) a combination of impairments mentioned in subparagraph (i); and</li> </ul> </li> <li>(b) results in— <ul style="list-style-type: none"> <li>(i) a substantial reduction of the person's capacity for communication, social interaction, learning,</li> </ul> </li> </ul> </li> </ul>



	<p>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>The disability may be, but need not be, of a chronic episodic nature.</p>
<b>Discloser</b>	A person who makes a disclosure in accordance with the <a href="#">Public Interest Disclosure Act 2010</a> .
<b>Employee</b>	A person employed by the department under the <i>Public Sector Act 2022</i> as a permanent, fixed term temporary, full-time, part-time or casual employee and/or on secondment from another department.
<b>Environment</b>	As defined in the <a href="#">Environmental Protection Act 1994</a> .
<b>Investigation</b>	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.
<b>Journalist</b>	Pursuant to Section 20(4) of the <a href="#">Public Interest Disclosure Act 2010</a> – ‘a person engaged in the occupation of writing or editing material intended for the print or electronic news media’.
<b>Maladministration</b>	<p>Schedule 4 of the <a href="#">Public Interest Disclosure Act 2010</a> defines maladministration as administrative action that:</p> <ul style="list-style-type: none"> <li>(a) was taken contrary to law; or</li> <li>(b) was unreasonable, unjust, oppressive; or improperly discriminatory; or</li> <li>(c) was in accordance with a rule 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</li> <li>(d) was taken – <ul style="list-style-type: none"> <li>• for an improper purpose; or</li> </ul> </li> </ul>



	<ul style="list-style-type: none"> <li>• on irrelevant grounds; or</li> <li>• having regard to irrelevant considerations; or</li> </ul> <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 was wrong.</p>
<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 to:</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>Organisational support</b>	<p>For the purposes of this procedure, organisational support may include actions such as, but not limited to:</p> <ul style="list-style-type: none"> <li>• advising Disclosers about agency resources available to handle any concerns they have as a result of making their disclosure</li> <li>• appointing a 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 by maintaining contact with the Discloser.</li> </ul>
<b>Proper authority</b>	<p>A person or organisation that is authorised under the <a href="#">Public Interest Disclosure Act 2010</a> to receive disclosures.</p>





<b>Public health or safety</b>	<p>Includes the health or safety of persons:</p> <ul style="list-style-type: none"> <li>• under lawful care or control</li> <li>• using community facilities or services provided by the public or private sector</li> <li>• in employment workplaces.</li> </ul>
<b>Public Officer</b>	<p>As defined in section 7 of the PID Act, a Public Officer, of a public sector entity, is an employee, member or officer of the entity, the Minister and ministerial staff. The PID Act does not define contractors and consultants who are engaged on a contract for service by an agency as “public officers” and such persons may only make PIDs to QCS as a member of the public.</p>
<b>Reasonable belief</b>	<p>A belief which is objectively fair or sensible.</p>
<b>Reasonable management action</b>	<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"> <li>(a) a reasonable appraisal of the employee’s work performance;</li> <li>(b) a reasonable requirement that the employee undertake counselling;</li> <li>(c) a reasonable suspension of the employee from the employment workplace;</li> <li>(d) a reasonable disciplinary action;</li> <li>(e) a reasonable action to transfer or deploy the employee;</li> <li>(f) a reasonable action to end the employee’s employment by way of redundancy or retrenchment;</li> <li>(g) a reasonable action in relation to an action mentioned in paragraphs (a) to (f);</li> <li>(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.</li> </ul>





<b>Reprisal</b>	<p>The term 'reprisal' is defined in section 40 of 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.
<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>

## 19. Relevant legislation

[Corrective Services Act 2006](#)

[Crime and Corruption Act 2001](#)

[Human Rights Act 2019](#)

[Public Interest Disclosure Act 2010](#)

[Public Records Act 2002](#)

[Public Sector Act 2022](#)

[Public Sector Ethics Act 1994](#)



## 20. References

[\*A Public Interest Disclosure Management Guide to Internal and External Review Rights\*](#)

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

[\*How to make a public interest disclosure\*](#)

[\*Public Interest Disclosures – A guide for applicants\*](#) (Office of Information Commissioner, QLD)

[\*Queensland Ombudsman Public Interest Disclosure Standard No. 1/2019\*](#)

[\*Queensland Ombudsman PID Standard No. 2/2019\*](#)

[\*Queensland Ombudsman PID Standard No. 3/2019\*](#)

[\*Thinking about blowing the whistle\*](#)

## 21. Further information

For further information on this policy or procedure, please [email](#) the Ethical Standards Group.

## 22. Document control

This policy and procedure replaces QCS' Public Interest Disclosure Policy, version 1.0, which was approved by the Commissioner on 17 November 2020.

The owner of this document is the Manager, Complaints Assessment Unit, Ethical Standards Group – phone: 3565 7825 or [ESGcomplaints@corrections.qld.gov.au](mailto:ESGcomplaints@corrections.qld.gov.au)

This document is required to be reviewed within three years of its implementation, or earlier if required due to changes in legislation.

