

Public interest disclosure policy

Expected outcomes

The department is committed to upholding high standards of professional and ethical conduct by its employees and agents. The department is also committed to maintaining integrity and promoting the public interest through facilitating the effective notification, assessment and management of public interest disclosures in accordance with the [Public Interest Disclosure Act 2010 \(Qld\)](#).

What is a public interest disclosure?

A Public Interest Disclosure (PID) is a disclosure or report to an appropriate authority about the conduct of a person that could if proved be, for example: corrupt conduct, serious and specific: maladministration/misuse of resources/danger to public health or safety/danger to the environment) as defined in the [Public Interest Disclosure Act 2010](#) (the Act).

Departmental employees may make a PID even if they are unable to identify a particular person in the disclosed information. A PID may be made either voluntarily or under a legal requirement (involuntary disclosure). A person making a PID may have either a subjective (the discloser honestly believes on reasonable grounds that the information tends to show the conduct/danger has occurred/is occurring) or objective (the information tends to show the existence of the alleged conduct regardless of what the discloser honestly believes) basis for their concerns. PIDs can be made by members of the public in certain circumstances outlined in the Act (e.g. about reprisal against a person who has made a PID, about a substantial and specific danger to: the health or safety of a person with a disability/danger to the environment

- A PID may be about a matter that occurred before the commencement of the Act, events that are or may be happening or events that will or may happen.
- The discloser is encouraged to provide contact details for follow up action, however a PID can be made anonymously. A discloser who wishes to remain anonymous may provide an alias and contact point instead.
- It is a criminal offence for an employee to:
 - intentionally give false or misleading information about a PID;
 - cause or take reprisal; or
 - fail to preserve confidentiality of PID information.

The department is the appropriate authority to report the following information disclosures:

- information that relates to the conduct of the department or any of its employees or agents;
- anything that the department has a power to investigate or remedy;
- the conduct of another person that could, if proved, be a reprisal that relates to a previous disclosure made by the person to a proper authority;
- the person honestly believes that the information that is the subject of the disclosure relates to a matter mentioned above.

However, officers may make a PID to other authorities such as another public sector entity, the Crime and Corruption Commission, the Queensland Police Service or a Member of the Legislative Assembly.

In certain circumstances a PID may be made to a journalist if a person has already made a PID to a proper authority and that authority decided not to investigate, did not take action, or did not notify the discloser within six months whether the matter would be investigated or not.

A manager may take reasonable management action in relation to an employee who has made a PID only if the manager's reasons for taking action do not include the person having made a PID.

We will do this by:

- implementing employee awareness initiatives that create an ethical culture which supports reporting wrongdoing;
- ensuring employees and agents conduct their duties to a highly professional and ethical manner and always act in the public interest through providing advice and information to employees and managers in relation to the prevention and management of PIDs;
- ensuring employees are aware of their rights and obligations under the Act and the Code in relation to the reporting of suspected wrongdoing and reprisal actions;
- ensuring employees report any suspected wrongdoing and follow departmental procedures;
- supporting and encouraging officers to report suspected corrupt conduct and serious maladministration;
- nominating a PID contact officer - Director, Ethics and Integrity (DSD);
- the PID contact officer assessing and managing all PIDs in a professional and confidential manner;
- the PID contact officer maintaining internal and external reporting systems that will prevent and/or minimise the incidents of wrongdoing or danger in the public sector;
- the PID contact officer collecting, reporting and reviewing PID data, using PID data to inform business improvement and including PIDs in the integrity management program;
- the PID contact officer referring all suspected PIDs to the appropriate authorities, including referral to another entity if the PID related to the conduct of another public sector entity or if another entity has the necessary jurisdiction, expertise and technical knowledge to investigate or take other action;
- supporting the rights of officers subject to a PID, including entitlement to the presumption of innocence, advice and support, the application of natural justice and assistance from their legal representative or union; and
- ensuring regular review of the PID policy and checklist.

Responsibilities

Responsibility of the Director-General (and his delegate the Director, Ethics and Integrity, DSD)

The Director-General must ensure effective systems and procedures are in place to monitor a discloser's workplace for any signs of reprisal action. In the event of a reprisal being alleged or suspected, an entity must act in the interest of the discloser by ensuring their safety and managing any discipline resulting from reprisals.

The Director-General must ensure the department has a secure and confidential reporting system to record the receipt and management of PIDs as required by the Act.

Reporting to Ombudsman

The department must provide the Queensland Ombudsman with statistical information about PIDs. They will not have any specific reference to the identity of the disclosers.

Failure to report misconduct to an authority may be considered a breach of legislation and the Code of Conduct.

Disciplinary action, up to and including dismissal, may be taken if an employee is found to have contravened, without reasonable excuse, a provision of any of the above.

Standards that apply:

- [Public Interest Disclosure Act 2010 \(Qld\)](#)
- [Queensland Ombudsman Public Interest Disclosure Standard No. 1](#)
- Refer to [Public interest disclosure checklist](#)
- For further information, contact the [Director, Ethics and Integrity \(DSD\)](#)