

Public Interest Disclosure Policy and Procedure

Owner: HUMAN RESOURCES

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Under the *Human Rights Act 2019* a decision maker has an obligation to act and make decisions in a way that is compatible with human rights, and when making a decision under this procedure, to give proper consideration to human rights.

1. Purpose

To provide employees and others with information on how to make a disclosure of information about suspected wrongdoing, what happens in response to this disclosure and protections available to a discloser who has made a Public Interest Disclosure (PID) under the [Public Interest Disclosure Act 2010](#) (PIDA).

1.1 What is a Public Interest Disclosure

Under the PIDA, any person including a member of the public 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 PIDA, 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 which includes **employees** can make a disclosure about the following public interest matters:

- corrupt conduct
- maladministration that adversely affects a person's interest 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 under the PIDA even if the:

- discloser reports the information as part of their duties
- 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 to the Department of Agriculture and Fisheries (the department) 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.

1.2 Why make a Public Interest Disclosure?

Employees who are prepared to speak up about public sector misconduct, wastage of public funds, suspected unlawful activity or danger to health, safety or the environment can be the most important sources of information to identify and address problems in public sector administration.

The department supports the disclosure of information about wrongdoing because:

- implementing systems for reporting and dealing with wrongdoing contributes to the integrity of the department
- the outcomes of PIDs can include improvements to systems that prevent fraud and other economic loss to the department
- 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 PIDA, 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 the department and employees of the department 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**.

2. Policy

The department is committed to fostering an ethical and transparent culture. In pursuit of this, the department values the disclosure of information about suspected wrongdoing in the public sector so that it can be properly assessed and, if necessary, appropriately investigated. The department will provide support to an **employee** or others who make disclosures about matters in the public interest. This policy and procedure evidence this commitment and ensures that practical and effective procedures are implemented which comply with the requirements of the PIDA.

3. Authority

[Ombudsman Act 2001](#)

[Public Interest Disclosure Act 2010](#)

[Public Interest Disclosure Standard No. 1/2019](#)

[Public Interest Disclosure Standard No. 2/2019](#)

[Public Interest Disclosure Standard No. 3/2019](#)

[Public Sector Ethics Act 1994](#)

[Crime and Corruption Act 2001](#)

[Public Service Act 2008](#)

[Financial Accountability Act 2009](#)

4. Scope

This policy applies to an employee who is permanent, temporary or casual.

5. Procedure

5.1 How to make a Public Interest Disclosure

Wrongdoing can be disclosed in any way, including anonymously, either verbally or in writing. The discloser does not need to identify the report as a PID, but it may later be assessed as a PID.

Under the Code of Conduct employees are required to report wrongdoing which can be reported to any of the below:

- Their immediate manager or supervisor
- Any other person in a management role within the department
- The Director-General
- The PID Coordinator (Manager, HR Governance & Ethics) via email to ethics@daf.qld.gov.au or by phone to (07) 3087 8543.

Any other person including a member of the public can disclose wrongdoing to the department to any of the below:

- The PID Coordinator (Manager, HR Governance & Ethics) via email to ethics@daf.qld.gov.au or by phone to (07) 3087 8543
- Completing an online complaint form available on the website
- By mail addressed ‘Private and Confidential’ to the PID Coordinator (Manager, HR Governance & Ethics), GPO box 46, Brisbane QLD 4001
- Phone 13 25 23
- Anytime to the Director-General, minister or other employee responsible for receiving the type of information being disclosed.

All disclosures of suspected wrongdoing not reported directly to the PID Coordinator must be subsequently referred to the PID Coordinator (Manager, HR Governance & Ethics).

5.1.1 Disclosing to an external body

Disclosers are encouraged to make a disclosure to an appropriate person within the department first. If the matter is not resolved, or the discloser is concerned about confidentiality, the disclosure may be made to another appropriate agency that has a responsibility for investigating the information disclosed:

When the disclosure relates to	The appropriate external entity is
Maladministration	Queensland Ombudsman
Corrupt conduct including reprisal	Crime and Corruption Commission (CCC)
Substantial misuse of resources	Queensland Audit Office
Danger to public health and safety of a child or young person with a disability	Department of Child Safety, Youth and Women
Danger to health and safety of a person with a disability	Department of Communities, Disability Services and Seniors Office of the Public Guardian
Danger to the environment	Department of Environment and Science

5.1.2 Disclosure to a Member of Parliament

A person can also make a PID to a Member of Parliament (MP). MPs do not have any authority to investigate PIDs, so they need to decide which public sector entity they believe can appropriately deal with the matter and refer the matter on.

If a discloser is concerned about a reprisal should details of the PID be made public, it is essential this is raised when the disclosure is made. MPs are required to keep the matter confidential. However, MPs do have the discretion to raise the matter in Parliament at which time the disclosers identity may become public.

5.1.3 Disclosure to a journalist

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 property 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 when the disclosure was made 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 PIDA. However, disclosers should be aware that journalists are not bound under the confidentiality provisions of section 65 of the PIDA.

5.1.4 Information to be provided

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. Please note that in the event a discloser does not provide contact details, it will not be possible for the department to communicate with the discloser subsequent to their disclosure made to the department)
- 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 are they
 - any evidence that supports the PID, and where the evidence is located
 - any further information that could help investigate the PID
 - whether they are concerned about possible reprisal as a result of their disclosure
 - whether any others are aware of the suspected wrongdoing, and if so, who are they.

A person should not investigate a matter before disclosing. In fact, by doing so, this may hinder any future investigation.

5.1.5 Protections available to a discloser

When making a PID the discloser, receives the protections provided under the PIDA, 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 the department and employees of the department as result of making the PID. It is a criminal offence for a person to take a reprisal with a maximum penalty of 167 penalty units or two years imprisonment
- 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 the accusation of defamation by a subject officer.

Intentionally giving false or misleading information which is intended to be acted on a PID, is a criminal offence with a maximum penalty of 167 penalty units or two years imprisonment under section 66 of the PIDA. Employees may also face disciplinary action.

5.2 Action undertaken in response to a disclosure

5.2.1 Assessment to determine if disclosure involves a PID

The person making the disclosure does not have to identify the matter as a PID for it to be assessed and managed as one.

The following principles apply to an employee receiving a report of suspected wrongdoing that could be a PID:

- Err on the side of caution and interpret the PIDA broadly. When in doubt, assume that the discloser is protected and act accordingly.
- A discloser cannot request that their information not be treated as a PID, nor does the department have that discretion.
- Concentrate on the allegation, the information and evidence provided, not the identity of the discloser or the motive for disclosing the information.
- Do not focus on how well information is communicated but on what is communicated. Poorly articulated allegations can still contain valid information.
- PIDs can be made anonymously. However, it may be harder to investigate or otherwise deal with the PID. See whether there is any way to keep in contact with the discloser while not disclosing their identity.

The PID Coordinator (Manager, HR Governance & Ethics) will assess the information disclosed to decide whether the matter will be considered and managed as a PID. This may require further information to be obtained to inform the decision. Mere disagreements over policy do not meet the threshold for a PID under the PIDA. The assessment conducted involves use of the [PID Assessment Guide](#) issued by the Office of the Queensland Ombudsman.

If a discloser has stated they are making a PID, but it is assessed that the matter is not a PID, the PID Coordinator will advise the discloser of the following where a discloser has provided their contact details:

- 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
- an action the department proposes to take in relation to the matter
- any other options the discloser has in relation to the matter.

If the disclosure is assessed as a PID, the PID Coordinator (Manager, HR Governance & Ethics) will advise the discloser of the following where a discloser has provided their contact details:

- that their information has been received and assessed as a PID
- the action to be taken by the department 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 department’s PID Support Officer and Case Manager they can contact for updates or advice
- of the discloser’s obligations regarding confidentiality
- the protections the discloser has under the PIDA
- the commitment of the department to keep appropriate records and maintain confidentiality, except where permitted under the PIDA
- how updates regarding intended actions and outcomes will be provided to the discloser
- contact details for the department’s Employee Assistance Program.

5.2.2 Referring a Public Interest Disclosure to another property authority

If the PID Coordinator (Manager, HR Governance & Ethics) decides that 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.

It may also be necessary to refer the PID to another agency because of a legislative obligation, for example, refer a matter to the CCC where there is a reasonable suspicion that the matter involves or may involve corrupt conduct (as required by section 38 of [Crime and Corruption Act 2001](#)).

The confidentiality obligations of the PIDA permits the department to communicate with another agency about the referral of a PID. The PID Coordinator will exercise discretion in their contacts with any other agency with contact with the CCC involving a CCC Liaison Officer. Manager, HR Governance & Ethics is an appointed CCC Liaison Officer.

Before referring the PID to another agency, the PID Coordinator (Manager, HR Governance & Ethics) will conduct a risk assessment and will not proceed with the referral if there is an unacceptable risk of reprisal. If referred, the discloser will be advised.

A situation may arise where more than one organisation has jurisdiction to investigate a PID. Appropriate arrangements to avoid duplicating action and to ensure the efficient and economic use of investigative resources should be made. This may involve agreeing that one entity will investigate and take action (if necessary) or, alternatively, developing a plan for cooperative action.

5.2.3 Risk assessment and protection from reprisal

Disclosers should not suffer any form of detriment as a result of a making a PID. Upon receiving a PID, the PID Coordinator (Manager, HR Governance & Ethics) 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 consider 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 by the PID Coordinator if the discloser is anonymous on the basis of information available in the PID. The risk assessment will take into account the risk to persons who may be suspected of making the PID. The risk assessment is conducted using the [PID Risk Assessment and Risk Management Guide](#) issued by the Office of the Queensland Ombudsman.

Consistent with the assessed level of risk, the PID Coordinator and/or the PID Support Officer and Case Manager 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).

The PID Support Officer and Case Manager 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, the department 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.

5.2.4 Declining to take action on a Public Interest Disclosure

The department can 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 impracticable to investigate
- the information disclosed is too trivial to warrant investigation and dealing with it would substantially and unreasonably divert the department from the performance of its functions
- another agency with jurisdiction to investigate the information has notified the department that an investigation is not warranted.

If the department chooses not to investigate or deal with a PID, written reasons for that decision will be provided to the discloser. If the discloser is dissatisfied with the decision, they can request a review by writing to the Director-General within 28 days of receiving the written reasons for decision. Internal review of the decision will be carried out in accordance with the processes for internal review under the department's complaints management processes.

5.3 Managing a public interest disclosure

The PID Support Officer and Case Manager will maintain contact with the discloser and provide regular updates during the management of the PID.

5.3.1 Investigating a Public Interest Disclosure

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

- principles of **natural justice**
- obligation under the PIDA to protect **confidential information**
- obligation under the PIDA to protect officers from reprisal
- interests of subject officers.

5.3.2 Confidentiality

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

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

The department will ensure that communications with all parties involved will be arranged discreetly to avoid identifying the discloser wherever possible.

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

5.3.3 Support for disclosers

The department 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 with a PID Support Officer and Case Manager assigned to the discloser. The PID Support Officer and Case Manager will assist the discloser to access information about PIDs, protections available under the PIDA and the PID management process. They will also proactively contact the discloser to offer support.

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.

5.3.4 Managing reprisals

The department is committed to ensuring that no disciplinary or adverse action, including workplace reprisals by managers/supervisors occurs as a result of an employee making a disclosure. If any of the following occurs the employee has the right to request the department to take positive action to protect the employee:

- Unfair treatment
- Harassment
- Intimidation
- Victimisation
- Unlawful discrimination.

An employee who experiences, or is afraid of, any form of reprisal should notify the Manager (HR Governance & Ethics) or their Case Manager immediately. All managers/supervisors must notify the Manager (HR Governance & Ethics) if they suspect an employee is experiencing reprisal action as a result of PID.

Where it is established that reprisal action may have occurred, the department will take reasonable action to ensure this activity ceases and take appropriate action to protect the employee, including:

- Attend to the safety of the discloser or affected parties as a priority
- Review the risk assessment
- Manage the allegation of reprisal in its own right.

Any employees found to have engaged in reprisals may be the subject of disciplinary action.

In the event that reprisal action is taken, disclosers have the right to lodge a complaint with the Queensland Human Rights Commission or apply for an injunction in the Queensland Industrial Relations Commission (QIRC) or Supreme Court to prevent a reprisal (s48 and 49 of the PIDA). Disclosers have the right to make a civil claim for damages for a reprisal against the person causing the reprisal or the department.

5.3.5 Rights of subject officers

The department acknowledges that for an employee, who is the subject of a PID, the experience may be stressful. The department 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
- referring them to the department's Employee Assistance Program for support
- advising they may seek assistance from their employee association (i.e. union) or engage their own private legal representation at their own discretion.

Affording natural justice does not mean that the department must advise the subject officer(s) of the allegation as soon as it is received, or an investigation is commenced. Furthermore, the subject officer(s) need not be told about the allegation if it is not substantiated. The particular requirements of natural justice will vary between cases.

Section 65 (4) of the PIDA provides that confidential information may be disclosed for natural justice obligations. However, before information can be released, two conditions must be met:

- It must be essential to release that information to provide natural justice. If it is possible for a subject officer(s) to answer allegations without the source of the allegations being identified, the release of information cannot be said to be essential.
- It is unlikely that a reprisal will be taken against the discloser.

Managers should notify the discloser prior to the department revealing their identity for any reason.

5.3.6 Managing the workplace

Managers/supervisors may address an employee's unsatisfactory performance or improper conduct, notwithstanding that an employee has made a PID.

A manager/supervisor can take reasonable management action against a discloser for unsatisfactory performance or improper conduct. However, the action cannot be taken because the employee made a PID. Section 39 of the PIDA provides that a person's liability for their own conduct is not affected because they subsequently reveal that conduct in a PID.

In some cases, the discloser may perceive that management action is being taken in retaliation for making the PID.

Therefore, whenever management are contemplating taking action against a discloser, they must be able to clearly demonstrate that:

- There are sufficient grounds
- The action is reasonable, as well as proportionate and consistent with similar cases
- They have taken into account the discloser's particular circumstances
- They are not taking action because the discloser has made a PID

It is helpful if a relevant Performance and Development Agreement existed prior to the person making a PID. These plans identify the key responsibilities or objectives of employees and enable managers to clearly demonstrate any gaps or failures in the discloser's performance or proficiency.

The department's procedures in respect of performance management, diminished performance or disciplinary policies must be followed, and all actions, conversations, decisions and reasons for decisions thoroughly documented.

Managers may wish to obtain advice from Human Resources prior to taking any action against a discloser.

5.3.7 Taking appropriate action

If as a result of investigation, the information about wrongdoing provided in the PID is substantiated, appropriate action will be taken. The Director-General or delegated officer of the department will determine what appropriate action is required based on the seriousness of the allegations arising from the information disclosed, and any CCC recommendations. Appropriate action may include:

- Provide counselling or training
- Provide mediation or conciliation
- Conduct an internal audit
- Review an issue or the operations of a particular unit
- Implement or change policies, procedures or practices
- Conduct a formal investigation into the allegations
- Refer to another appropriate entity.

Action could result in one or more of the following:

- Disciplinary process being commenced

- A recommendation to implement administrative changes
- A recommendation for corruption prevention strategies be developed
- A criminal charge
- The complaint being dismissed or not being able to be substantiated.

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

5.3.8 Finalising the matter

After finalising action in response to the PID, the PID Support Officer and Case Manager will advise the discloser and subject officer(s) separately in writing of the outcome the action taken and the results of the action.

Further, if the disclosure is one of corrupt conduct, pursuant to section 44 of the *Crime and Corruption Act 2001*, the department must advise the discloser:

- If no action is taken on the disclosure and the reason for not taking action or discontinuing the action
- If action is taken on the disclosure
- The action taken
 - The reason the action is considered to be appropriate in the circumstances
 - Any results of the action that are known at the time of the response.

The department does not have to give the information to the discloser if it would be likely to adversely affect:

- anybody's safety
- the investigation of an offence or possible offence, or
- confidentiality about an informant's existence or identity.

6. Record keeping

In accordance with obligations under the PIDA and the [Public Records Act 2002](#), the department will ensure:

- 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.

7. Delegations

Delegations are to be exercised in accordance with the [Human Resource Delegations and Authorisations](#). Please confirm delegate authority levels prior to exercising any powers.

8. Roles and Responsibilities

8.1 Director-General

Ensure the department develops, implements and maintains a PID management program encompassing:

- commitment to encouraging the internal reporting of wrongdoing
- senior management endorsement of the value to the department of PIDs and the proper management of PIDs
- A communication strategy to raise awareness among employees about PIDs and the department's 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 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 the PID Policy and Procedure and evaluation of the effectiveness of the PID management program.

8.2 PID Coordinator (Manager, HR Governance & Ethics)

- Principal contact for PID issues within the department
- Document and manage implementation of the PID management program
- Review and update the PID Policy and Procedure annually

- Coordinate PIDs in the department comprising:
 - providing acknowledgment of receipt of information from a discloser
 - conduct of an assessment of information received to determine if constitutes a PID and issue of a written outcome notification to the discloser if contact details are available
 - undertaking a risk assessment which will involve consultation with a discloser where possible and any other relevant personnel
 - liaison with other agencies and referral of PIDs
 - allocation of a PID matter to a PID Support Officer and Case Manager
 - and creation and maintenance of internal records.
- Report internally on PIDs to the Director-General, relevant senior executives and the Audit and Risk Committee as required
- Report data on PIDs to the Queensland Ombudsman.

8.3 PID Support Officer and Case Manager

- Provide advice and information to discloser on the department's PID Policy and Procedure
- Ensure disclosers are aware of the department's Employee Assistance Program
- Keep the discloser informed about what making a PID means
- Assess the immediate protections needed and review as required
- Listen and respond to any concerns of harassment, intimidation or victimisation in reprisal for making a PID
- Coordinate and provide support to the discloser
- Work with management to foster a supportive work environment
- Advise the discloser of progress on resolving the PID
- Keep records of all aspects of case management of the PID covering all contact and follow-up action including but not limited to contact with:
 - an investigator to conduct an investigation of information in the PID in accordance with the terms of reference issued to them
 - the delegate in their capacity as decision-maker for the matter
- Endeavour to ensure that the expectations of the discloser are realistic.

8.4 Employees

- Ensure their own awareness and compliance of this policy and procedure and relevant whole of government and departmental policies and procedures
- Be aware that wrongdoing or danger may exist in the workplace and disclose concerns in accordance with this policy and the Code of Conduct for the Queensland Public Service
- Complete the online Code of Conduct and Ethical Decision Making training
- When involved in a PID, not unlawfully record or disclose confidential information
- Not engage in a reprisal because of a belief that a person has made, or intends to make a PID.

8.5 Managers and Supervisors

- Ensure their employees are aware of and have easy access to this policy and procedure
- Know how to recognise a PID and the action to take when they receive a disclosure of wrongdoing including assessing any immediate risks of reprisal
- Identifying specialist PID training requirements
- Ensure the confidentiality of PIDs and that the identity of disclosers is maintained
- Take action where necessary to ensure that disclosers are treated fairly, and protected against reprisals
- Monitor welfare of and support and assistance available to an employee who has made a disclosure
- Create an ethical workplace culture through leading by example.

9. Internal and External Review Avenues

9.1 Internal Review

If an affected employee or other discloser is dissatisfied, the person may be able to request an internal review of the decision when:

- The discloser, after receiving written reasons for a decision to take no action, may choose to seek a review of the decision by writing to the Director-General within 28 days after receiving the notice
- The affected person or other discloser is dissatisfied with the outcome after receiving written notice of the outcome the request must be made in writing within 14 days after the written outcome is received. The request must clearly state the reasons for dissatisfaction with the outcome, and not merely state a belief the decision made was unfair or unreasonable.

Internal reviews of a decision will be carried out in accordance with the processes for internal review under the department's complaints management processes.

9.2 External Review

Where the affected employee or other discloser remains dissatisfied after internal review, the person may seek an external review by the relevant external organisation including the Queensland Ombudsman. In the event that reprisal action is taken, disclosers may have the right to apply for an injunction in the Queensland Industrial Relations Commission (QIRC) or Supreme Court to prevent a reprisal (s48 and 49 of the PIDA).

9.3 Employee complaints and appeals

If an employee is aggrieved by an administrative decision, they may lodge a complaint in accordance with the Managing Employee Complaints Policy. The request must be made in writing within 14 days after the written outcome is received.

Public service employees may also appeal to the QIRC about certain decisions. The Public Service Commission Directive: Appeals and the QIRC provide further information about public service appeals.

10. Definitions and glossary of terms

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

	<p>(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</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> <p>(2) Corrupt conduct also means conduct of a person, regardless of whether the person holds or held an appointment, that—</p> <p>(a) impairs, or could impair, public confidence in public administration; and</p> <p>(b) involves, or could involve, any of the following—</p> <p>(i) collusive tendering;</p> <p>(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)—</p> <p>(A) protecting health or safety of persons;</p> <p>(B) protecting the environment;</p> <p>(C) protecting or managing the use of the State's natural, cultural, mining or energy resources;</p> <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>
<i>Delegate</i>	A Manager delegated the authority to deal with and make decisions related to complaints or disciplinary matters, as per the department's Human Resource Delegations and Authorisations.
<i>Detriment</i>	<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>
<i>Disability</i>	<p>As defined in section 11 of the Disability Services Act 2006, 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>a) (4) The disability may be, but need not be, of a chronic episodic nature.</p>
<i>Discloser</i>	A person who makes a disclosure in accordance with the Public Interest Disclosure Act 2010 .
<i>Employee</i>	Includes a person engaged by the department under a contract of service comprising permanent, temporary and casual employees.
<i>Environment</i>	Includes: <ul style="list-style-type: none"> • Ecosystems and their constituent parts, including people and communities • All natural and physical resources • The qualities and characteristics of locations, places and areas, however large or small, that contribute • To their biological diversity and integrity, intrinsic • Attributed scientific value or interest, amenity, harmony and sense of community • The social, economic, aesthetic and cultural conditions that affect, or are affected by, things mentioned in the above paragraphs
<i>Investigation</i>	Includes any enquiry undertaken to establish whether the information provided in a PID can be substantiated, including a review or audit.
<i>Journalist</i>	A person engaged in the occupation of writing or editing material intended for publication in the print or electronic news media.
<i>Maladministration</i>	As defined in schedule 4 of the Public Interest Disclosure Act 2010 , action which: <p>(a) was taken contrary to law; or</p> <p>(b) was unreasonable, unjust, oppressive, or improperly discriminatory; or</p> <p>(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</p> <p>(d) was taken—</p> <p>(i) for an improper purpose; or</p> <p>(ii) on irrelevant grounds; or</p> <p>(iii) having regard to irrelevant considerations; or</p> <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</p> <p>(g) was wrong.</p>
<i>Natural justice</i>	<p>Natural justice, also referred to as 'procedural fairness,' applies to any decision that can affect the rights, interests or expectations of individuals in a direct or immediate way. Natural justice is at law a safeguard applying to an individual whose rights or interests are being affected.</p> <p>The rules of natural justice, which have been developed to ensure that decision-making is fair and reasonable, are:</p> <ul style="list-style-type: none"> • avoid bias; and

	<ul style="list-style-type: none"> • give a fair hearing. <p>act only on the basis of logically probative evidence.</p>
<i>Proper authority</i>	A person or organisation that is authorised under the Public Interest Disclosure Act 2010 to receive disclosures.
<i>Reasonable belief</i>	A view which is objectively fair or sensible.
<i>Reasonable management action</i>	<p>Action taken by a manager in relation to an employee, includes any of the following taken by the manager—</p> <ul style="list-style-type: none"> (a) a reasonable appraisal of the employee’s work performance; (b) a reasonable requirement that the employee undertake counselling; (c) a reasonable suspension of the employee from the employment workplace; (d) a reasonable disciplinary action; (e) a reasonable action to transfer or deploy the employee; (f) a reasonable action to end the employee’s employment by way of redundancy or retrenchment; (g) a reasonable action in relation to an action mentioned in paragraphs (a) to (f); (h) a reasonable action in relation to the employee’s failure to obtain a promotion, reclassification, transfer or benefit, or to retain a benefit, in relation to the employee’s employment.
<i>Reprisal</i>	<p>The term ‘reprisal’ is defined under the Public Interest Disclosure Act 2010 as causing, attempting to cause or conspiring to cause detriment to another person in the belief that they or someone else:</p> <ul style="list-style-type: none"> • has made or intends to make a disclosure; or • has been or intends to be involved in a proceeding under the disclosure Act against any person. <p>Reprisal under the Public Interest Disclosure Act 2010 is a criminal offence and investigations may be undertaken by the Queensland Police Service.</p>

11. Related documents

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

[Applying the Code of Conduct Supplement](#)

[Complaints Management Policy](#)

[Employee Complaints Management Policy and Procedure](#)

12. Further information

For support, advice and assistance employees should contact:

- Their manager or supervisor
- Their respective HR network representative
- The PID Coordinator (Manager, HR Governance and Ethics) via email to ethics@daf.qld.gov.au or by phone (07) 3087 8543
- Employee Assistance Program – a free confidential counselling service available on 1800 604 640.

Further information regarding the PIDA is also available on the [Queensland Ombudsman website](#).

13. Evaluation and monitoring

The department will conduct periodic reviews, including jointly with external agencies, to ensure its policy and procedure are consistent with legislation and best practice and will seek to improve overall public interest disclosure management, service delivery, business processes and internal controls.

14. Education and training

The department's online Code of Conduct and Ethical Decision Making training provides information for all employees about public interest disclosures, this policy and procedure. Completion of this training is mandatory and required to be completed annually. Specialist support and training to staff and managers who may receive or manage PIDs in the workplace is available as required.

15. Reporting requirement

The department must report data on PIDs to the Queensland Ombudsman and any other information requested from the Office of the Queensland Ombudsman. This information will not include any details that could identify a discloser.

16. Approval

Signed:
Elizabeth Woods Director-General Department of Agriculture and Fisheries
Date: 14 January 2020

17. Version history

Date	Version	Action	Description / comments
9 May 2013	1.1	Endorsed	Rebadged Policy
October 2015	2.0	Endorsed combined Policy and Procedure	Change to departments names; changes to CCC and corrupt conduct; incorporated CHA/2013/710 Receiving a Public Interest Disclosure Procedure into the policy; renamed the policy to 'Policy and Procedure'; minor amendments per Queensland Ombudsman's audit feedback – includes changes to roles and responsibilities to clearly define PID Coordinator; reference to PID Standard No. 1.
24 December 2019	3.0	Endorsed	Changes to ensure alignment with requirements in PID Standard No 1, 2 and 3 /2019. Change Anti-Discrimination Commission to Queensland Human Rights Commission
10 March 2022	3.01	Update	Updated Human Rights banner wording

18. Keywords

CHA/2013/709; Public Interest Disclosure; discloser; protections; reprisal; misconduct; PID; maladministration; complaints; whistleblower; CCC; corruption.