

## Public Interest Disclosures Management Program

**Customers First - We are fair and consistent, seek to understand and make decisions for the long term**

**Empower People - We are all leaders, who thrive on learning and sharing knowledge**

**Unleash Potential - We want to improve and to deliver beyond the expectations of our stakeholders**

**Be Courageous - We feel safe to be vulnerable, speak up, to pursue opportunities and to fail**

### 1. Policy Statement

QLeave is committed to fostering an ethical, transparent culture. In pursuit of this, QLeave values the disclosure of information about suspected wrongdoing in the public sector so that it can be properly assessed and, if necessary, appropriately investigated. QLeave will provide support to employees and others who make disclosures about matters in the public interest (known as Public Interest Disclosures [PID]). QLeave ensures that practical and effective procedures are implemented which comply with the requirements of the *Public Interest Disclosure Act 2010* (PID Act).

### 2. Purpose

The purpose of this policy and procedure is to provide guidance about QLeave's PID management program.

### 3. Scope

This policy and procedure applies to all QLeave board directors, employees, contractors and consultants and QLeave's stakeholders, clients and the public.

### 4. Principles

- QLeave's PID management program is consistent with the standards issued by the Queensland Ombudsman
- any person who makes a PID is given appropriate support
- PIDs made to QLeave are properly assessed and, where appropriate, properly investigated and dealt with - appropriate action is taken in relation to any wrongdoing which is the subject of a PID
- public officers who make PIDs are offered protection from reprisal by QLeave staff or board directors, or other public officers.

This policy and procedure is available for public viewing on QLeave's website. It will be reviewed annually and updated as required, to ensure it meets the requirements of the PID Act and the standards issued by the Queensland Ombudsman.

## 5. Responsibilities

### General Manager (GM)

The GM has overall responsibility for ensuring that QLeave develops, implements and maintains a PID management program that encompasses:

- commitment to encouraging the internal reporting of wrongdoing
- leadership endorsement of the value to QLeave of PIDs and the proper management of PIDs
- a communication strategy to raise awareness among employees about PIDs and QLeave's PID 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 staff who may receive or manage PIDs, disclosers or workplace issues relating to PIDs
- the appointment of a specialist officer/unit to be responsible for issues related to the management of 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
- regular review of this policy and procedure and evaluation of the effectiveness of the PID management program.

### PID Coordinator

In accordance with QLeave's Delegations manual, the GM has designated the role and responsibilities of a PID Coordinator to the Director Governance and Corporate Services whose role is to:

- be principal contact for PID issues
- document and manage implementation of a PID management program
- review and update this policy and procedure annually
- maintain and update internal records of PIDs received
- report data on PIDs to the Queensland Ombudsman
- assess PIDs received
- provide acknowledgment of receipt of a PID to a discloser
- undertake risk assessments in consultation with disclosers and other relevant officers
- liaise with other agencies about the referral of PIDs
- where another agency directs QLeave lead an investigation into a PID, keep the other agency regularly informed of progress on the matter, and ensure QLeave meets the agency's deadlines
- allocate an Investigator and Support Officer to a PID matter and ensure they provide regular updates to the parties involved
- ensure PIDs assessed as warranting investigation are investigated in a timely manner.

Should a PID be received about the Director Governance and Corporate Services, the GM will designate the role of PID Coordinator to an alternative officer or external entity.

### PID Support Officer

The GM will designate the role of PID Support Officer to an appropriate person as a PID is disclosed. Each disclosure will be assessed on a case-by-case basis and an appropriate support officer will be the designated support officer. The support officer may be a QLeave employee, or a public sector employee from another agency or an external body depending on the circumstances and the parties involved in the matter.

The Support Officer's role is to:

- provide advice and information to a discloser, witness or other party to a matter about this policy and procedure
- provide personal support and referral to other sources of advice or support as required
- facilitate updates on progress of an investigation into a PID
- proactively contact discloser throughout PID management process

## Investigator

An appropriate internal or external investigator will be appointed for each PID investigated depending upon the type of disclosure and other relevant considerations.

The investigator's role is to:

- conduct an investigation of information disclosed in a PID in accordance with terms of reference approved by the GM (unless the PID is about the GM, in which case the matter will be discussed with QLeave's Board Chairs)
- prepare a report for the delegated decision-maker

## Delegated decision-maker

An appropriate decision-maker will be appointed for each PID investigated to review an investigation report and determine whether alleged wrongdoing is substantiated.

## Stakeholder Engagement and Communication

- publish the PID management program as soon as practicable after it is approved on QLeave's website so that it is accessible to the public and in a manner accessible to QLeave officers
- publish procedures on QLeave's website that is readily accessible to the public and meets minimum web accessibility standards
- locate PID information in a logical, easy to find page on the website so that users can readily navigate to it
- add the title of the document (and/or the term 'Public Interest Disclosure') to the relevant web page metadata so the PID procedure is readily located using a search engine or the search function within the entity's website
- record the date uploaded to the web page on the page.

## People, Culture and Capability

- **Induction** - Provide all new officers of QLeave, including board directors, with information about PIDs at induction, including a clear explanation of how to make a PID
- **Staff awareness** - Communicate regularly with all officers to raise their awareness about PIDs, QLeave's PID management program and QLeave's PID procedures, including communications that target the specific information needs of officers of QLeave who directly or indirectly supervise or manage other officers
- **Staff training** - Give all officers of QLeave access to regular training about the identification of wrongdoing, how to make a PID, the protection and support afforded to disclosers and how QLeave deals with PIDS.

Provide regular training to officers nominated to undertake the role of a PID Support Officer (all of PCC Team) about QLeave's obligations under the PID Act, QLeave's PID procedures, protection of confidentiality, prevention of reprisal, and the skills required to provide effective support.

## 6. About PIDs

### Why make a PID?

Anyone, staff or otherwise, who is prepared to speak up about public sector misconduct, wastage of public funds, suspected unlawful activity or danger to health, safety or the environment can provide the most important information to identify and address problems in public sector administration. QLeave supports the disclosure of information about wrongdoing because:

- implementing systems for reporting and dealing with wrongdoing contributes to QLeave's integrity
- the outcomes of PIDs can include improvements to systems that prevent fraud and other economic loss to QLeave
- 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 QLeave and its staff and board directors 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
- protection from defamation – the discloser has a defence against an accusation of defamation by any subject officer.

### What is a PID?

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
- 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
- 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.

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
- disclosure is made anonymously – the discloser is not required to give their name or any identifying information

- discloser has not identified the material as a PID – it is up QLeave to assess information received and decide if it is a PID
- disclosure is unsubstantiated following 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 substantiated.

## 7. Procedure

### 1. Disclose a PID

Disclosers are encouraged to make a disclosure to an appropriate officer of QLeave first. If the matter is not resolved, or the discloser is concerned about confidentiality, the disclosure may be made to another appropriate agency (see below).

Who to contact within QLeave:	Other agencies that can receive PIDs:
<p>Any person (including employees) can make a disclosure to:</p> <ul style="list-style-type: none"> <li>• any person in a supervisory or management position including directors</li> <li>• People, Culture and Capability</li> <li>• the General Manager</li> </ul>	<p>Disclosures 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 about corrupt conduct including reprisal</li> <li>• Queensland Police Service where someone has suffered reprisal because of a PID disclosure</li> <li>• Queensland Ombudsman for disclosures about maladministration</li> <li>• Queensland Audit Office for disclosures about a substantial misuse of resources</li> <li>• Department of Child Safety, Youth and Women for disclosures about danger to the health and safety of a child or young person with a disability</li> <li>• Department of Communities, Disability Services and Seniors for disclosures about danger to the health and safety of a person with a disability</li> <li>• Office of the Public Guardian for disclosures about danger to the health and safety of a person with a disability</li> <li>• Department of Environment and Science disclosures about danger to the environment</li> <li>• A Member of the Legislative Assembly (MP) for any wrongdoing or danger</li> <li>• The Chief Judicial Officer of a court or tribunal in relation to a disclosure about wrongdoing by a judicial officer.</li> </ul>

A disclosure can also 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.

## 2. 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 are requested to provide:

- contact details (this could be an email address that is created for the purpose of making the disclosure or a telephone number)
- 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
  - any further information that could help investigate the PID
  - providing information in writing.

## 3. Deciding whether a matter is 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 still remains, the matter will be considered and managed as a PID.

It is an offence under the PID Act to intentionally give false or misleading information intending it be acted on as a PID. Employees may be subject to disciplinary action for intentionally giving false or misleading information in a PID, or during an investigation into a PID.

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

## 4. Assessing a PID

The disclosure will be assessed in accordance with the PID Act, the PID standards (published by the Queensland Ombudsman), this policy and procedure and any other relevant policies and procedure(s).

Once the matter has been assessed as a PID, QLeave will advise the discloser:

- that their information has been received and assessed as a PID
- the action to be taken by QLeave in relation to the disclosure, which could include referring the matter to an external agency for investigating
- the likely timeframe involved
- the name and contact details of the QLeave support officer they can contact for updates or advice
- their obligations regarding confidentiality
- the protections the discloser has under the PID Act
- the commitment of QLeave 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
- contact details for the QLeave Employee Assistance Program.

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

## 5. Referring a PID

If QLeave decides there is another proper authority that is better able to deal with the PID, the PID may be referred to that agency. This may be because:

- the PID concerns wrongdoing by that agency or an employee of that agency
- that agency has the power to investigate or remedy the matter.

Before referring the PID to another agency, QLeave will 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, QLeave 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 appropriate officers of QLeave to communicate with another agency about the referral of a PID. Officers will exercise discretion in their contacts with any other agency.

The discloser will be advised of the action taken by QLeave.

## 6. Risk assessment and protection from reprisal

Disclosers should not suffer any form of detriment as a result of making a PID. Reprisal is a criminal offence and investigations may be undertaken by the Queensland Police Service.

Upon receiving a PID, QLeave 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 assessment will take into account the actual and reasonably perceived risk of the discloser (or witnesses or affected third parties) suffering detriment, and will include consultation with the discloser.

A risk assessment will be undertaken if the discloser is anonymous on the basis of information available in the PID. The risk assessment will also take into account the risk to persons who may be suspected of making the PID.

Consistent with the assessed level of risk, QLeave 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).

QLeave will regularly reassess the risk of reprisal while the PID is being managed, in consultation with the discloser, and review the risk management plan if required.

In the event of reprisal action being alleged or suspected, QLeave will:

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

## 7. Deciding to take action on a PID

Under the PID Act, QLeave may decide not to investigate or deal with a PID in various circumstances, including where the:

- information disclosed has already been investigated or dealt with by another process
- information disclosed should be dealt with by another process
- age of the information makes it impractical to investigate
- information disclosed is too trivial and dealing with it would substantially and unreasonably divert QLeave from the performance of its functions
- information provided by another agency with jurisdiction to investigate the matter and who the matter was referred to has informed QLeave that an investigation is not warranted.

If a decision is made not to investigate or deal with a PID QLeave will give the discloser written reasons for that decision.

If the discloser is dissatisfied with the decision, they can request a review by writing to the GM within 28 days of receiving the written reasons for decision.

## 8. Communication with disclosers

Under the PID Act, the QLeave must give reasonable information to a discloser.

QLeave will acknowledge receipt of the PID in writing as soon as practicable. The discloser will be provided with information that meets the requirements of the PID Act and the standards issued by the Queensland Ombudsman (see *Supporting documents*), including:

- the action that will be taken in response to the PID
- the protections under the PID Act
- confidentiality obligations of the discloser and the QLeave
- support arrangements.

QLeave will maintain contact with the discloser and provide regular updates during the management of the PID.

In accordance with the PID Act, after finalising action in response to the PID, QLeave will advise the discloser in writing of the action taken and the results of the action.

## 9. Confidentiality

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

- provide natural justice to all parties involved in a PID disclosure
- respond to a court order, legal directive or court proceedings.

QLeave will ensure that communication with all parties involved is arranged discreetly to avoid identifying the discloser wherever possible.

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

QLeave will ensure that PIDs are managed in accordance with the *Human Rights Act 2019*, where every person has a right not to have the person's reputation unlawfully attacked.

## 10. Support for disclosers and other parties

QLeave recognises that providing appropriate support to a discloser is an important feature of effective PID management.

An assessment will be undertaken to identify the support needs of the discloser. Where appropriate, a PID Support Officer will be assigned to the discloser. QLeave has a duty of care to its employees so where a discloser, witness or other party is an employee, QLeave will ensure that it meets work health and safety laws to protect the health and safety, including psychological well-being, of the staff member(s) concerned.

In some instances, other parties to the matter such as former employees, witnesses and the person who is the subject matter of the PID may also receive support. Where this occurs a different PID Support Officer will be appointed to support each different party so that there is no conflict of interest. The PID Support Officer(s) will assist people being supported to access information about PIDs, protections available under the PID Act and the PID management process. The PID Support Officer will proactively contact the people being supported to offer support.

Information and support will be provided to people being supported until the matter is finalised.

Making a PID does not prevent reasonable management action. That means that the discloser will continue to be managed in accordance with normal, fair and reasonable management practices during and after the handling of the PID.

## 11. Investigating a PID

If a decision is made to investigate a PID, this will be done in accordance with the:

- principles of natural justice
- obligation under the PID Act to protect confidential information
- obligation under the PID Act to protect officers from reprisal
- consideration of the interests of subject officers.

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

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

## 12. Rights of subject officers

QLeave acknowledges that for officers who are the subject of a PID the experience may be stressful. QLeave will protect their rights 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 and the progress and outcome of any investigation
- ensuring all parties receive adequate notice before being given an opportunity for a hearing (which may be in person or through providing a party with an opportunity to provide a right of reply by submissions)
- making sure any investigation undertaken into a PID follows proper process and is not unnecessarily prolonged

- ensuring they are given a fair hearing and a right of reply
- referring a public service officer to the Employee Assistance Program for support.

Information and support will be provided to all parties until the matter is finalised.

### 13. Recordkeeping

In accordance with its obligations under the PID Act and the *Public Records Act 2002*, QLeave will ensure that:

- accurate data is collected about the receipt and management of PIDs
- anonymised data is reported to the Office of the Queensland Ombudsman in their 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 in a locked down container in QLeave's HPE CM (Content Management) system.

### 14. Staff training

QLeave's Capability Development Officer will coordinate and at times facilitate training about QLeave's PID management program so that all new staff and board directors receive this as part of the induction program, and existing staff on an annual basis. QLeave's leadership team and supervisors will receive additional training about what to do if someone discloses a PID to them. Support Officers will also receive training about how to effectively support a person who is party to a PID.

## 8. Legislation

- [Acts Interpretation Act 1954](#)
- [Crime and Corruption Act 2001](#)
- [Evidence Act 1977](#)
- [Human Rights Act 2019](#)
- [Information Privacy Act 2009](#)
- [Ombudsman Act 2001](#)
- [Public Interest Disclosure Act 2010](#)
- [Public Records Act 2002](#)
- [Public Sector Ethics Act 1994](#)
- [Public Service Act 2008](#)
- [Right to Information Act 2002](#)

## 9. Supporting documents

- Code of Conduct for the Queensland Public Service
- [All agencies - Natural justice, disclosure, and privacy \(published by the Office of the Information Commissioner \(Queensland\)\)](#)
- [Disclosure Fact sheet 1: What is a disclosure \(published by the Queensland Ombudsman\)](#)
- [Disclosure Fact sheet 2: Checklist for making a disclosure \(published by the Queensland Ombudsman\)](#)

- [Disclosure Fact sheet 3: Discloser information and support \(published by the Queensland Ombudsman\)](#)
- [Public Interest Disclosure Standard No. 1/2019 – PID management program \(published by the Queensland Ombudsman\)](#)
- [Public Interest Disclosure Standard No. 2/2019 – Assessing, investigating and dealing with PIDs \(published by the Queensland Ombudsman\)](#)
- [Public Interest Disclosure Standard No. 3/2019 – PID data recording and reporting \(published by the Queensland Ombudsman\)](#)
- QLeave’s Customer complaints policy and procedure (refer QLeave’s intranet)
- QLeave’s Employee complaints policy and procedure (refer QLeave’s intranet)
- QLeave’s Fraud and Corruption Control policy and procedure (refer QLeave’s intranet)
- QLeave’s Recordkeeping Policy (refer QLeave’s intranet)
- QLeave’s Risk management policy and procedure (refer QLeave’s intranet)

## 10. Definitions

Term	Definition
<b>Administrative action</b>	<p>means any action about a matter of administration, including, for example:</p> <ul style="list-style-type: none"> <li>(i) a decision and an act; and</li> <li>(ii) a failure to make a decision or do an act, including a failure to provide a written statement of reasons for a decision; and</li> <li>(iii) the formulation of a proposal or intention; and</li> <li>(iv) the making of a recommendation, including a recommendation made to a Minister; and</li> <li>(v) an action taken because of a recommendation made to a Minister; and</li> </ul> <p>does not include an operational action of a police officer or of an officer of the Crime and Corruption Commission.</p>
<b>Confidential information</b>	<p>includes —</p> <ul style="list-style-type: none"> <li>(i) information about the identity, occupation, residential or work address or whereabouts of a person — <ul style="list-style-type: none"> <li>(A) who makes a public interest disclosure; or</li> <li>(B) against whom a PID has been made; and</li> </ul> </li> </ul>
<b>Confidential information (continued)</b>	<ul style="list-style-type: none"> <li>(ii) information disclosed by a public interest disclosure; and</li> <li>(iii) information about an individual’s personal affairs; and</li> <li>(iv) information that, if disclosed, may cause detriment to a person; and</li> </ul> <p>does not include information publicly disclosed in a PID 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>

Term	Definition
<b>Corrupt conduct</b>	<p>As defined in section 15 of the <i>Crime and Corruption Act 2001</i>:</p> <p>(1) Corrupt conduct means conduct of a person, regardless of whether the person holds or held an appointment, that—</p> <p>(a) adversely affects, or could adversely affect, directly or indirectly, the performance of functions or the exercise of powers of—</p> <ul style="list-style-type: none"> <li>(i) a unit of public administration; or</li> <li>(ii) a person holding an appointment; and</li> </ul> <p>(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—</p> <ul style="list-style-type: none"> <li>(i) is not honest or is not impartial; or</li> <li>(ii) involves a breach of the trust placed in a person holding an appointment, either knowingly or recklessly; or</li> <li>(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</li> </ul> <p>(c) would, if proved, be—</p> <ul style="list-style-type: none"> <li>(i) a criminal offence; or</li> <li>(ii) a disciplinary breach providing reasonable grounds for terminating the person’s services, if the person is or were the holder of an appointment.</li> </ul> <p>(2) 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"> <li>(a) impairs, or could impair, public confidence in public administration; and</li> <li>(b) involves, or could involve, any of the following— <ul style="list-style-type: none"> <li>(i) collusive tendering;</li> <li>(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"> <li>(A) protecting health or safety of persons;</li> <li>(B) protecting the environment;</li> <li>(C) protecting or managing the use of the State’s natural, cultural, mining or energy resources;</li> </ul> </li> </ul> </li> </ul>



Term	Definition
<b>Corrupt conduct (continued)</b>	<p>(iii) dishonestly obtaining, or helping someone to dishonestly obtain, a benefit from the payment or application of public funds or the disposition of State assets;</p> <p>(iv) evading a State tax, levy or duty or otherwise fraudulently causing a loss of State revenue;</p> <p>(v) fraudulently obtaining or retaining an appointment; and</p> <p>(c) would, if proved, be—</p> <p>(i) a criminal offence; or</p> <p>(ii) a disciplinary breach providing reasonable grounds for terminating the person’s services, if the person is or were the holder of an appointment.</p>
<b>Detriment</b>	<p>includes –</p> <p>(a) personal injury or prejudice to safety; and</p> <p>(b) property damage or loss; and</p> <p>(c) intimidation or harassment; and</p> <p>(d) adverse discrimination, disadvantage or adverse treatment about career, profession, employment, trade or business; and</p> <p>(e) financial loss; and</p> <p>(f) damage to reputation, including, for example, personal, professional or business reputation.</p>
<b>Disability</b>	<p>As defined in section 11 of the <i>Disability Services Act 2006</i>, for the purposes of this procedure:</p> <p>(1) A disability is a person’s condition that—</p> <p>(a) is attributable to—</p> <p>(i) an intellectual, psychiatric, cognitive, neurological, sensory or physical impairment; or</p> <p>(ii) a combination of impairments mentioned in subparagraph (i); and</p> <p>(b) results in—</p> <p>(i) a substantial reduction of the person’s capacity for communication, social interaction, learning, mobility or self-care or management; and</p> <p>(ii) the person needing support.</p> <p>(2) For subsection (1), the impairment may result from an acquired brain injury.</p> <p>(3) The disability must be permanent or likely to be permanent.</p> <p>(4) The disability may be, but need not be, of a chronic episodic nature</p>
<b>Discloser</b>	<p>A person who makes a disclosure in accordance with the <i>Public Interest Disclosure Act 2010</i>.</p>
<b>Employee</b>	<p>Includes a person engaged by QLeave under a contract of service.</p>
<b>Investigation</b>	<p>For the purposes of this procedure, investigation includes any enquiry undertaken to establish whether the information provided in a PID can be substantiated, including a review or audit.</p>
<b>Journalist</b>	<p>a person engaged in the occupation of writing or editing material intended for publication in the print or electronic news media.</p>



Term	Definition
<b>Maladministration</b>	<p>As defined in schedule 4 of the <i>Public Interest Disclosure Act 2010</i>, maladministration is 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 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</li> <li>(d) was taken— <ul style="list-style-type: none"> <li>(i) for an improper purpose; or</li> <li>(ii) on irrelevant grounds; or</li> <li>(iii) having regard to irrelevant considerations; or</li> </ul> </li> <li>(e) was an action for which reasons should have been given, but were not given; or</li> <li>(f) was based wholly or partly on a mistake of law or fact; or</li> <li>(g) was wrong.</li> </ul>
<b>Natural Justice</b>	<p>Natural justice, also referred to as ‘procedural fairness’ applies to any decision that can affect the rights, interests or expectations of individuals in a direct or immediate way. Natural justice is at law a safeguard applying to an individual whose rights or interests are being affected.</p> <p>The rules of natural justice, which have been developed to ensure that decision-making is fair and reasonable, are:</p> <ul style="list-style-type: none"> <li>• avoid bias</li> <li>• give a fair hearing; and</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 means actions such as, but not limited to:</p> <ul style="list-style-type: none"> <li>• providing moral and emotional support</li> <li>• advising disclosers about agency resources available to handle any concerns they have as a result of making their disclosure</li> <li>• appointing a mentor, confidante or other support officer to assist the discloser through the process</li> <li>• referring the discloser to the agency’s Employee Assistance Program or arranging for other professional counselling</li> <li>• generating support for the discloser in their work unit where appropriate</li> <li>• ensuring that any suspicions of victimisation or harassment are dealt with</li> <li>• maintaining contact with the discloser</li> <li>• negotiating with the discloser and their support officer a formal end to their involvement with the support program when it is agreed that they no longer need assistance.</li> </ul>
<b>Proper authority</b>	<p>A person or organisation that is authorised under the <i>Public Interest Disclosure Act 2010</i> to receive disclosures. At QLeave this is the PID Coordinator (Director Governance and Corporate Services).</p>
<b>Public Officer</b>	<p>A public officer, of a public sector entity, is an employee, member or officer of the entity.</p>



Term	Definition
<b>Reasonable belief</b>	A view which is objectively fair or sensible.
<b>Reasonable Management Action</b>	Action taken by a manager in relation to an employee, includes any of the following taken by the manager— (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;
<b>Reasonable Management Action (continued)</b>	(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.
<b>Reprisal</b>	Defined under the <i>Public Interest Disclosure Act 2010</i> as causing, attempting to cause or conspiring to cause detriment to another person in the belief that they or someone else has: <ul style="list-style-type: none"> <li>• made or intends to make a disclosure; or</li> <li>• been or intends to be involved in a proceeding under the disclosure Act against any person.</li> </ul>
<b>Subject Officer</b>	An officer who is the subject of allegations of wrongdoing made in a disclosure.
<b>Substantial and Specific</b>	Substantial means 'of a significant or considerable degree'. It must be more than trivial or minimal and have some weight or importance.  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.

## Version Control

Version	Date	Comments
1.0	13 July 2020	Initial draft published for staff consultation

