

## HR.05.1 | PROCEDURE: Public Interest Disclosure

<b>Reference Number</b>	HR.05.1	<b>Policy owner</b>	Chief Human Resources Officer
<b>Contact Officer</b>	Corporate HR	<b>Contact details</b>	<a href="mailto:corporate.hr@desbt.qld.gov.au">corporate.hr@desbt.qld.gov.au</a>
<b>Version</b>	1.1	<b>Approved by</b>	Head of Corporate
<b>Effective Date</b>	May 2021	<b>Next review date</b>	31 July 2022

### 1. Purpose

To outline the process for employees, disclosers and others involved in public interest disclosures (PIDs), in making, managing (including assessing, investigating and dealing with a PID) and reporting on public interest disclosure matters. This includes providing information on how parties involved in the disclosure will be supported and provided with appropriate protection from reprisal.

This procedure should be read in conjunction with the department's [Public Interest Disclosure Policy](#), Queensland Ombudsman's Public Interest Disclosure [standards](#) and relevant pieces of legislation, such as the [Public Interest Disclosure Act 2010](#) (*PID Act*).

### 2. Overview

The Department of Employment, Small Business and Training (DESBT) (the department) has an obligation to serve the public interest by providing appropriate avenues for reporting allegations of wrongdoing or danger in accordance with the [PID Act](#).

The department's public interest disclosure management program is applied to all employees<sup>1</sup> of DESBT, Queensland Training Ombudsman and the Office of the Queensland Small Business Commissioner.

### 3. Procedures

#### Making a public interest disclosure

For an allegation to be considered a public interest disclosure under the [PID Act](#)<sup>2</sup>, it must be:

1. an appropriate disclosure;
2. public interest information about serious wrongdoing or danger; and
3. made to a proper authority.

#### Defining the three (3) criteria

##### 1. An appropriate disclosure

- the discloser has an honest and reasonable belief that the information provided tends to show the conduct or danger; or

- the information tends to show the conduct or danger, regardless of the discloser's belief.

Information that 'tends to show' wrongdoing or danger must be more than a mere suspicion. There must be information that indicates or supports a view that a wrongdoing or danger has or will occur.

## 2. Public interest information about serious wrongdoing or danger

Depending on the discloser's employment status (public sector officer versus any person) the following type of information may be disclosed for the purpose of a public interest disclosure.

If the discloser is a public sector officer<sup>1</sup>, information about:

- danger to the health or safety of a person with a disability; or
- danger to the environment caused by commission of an offence or contravention of a condition in certain environment legislation; or
- the conduct of another person that could, if proved be a reprisal; or
- the conduct of another person that could, if proved, be corrupt conduct; or
- maladministration that adversely affects a person's interests in a substantial and specific way; or
- a substantial and specific danger to the public health or safety; or
- a substantial and specific danger to the environment.

If the discloser is NOT a public officer<sup>2</sup>, information about:

- a substantial and specific danger to the health or safety of a person with a disability; or
- a substantial and specific danger to the environment caused by commission of an offence or contravention of a condition in certain environment legislation; or
- the conduct of another person that could, if provided be a reprisal.

Disclosers who intentionally make disclosures they know are false will not be protected under the [PID Act](#), and such an offence may warrant serious legal action.

## 3. Made to a proper authority

Proper authorities are persons and organisations authorised under the *PID Act*<sup>3</sup> to receive public interest disclosures.

---

<sup>1</sup> Section 13 of the [PID Act](#)

<sup>2</sup> Section 12 of the [PID Act](#)

<sup>3</sup> Section 5 - 6 of the [PID Act](#)

Internal authorities	External authorities
<p>Any person (including non-government employees) can make a disclosure to:</p> <ul style="list-style-type: none"> <li>▪ a member of the department's <a href="#">Ethics and Integrity</a> or Human Resources Units;</li> <li>▪ the department's PID Coordinator (Head of Corporate Services);</li> <li>▪ any person who, directly or indirectly, supervises or manages the person;</li> <li>▪ the Director-General of the department; or</li> <li>▪ the Minister for the department.</li> </ul>	<p>Disclosure 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 concerning corrupt conduct – including reprisal;</li> <li>▪ Queensland Ombudsman for disclosure concerning maladministration;</li> <li>▪ Queensland Audit Office for disclosure concerning a substantial misuse of resources;</li> <li>▪ Department of Environment and Science for danger to the environment; or</li> <li>▪ a member of the Legislative Assembly (MP) for any wrongdoing or danger.</li> </ul>

If information disclosed is not deemed to be a PID, it may still be an important complaint and may need to be referred to another agency. Information on referral to another agency is included later in this procedure.

#### *Disclosure to a journalist*

Under the *PID Act*, a person may make a disclosure to a journalist if they have already made the same disclosure to a public sector entity that is a proper authority and:

- the entity has decided not to investigate or deal with the disclosure;
- the entity investigated the disclosure but did not recommend taking any action;
- the disclosure was not notified within six months of making the disclosure whether or not the disclosure was to be investigated or dealt with.

A person making a disclosure to a journalist in the above circumstances should be aware that journalists are not bound under the confidentiality provisions of section 65 of the *PID Act*, and they would be encouraged to obtain legal advice prior to making such a disclosure.

## How do I make a public interest disclosure<sup>4</sup>?

Any public interest disclosure (including an anonymous disclosure) may be made to the department either verbally or in writing:

Postal Address:

Marked Private and Confidential  
Ethics and Integrity Unit  
PO Box 15483  
City East QLD 4002

OR

Email: [ethics@desbt.qld.gov.au](mailto:ethics@desbt.qld.gov.au)

Phone: 3025 6051

Alternatively, disclosures may be made directly to the internal and external authorities as stated in this procedure, including the CCC via the [CCC website](#) or email [mailbox@ccc.qld.gov.au](mailto:mailbox@ccc.qld.gov.au).

### *Anonymous disclosures*

If a disclosure is made anonymously, it can be difficult to seek clarification or more information to inform the discloser of the progress, or to advise the discloser about the action taken or to be taken. Consequently, an anonymous disclosure made via the telephone may be offered the option to provide an alias contact point instead.

Where an anonymous PID is made via telephone the PID Coordinator should request the discloser to put the details in writing. If the discloser is unable or unwilling to do so, the PID Coordinator should document the PID, including the date, time and circumstances of the PID.

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 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.
- provide this information in writing.

---

<sup>4</sup> Section 17 of the [PID Act](#)

The person making the disclosure does not need to state that the information, or complaint is a disclosure for the matter to be assessed under the *PID Act*.

### Assessing, investigating, and dealing with a public interest disclosure

All disclosures made to the department or referred to the department will be assessed by the department's PID Coordinator to determine whether it meets the test of being a PID as provided by the [PID Act](#). In assessing a disclosure, the PID Coordinator will:

- assess whether the person making the disclosure honestly believes on reasonable grounds that the information they have tends to show the conduct being disclosed or there is evidence which tends to show the conduct has occurred (regardless of the discloser's belief)<sup>5</sup>;
- determine whether the discloser's employment status falls within the definition of a public officer or any person<sup>6</sup>;
- clarify whether the information meets the types of public information allowable under the [PID Act](#), relevant to the discloser's employment status<sup>6</sup>; and
- assess whether the disclosure has been made to a proper authority<sup>7</sup>, such as the public sector agency responsible for the wrongdoing or an agency that has authority to investigate the matter, for example, the Crime and Corruption Commission.

The PID Coordinator will arrange for the conduct of a risk assessment to assess the likelihood of the discloser or other public service employees being subjected to reprisal action. This assessment will consider the actual and reasonably perceived risk and should be conducted in consultation with the discloser. Protection for the discloser and other public service employees where required will be arranged by the PID Coordinator consistent with the level of perceived risk.

It should be noted that while the department will conduct an equally thorough risk assessment for employees and members of the public, employees will be afforded additional support and protection by the department. Such support will be consistent with any reasonable procedures to deal with public interest disclosures<sup>8</sup>.

In addition, the PID Coordinator will advise the discloser (unless made anonymously / communication with the discloser is not possible):

- that their information has been received and will be assessed;
- the action that will be taken by the department in relation to the disclosure, including that it could be referred to an external agency, or investigation;
- the likely timeframe involved;
- the name and contact details of the department's support officer they can contact for updates or advice;

<sup>5</sup> Section 12(3) of the [PID Act](#)

<sup>6</sup> Section 12 and 13 of the [PID Act](#)

<sup>7</sup> Section 14, 15, 16 or 17 of the [PID Act](#)

<sup>8</sup> Section 28 of the [PID Act](#)

- of the discloser's obligations regarding confidentiality<sup>10</sup>;
- the protections the discloser has under the [PID Act](#)<sup>9</sup>;
- that the department will keep appropriate records and maintain confidentiality, except where permitted under the [PID Act](#)<sup>10</sup>;
- how the updates regarding intended actions and outcomes will be provided to the discloser;
- the role of the Ethics and Integrity Unit / PID Coordinator as the discloser's central point of contact and if they require further information or are concerned about reprisal; and
- the contact details for the department's [Employee Assistance Service](#) (EAS) provider.

If assessed as a PID, the PID Coordinator will advise the discloser. If the discloser has claimed to make a PID and the matter has not been assessed as a PID, the discloser shall be advised. Consistent with the assessed level of risk, the PID Coordinator will arrange any reasonable support or protection for the discloser. For further information, please see the responsibilities of the PID Coordinator.

### What happens next?

Once a PID has been received and assessed, the PID Coordinator will make one of three possible decisions.

#### *The three (3) possible decisions*

##### *1. Referral to another proper authority*

Where it is decided that the matter would amount to a PID but the PID should have been made to another proper authority<sup>11</sup>, the PID may be referred to that agency. The PID Coordinator will:

- advise the discloser of this decision;
- seek consent from the discloser to forward the information to the proper authority; or
- invite the disclosure to redirect the information to the proper authority.

If the department reasonably suspects a complaint, information or matter involves corrupt conduct, regardless of whether the complaint was made anonymously or otherwise, the department will be required to meet its own obligations and must notify the Crime and Corruption Commission of the complaint, as soon as practicable<sup>12</sup>.

##### *2. A decision not to investigate a PID*

A decision to not investigate or deal with a PID, may be made in the following circumstances<sup>13</sup>:

- the information disclosed has already been investigated or dealt with through another appropriate process;
- the information disclosed should be dealt with by another process;

<sup>9</sup> Section 36 - 41 of the [PID Act](#)

<sup>10</sup> Section 65 of the [PID Act](#)

<sup>11</sup> Section 15 of the [PID Act](#)

<sup>12</sup> Section 27-39 of the [Crime and Corruption Act 2001](#)

<sup>13</sup> Section 30 of the [PID Act](#)

- the age of the information disclosed is not considered an appropriate disclosure and dealing with it would substantially and unreasonably divert the resources of the department from the performance of its functions;
- another agency with the jurisdiction to investigate the information has informed the department that an investigation is not warranted.

If a decision is made not to investigate or deal with a PID, the discloser will be advised of this in writing (where possible). The discloser will be provided with the reasons for the decision not to investigate the PID and of their right to apply to the Chief Executive for a review of the decision within 28 days after receiving the written reasons. The discloser may seek an external review by making a complaint in accordance with section 20 of the [Ombudsman Act 2001](#) (subject to the jurisdictional limitations of the Office of the Queensland Ombudsman).

### 3. *Deciding to investigate a PID*

If a decision is made to investigate a PID, this will be done by<sup>14</sup>:

- giving appropriate consideration to the interests of all persons, including the subject officer, who is the subject to a public interest disclosure. This includes ensuring all persons are treated in accordance with the principles of natural justice;
- ensuring the person making the public interest disclosure is afforded protection from reprisal; and
- ensuring obligations under the [PID Act](#) to protect confidential information are adhered to.

Where, as a result of investigation the information about wrongdoing provided in the PID is substantiated, the department will take appropriate action. Appropriate action which may be considered and taken may include (but is not limited to):

- providing an explanation to the discloser (for example, where the discloser was not aware of the whole circumstances surrounding an action which appear to them to be improper);
- resolving the disclosure managerially;
- conducting an internal audit, or review of an issue/s or the operation of a particular unit;
- implementing or changing policies, procedures or practices;
- formally investigating the allegation; and / or
- referring the allegation to an appropriate external entity.

Where the investigation does not substantiate wrongdoing, consideration of the following will be completed:

- any systematic issues that gave rise to the PID or identified during the investigation; and
- any action that should be taken to address any such systematic issues (for example, changes to policy, procedure, controls or governance).

<sup>14</sup> Section 3, 28, 40 – 43, 65 of the [PID Act](#)

The [PID Act](#) does not intend to prevent a manager from taking reasonable management action<sup>15</sup> in relation to an employee who has made a public interest disclosure. As long as the manager's reasons for taking the action, for example, an action to transfer or deploy the employee is not due to the fact that the person has made a public interest disclosure.

#### *Organisational support*

Disclosers should not suffer any form of detriment as a result of making a disclosure.

In the event reprisal is alleged or suspected, the PID Coordinator or PID Support Officer (if relevant) will:

- attend to the safety and welfare of the discloser, witness and / or others associated with the discloser (including those who may wrongly be suspected of being a discloser) as a priority;
- assess the alleged or suspected reprisal to determine if it comprises conduct that must be or may be referred to another agency within jurisdiction to deal with the conduct (for example, the Crime and Corruption Commission, Queensland Police Service, Public Service Commission or Office of the Independent Assessor);
- review the risk assessment and protective measures needed to mitigate any further risk of reprisal and / or amend the risk management plan as required, in consultation with the discloser if appropriate;
- inform the person reporting the alleged or suspected reprisal of the process for making a PID of reprisal in accordance with section 12 (1)(d) of the [PID Act](#);
- provide any necessary support to the person reporting the alleged or suspected reprisal to make a PID of reprisal;
- manage information about alleged or suspected reprisal in accordance with the [PID Act](#).

The department may conduct a disciplinary investigation if an employee is found to have engaged in reprisal action. Where alleged reprisal has occurred, the Ethics and Integrity Unit in consultation with the PID Coordinator may refer the matter to the Queensland Police Service for further investigation.

#### *Finalisation of investigation*

A member of the department's Ethics and Integrity Unit or PID Coordinator will finalise the process by evaluating whether there is any evidence of a breach of any of the offence provisions under the [PID Act](#), specifically<sup>16</sup>:

- the offence of taking reprisal;
- a breach of confidentiality; or
- providing false or misleading information.

In addition to the above:

<sup>15</sup> Section 52 of the [PID Act](#)

<sup>16</sup> Section 41, 65(1), 66 and 67 of the [PID Act](#)



- employees involved in the disclosure will be debriefed to clarify any decision or outcomes, without breaching confidentiality; and
- the discloser will be provided with written advice about the outcome and finalisation of their disclosure.

The Ethics and Integrity Unit will be responsible for evaluating the matter in order to consider opportunities for improvement.

### Public interest disclosure data recording and reporting

In accordance with its obligations under the [PID Act](#)<sup>17</sup>, [Queensland Ombudsman's Public Interest Disclosure Standard No. 3/2019](#) and the [Public Records Act 2002](#), the department will ensure:

- accurate data is collected for the receipt and management of PIDs;
- details about disclosures, investigations and related decision are kept secure and accessible only to the people involved in the management of the PID;
- communication with all parties involved will be arranged discreetly to avoid identifying the discloser where possible;
- anonymised data is reported to the Office of the Queensland Ombudsman in their roles as the oversight agency, through the PID reporting database.

For the purpose of this procedure, proper record-keeping and reporting for the department will involve:

- the name of the person making the disclosure (if known);
- the information disclosed;
- the name of the entity who referred the disclosure (if relevant);
- any action taken on the disclosure; and
- all other information required under the standard made at section 60 of the [PID Act](#).

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

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

Disclosers should be aware that while the department will make every attempt to keep their details confidential in accordance with section 65 of the PID Act, it cannot guarantee that others will not try to deduce their identity.

## 4. Responsibilities / Rights

### Disclosers / employees

- Report alleged wrongdoing or danger in accordance with this procedure;
- Assist in an investigation of a disclosure by providing all relevant information if requested;

<sup>17</sup> Section 29 and 33 of the [PID Act](#)

- Adhere to confidentiality and reprisal obligations; and
- Raise any concerns of reprisal to the PID Coordinator or the Ethics and Integrity Unit in a timely manner.

### Subject Officer

- Adhere to confidentiality obligations;
- Not take reprisal, including causing, attempting or conspiring to cause detriment to another person, because or in the belief that the other person has or intends to make a public interest disclosure or the person is or intends to be involved in a proceeding under the [PID Act](#) against any person.

In managing the PID process, the subject officer will be provided by the department with:

- assurance that the PID will be dealt with impartially, fairly and reasonably in accordance with the principles of natural justice;
- information about their rights and the progress and outcome of any investigation; and
- information and reference to the department's [Employee Assistance Service](#) provider.

### PID Coordinator

The PID Coordinator is responsible for the overall coordination and implementation of the PID process within the department. The key responsibilities of the PID Coordinator include:

- acting as a principal contact for PID issues within the department;
- ensuring the discloser of a PID is provided with an acknowledgment of receipt;
- coordinating the risk assessment (assess risk of reprisal) in consultation with the discloser and other relevant officers;
- ensuring any assessment that determines a possible PID does not meet the test of being a PID (3 criteria) of the [PID Act](#)<sup>18</sup>, is made in writing and recorded, and includes the factors considered in reaching the determination;
- providing the discloser with written reasons<sup>19</sup> (this may be via email or written correspondence) for a decision explaining the PID is not a PID, the information relied upon in making that decision, the name of the delegated officer responsible for making the decision, the person's right of review and how to exercise that review right as soon as practicable;
- putting in place means to monitor for any sign of reprisal;
- informing the discloser of reasonable information;
- assessing the support needs of the disclosers<sup>20</sup>;
- assisting the allocation of the investigator and support officer/s to the PID matter;

---

<sup>18</sup> Section 12 and 13 of the [PID Act](#)

<sup>19</sup> Section 30 of the [PID Act](#)

<sup>20</sup> Factors relevant to assessing the support needs of the discloser may include the position held by the discloser in the entity, whether the disclosure was made as a 'role report', and what is reasonably practicable in relation to a duty to ensure health and safety as provided in the [Work Health and Safety Act 2011](#).

- liaising with other agencies about possible referrals of PIDs and referring PIDs to other agencies where required and involve higher authorities (i.e. Chief Executive Officer, Internal Audit, and external agencies) in management decisions;
- liaising with the PID Support Officer (if applicable) to ensure organisational support for the discloser (a list of support types can be found under the definitions section of this procedure);
- annually reviewing and updating the PID procedure;
- maintaining and updating internal records of PIDs received; and
- reporting on PIDs to the Queensland Ombudsman as required.

### **PID Support Officer**

The PID Support Officer is responsible for providing several support responsibilities including:

- providing advice and information to the discloser on the department's PID policy and procedure;
- providing personal support through the referral to other sources or advice such as the department's [Employee Assistance Service](#) provider;
- liaising regularly with the PID Coordinator to ensure effective and appropriate support is provided;
- assisting in the facilitation and in some cases ensuring updates on the progress of investigation are provided; and
- proactively engaging and contacting the discloser throughout the PID management process. A PID Support Officer may also be assigned to provide support to a subject officer or witness.

### **Managers and supervisors**

- Report information or complaints for disclosure assessment;
- Maintain confidentiality and consider the risk of reprisal;
- Provide or facilitate support to a person who has made a disclosure;
- Provide or facilitate support for a person who is subject of a disclosure and afford them natural justice;
- Provide or facilitate support for a person who is known to be a potential witness in a matter;
- 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](#);
- Monitor the workplace for signs of reprisal against a discloser, or any other person; and
- Escalate any disclosure to the PID Coordinator or Ethics and Integrity Unit for assessment and management.

### **Human Resources / Ethics and Integrity**

- Manage all disclosures in accordance with the *PID Act*, independently of any investigation and the resulting decision-making process;
- Properly assess, and where appropriate investigate or deal with disclosures;
- Effectively manage the risk of reprisal against disclosers or third parties;

- Provide appropriate information to the discloser and oversee the coordination of support and protection offered;
- Implement a secure and confidential reporting system to record and manage disclosures;
- Meet reporting requirements to the Office of the Queensland Ombudsman;
- Monitor, review and provide advice on legislative obligations relevant to disclosures; and
- Provide training on disclosures for employees, supervisors, managers and support officers as part of the department's ethics-related training program.

### Investigator

An appropriate internal or external investigator will be appointed for each PID investigation. The type of disclosure and other relevant considerations will be taken into account when deciding to appoint an investigator. The investigator appointed will be responsible for:

- conducting investigations of information in PID in accordance with terms of reference; and
- preparing a report for the delegated decision-maker.

### Delegated decision maker

An appropriate decision maker will be appointed for each PID investigated. This person will be the delegated decision maker and will be responsible for:

- the review of the investigation report; and
- determining whether alleged wrongdoing is substantiated.

### Director-General

The Director-General, as Chief Executive Officer of the department has overall responsibility for ensuring that:

- the department develops, implements and maintains reasonable procedures to deal with PIDs, and provides oversight for the management program of PIDs, including the process for assessing, investigating and proper recording of disclosures<sup>21</sup>;
- all employees are aware that they are required to conduct their duties to the highest professional and ethical standards and always act in the public interest ([Code of Conduct for the Queensland Public Service](#));
- appropriate communication and awareness strategies are in place to educate employees about disclosures; and
- a commitment to encouraging the internal reporting of wrongdoing.

## 5. Legislation

- [Anti-discrimination Act 1991](#)
- [Crime and Corruption Act 2001](#)
- [Disability Service Act 2006](#)
- [Human Rights Act 2019](#)

<sup>21</sup> Section 28 and 29 of the [PID Act](#).

- [Industrial Relations Act 2016](#)
- [Ombudsman Act 2001](#)
- [Public Interest Disclosure Act 2010 \(PID Act\)](#)
- [Public Service Act 2008](#)
- [Public Records Act 2002](#)

## 6. Supporting documents

- [Code of Conduct for the Queensland Public Service](#)
- [Directive 11/20 – Individual employee grievances](#)
- [Directive 14/20 – Discipline](#)
- [Directive 16/20 – Suspension](#)
- [Directive 17/20 – Workplace investigations](#)
- [Public Interest Disclosure Policy](#)
- [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](#)

## 7. Definitions

Term	Definition
<a href="#">An appropriate disclosure</a>	A disclosure where the discloser has an honest and reasonable belief that information provided tends to show the conduct or danger and the information tends to show the conduct or danger regardless of the discloser's belief <sup>22</sup> .
Corrupt conduct	Under section 15 of the <a href="#">Crime and Corruption Act 2001</a> there are two different types of <a href="#">corrupt conduct</a> , these are: <ul style="list-style-type: none"> <li>▪ 'Type A' corrupt conduct affects, or could affect, an employee of a public sector agency so that the performance of their functions or the exercise of their powers is not honest or knowingly or recklessly breaches public trust or involve the misuse of agency-related information or material; and</li> <li>▪ 'Type B' corrupt conduct involves specific types of conduct that impair, or could impair, public confidence in public administration. This may include (but is not limited to) collusive tendering, or fraud relating to application for a license, permit or other authority relating to health or safety, dishonestly obtaining public funds, evading a State tax or fraudulently obtaining or retaining an appointment.</li> </ul>

<sup>22</sup> For further information on appropriate disclosure refer to the Queensland Ombudsman's [website](#).

Term	Definition
Confidential information	<p>As defined under section 65(7) of the <a href="#">PID Act</a>. Confidential information includes information:</p> <ul style="list-style-type: none"> <li>▪ about the identity, occupation, residential or work address or whereabouts of a person who makes a public interest disclosure or the person who the public interest disclosure is about;</li> <li>▪ disclosed by the public interest discloser;</li> <li>▪ about an individual's personal affairs; or</li> <li>▪ information that, if disclosed, may cause detriment to a person</li> </ul> <p>Confidential information does not include publicly disclosed information in a public interest made to a court, tribunal or other entity unless disclosure of the information is prohibited by law (i.e. a standing rule, order or motion of the Legislative Assembly).</p>
Disability	<p>As defined under section 11(1) of the <a href="#">Disability Services Act 2006</a>, a disability is a person's condition that is attributable to an intellectual, psychiatric, cognitive, neurological, sensory or physical impairment, or a combination of impairments mentioned above, and results in:</p> <ol style="list-style-type: none"> <li>a substantial reduction of the person's capacity for communication, social interaction, learning, mobility or self-care or management; and</li> <li>the person needing support.</li> </ol> <p>For the purposes of defining disability under section 11, the impairment mentioned at (1) may result from an acquired brain injury, the disability must be permanent or likely to be permanent and may be, but need not be, of a chronic episodic nature.</p>
Discloser	A person who makes a PID in accordance with the <a href="#">PID Act</a> .
Detriment	<p>As defined under Schedule 4 of the <a href="#">PID Act</a>, detriment includes:</p> <ul style="list-style-type: none"> <li>▪ a personal injury or prejudice to safety;</li> <li>▪ property damage or loss;</li> <li>▪ intimidation or harassment;</li> <li>▪ adverse discrimination, disadvantage or adverse treatment about career, profession, employment, trade or business;</li> <li>▪ financial loss; or</li> <li>▪ damage to reputation, including for example, personal, professional or business reputation.</li> </ul>
Employee Assistance Service	The department's Employee Assistance Service (EAS) is a free and confidential 24/7 support service available to all department employees. For further information please see the <a href="#">Employee Assistance Service</a> .
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	As defined under section 20(4) of the <a href="#">PID Act</a> . A person engaged in the occupation of writing or editing material intended for publication in the print or electronic new media.

Term	Definition
Maladministration	Includes administrative action that was taken in a way outlined by schedule 4 of the <a href="#">PID Act</a> , such as: <ul style="list-style-type: none"> <li>▪ was contrary to law; or</li> <li>▪ was unreasonable, unjust, oppressive, or improperly discriminatory; or</li> <li>▪ 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</li> <li>▪ was taken for an improper purpose, on irrelevant groups, or having regard to irrelevant considerations; or</li> <li>▪ was action for which reason should have been given, but were not given; or</li> <li>▪ was wrong or based wholly or partly on a mistake of law or fact.</li> </ul>
Natural justice	Also referred to as procedural fairness. The rules of natural justice require that a decision-maker is not biased in any way, gives all parties a fair hearing, ensures all parties are informed and allowed to comment and take into account a person's point of view on any matter that adversely affects them.
Organisational support for disclosers	For the purposes of this procedure, organisational support means actions such as (but not limited to) <ul style="list-style-type: none"> <li>▪ advising disclosers of agency resources available to handle any concerns they have as a result of making their disclosure;</li> <li>▪ sourcing or appointing (if agreed) 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 Service provider or arranging for other professional counselling;</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 in the support program when it is agreed that they no longer need assistance; or</li> <li>▪ developing a support management plan.</li> </ul>
<a href="#">Public Interest Disclosure</a>	A disclosure about wrongdoing in the public sector that serves the public interest. For an allegation to be considered a public interest under the <a href="#">PID Act</a> it must be: <ul style="list-style-type: none"> <li>▪ public interest information about serious wrongdoing or danger;</li> <li>▪ an appropriate disclosure; and</li> <li>▪ made to a proper authority</li> </ul>
<a href="#">Proper authority</a>	Persons or organisations authorised under the <a href="#">PID Act</a> to receive public interest disclosures.
Reasonable management action	As defined under 45 (3) of the <a href="#">PID Act</a> . Action taken by a manager, includes any of the following: <ul style="list-style-type: none"> <li>▪ a reasonable appraisal of the employee's work performance;</li> <li>▪ a reasonable requirement that the employee undertake counselling;</li> <li>▪ a reasonable suspension of the employee from the employment workplace;</li> <li>▪ a reasonable disciplinary action;</li> <li>▪ a reasonable action to transfer or deploy the employee;</li> <li>▪ a reasonable action to end the employee's employment by way of redundancy or retrenchment; or</li> <li>▪ 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>

Term	Definition
Reportable wrongdoing	<p>Conduct or other matter as defined at section 12(1) and section 13(1) <a href="#">PID Act</a>, including:</p> <ul style="list-style-type: none"> <li>a substantial and specific danger to the health and safety of a person with a disability;</li> <li>the commission of an offence or contravention endangering the environment or an offence that would be a substantial and specific danger to the environment; or</li> <li>the conduct of another person that could, if proved, be a reprisal</li> </ul> <p>Additional <a href="#">reportable wrongdoings</a> relevant to public services employees:</p> <ul style="list-style-type: none"> <li>corrupt conduct;</li> <li>maladministration that adversely affects someone's interests in a substantial and specific way;</li> <li>a substantial misuse of public resources;</li> <li>a substantial and specific danger to public health or safety; or</li> <li>a substantial and specific danger to the environment.</li> </ul>
Reprisal	As defined under the <a href="#">PID Act</a> , reprisal includes 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 public interest disclosure or has been or intends to be involved in a proceeding under the Act against any person.
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>

## Version control

Date	Version	Action	Description/Comments
1 July 2019	1	Approved by Director-General	New departmental procedure
	1.1	Approved by Head of Corporate	<ul style="list-style-type: none"> <li>Minor updates to links, document references</li> <li>Nil significant change to document.</li> </ul>