



# Public Interest Disclosures (Whistleblowers)

## Human Resources Policy

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## **1 PURPOSE**

To establish an internal reporting system in Queensland Health for the reporting and management of disclosures of wrongdoing in line with the provisions of the *Whistleblowers Protection Act 1994 (the Act)*, and to provide special protection to persons who make disclosures about unlawful, negligent or improper public sector conduct or danger to public health or safety or the environment.

## **2 APPLICATION**

This policy applies to all Queensland Health employees, contractors and consultants (collectively referred to in this policy as 'employees').

## **3 GUIDELINES**

Guidelines may be developed to facilitate implementation of this policy. Any guidelines must be consistent with this policy.

## **4 DELEGATION**

The "delegate" is as listed in the Queensland Health Human Resource Delegations Manual as amended from time to time.

## **5 REFERENCES**

- *Whistleblowers Protection Act 1994 (the Act)*
- *Public Sector Ethics Act 1994*
- *Financial Administration and Audit Act 1977*
- *Crime and Misconduct Act 2001*
- *Disability Services Act 2006*
- *Freedom of Information Act 1992*
- Queensland Health Code of Conduct 2006
- Preserved IRM 3.5 Grievance Resolution and EB6 Grievance Settling and Industrial Disputes

## **6 SUPERSEDES**

- IRM 3.1-4 Policy and Procedure for the Management of Public Interest Disclosures (in Accordance with the *Whistleblowers Protection Act 1994*)

## **7 POLICY**

### **7.1 Queensland Health Commitment to Public Interest Disclosures**

Queensland Health is committed to creating and maintaining a work environment that encourages and facilitates the disclosure of unlawful, corrupt, negligent or improper conduct, maladministration or danger to public health or safety or the environment.

Queensland Health encourages any employee who considers that he or she has witnessed wrongdoing to come forward and report it. Queensland Health aspires to an

organisational climate where all employees feel confident and comfortable about reporting wrongdoing.

When wrongdoing is reported, Queensland Health commits to:

- investigating the disclosure thoroughly and impartially
- where some form of wrongdoing is found, taking action to deal with it
- keeping the discloser informed of progress and the outcome

In line with the Code of Conduct, Queensland Health is committed to protecting any employee who raises concerns about wrongdoing from retaliation or reprisals.

## **7.2 Public Interest Disclosures**

For a disclosure to amount to a Public Interest Disclosure (PID) the discloser must hold an honest belief, based on reasonable grounds, that the information in their possession tends to show the suspected conduct or danger.

The disclosure will remain a PID, even if upon investigation or review, the information proves to be baseless, as long as the discloser believed, on reasonable grounds, that the information in their possession did tend to show the conduct or danger.

For the disclosure to amount to a PID under *the Act*, the discloser must make the disclosure to an appropriate entity as outlined in section 8 of this policy.

The types of information that may be disclosed by a PID are outlined in Sections 15-20 of *the Act*. They are specified below.

### **7.2.1 A public officer may disclose official misconduct (Section 15)**

Under Section 15 of *the Act*, a public officer may make a PID about 'official misconduct' (see definitions). This is conduct which amounts to either a criminal offence, or provides reasonable grounds for dismissal.

Example: A disclosure by a Queensland Health employee of theft of medication by another employee at a public hospital.

### **7.2.2 A public officer may disclose maladministration (Section 16)**

Under Section 16 of *the Act*, a public officer may make a PID about someone's conduct if the conduct is 'maladministration' (see definitions) that adversely affects anybody's interests in a substantial and specific way.

Example: A disclosure by a Queensland Health employee of the inappropriate approval of a clinical drug trial to be conducted at a public facility.

### **7.2.3 A public officer may disclose negligent or improper management affecting public funds (Section 17)**

Under Section 17 of *the Act*, a public officer may make a PID about the conduct of another public officer, public sector entity or public sector contractor if:

- the officer has information about the conduct; and
- the conduct is negligent or improper management directly or indirectly resulting, or likely to result in a substantial waste of public funds.

The disclosure cannot be based on a mere disagreement over policy that is properly adopted on amounts, purposes and priorities of expenditure.

Example: A disclosure by a Queensland Health employee about a Queensland Health employee who has inappropriately awarded a private company a significant contract for the supply of goods and services to the Department.

#### **7.2.4 A public officer may disclose danger to public health or safety or environment (Section 18)**

Under Section 18 of *the Act*, a public officer may make a PID on information about a 'substantial and specific' (see definitions) danger to public health or safety or to the environment.

Example 1: A disclosure by a public officer about an adverse clinical outcome which involves the death of a patient.

Example 2: A clinician involved in the post-operative recovery of patients in a hospital raises concerns about a number of patients who had undergone the same medical procedure by the same surgeon in recent months and suffered similar and life-threatening complications, which suggests, on the face of it, clinical incompetence.

#### **7.2.5 Anybody may disclose danger to a person with a disability or to the environment (Section 19)**

Under Section 19 of *the Act*, anybody can make a PID about the following information:

- a substantial and specific danger to the health and safety of a person with a disability; or
- the commission of certain offences constituting a 'substantial and specific' (see definitions) danger to the environment.

Example: A disclosure by a Queensland Health employee or a member of the public about possible serious mistreatment of a mental health patient at a public health facility.

#### **7.2.6 Anybody may disclose reprisal (Section 20)**

Under Section 20 of *the Act*, anybody may make a PID about someone else's conduct if the conduct is a 'reprisal' (see definitions). The reprisal must be made because of a belief that a person has made, or may make a PID.

Example: Allegations of bullying and harassment of an 'internal witness' (see definitions) in the workplace as a result of making a disclosure.

### **7.3 When does a disclosure become a “PID”?**

If a disclosure is a PID, then the confidentiality and reprisal provisions of *the Act* apply from the date of disclosure, not from the date that it is assessed and determined to be a PID.

## **8 APPLYING THE POLICY**

### **8.1 How to Make a PID**

#### **Internal Reporting**

There are a number of options for employees to report their potential PID. A potential PID may be made by an employee to:

- the employee’s line manager or supervisor;
- the human resources management unit of their respective work unit;
- the employee’s District Chief Executive Officer;
- the Director-General; or
- directly to the Internal Witness Support Unit (IWSU), Assurance and Risk Advisory Services.

Line managers and supervisors play a key role in addressing wrongdoing in the workplace and in supporting employees who report wrongdoing.

#### **External Reporting**

If an employee holds any concerns about the manner in which Queensland Health may address their disclosure, potential PIDs can also be made directly to external bodies including:

- the Crime and Misconduct Commission (CMC); or
- a Member of the Legislative Assembly (MP).

Depending on the nature of the potential PID, other external agencies which may be capable of receiving a PID include:

- the Queensland Ombudsman;
- the Queensland Audit Office (QAO);
- the Health Quality and Complaints Commission (HQCC); and
- the Public Service Commission (PSC).

While employees who have witnessed wrongdoing are urged to report it to someone within Queensland Health, Queensland Health will respect and support employees who make reports to appropriate external agencies. Queensland Health will make every effort to assist any external agency dealing with a report of wrongdoing in Queensland Health to bring the matter to a satisfactory conclusion.

Disclosers are urged, but not obliged, to:

- outline their concerns in writing in a concise manner as this will assist those conducting the assessment of the PID claim; and
- specifically state whether they are claiming to have made a PID.

## **8.2 Advice to Disclosers**

A PID may be made anonymously. However, the practical result of this is that it may be difficult to obtain sufficient information to make an informed assessment of the matter and the discloser cannot be notified of the outcome.

PIDs can also be made in other formats rather than a formal complaint or report. A PID can be any information provided in support of an investigation, including evidence provided by witnesses.

The fewer people who know about the disclosure before it is made the more likely it will be that Queensland Health will be able to maintain confidentiality, and provide support. Disclosers are discouraged from discussing the disclosure with workplace colleagues.

*The Act* does not provide immunity to a discloser against liability, including disciplinary action, for any offence committed, nor does it provide protection to an employee who discloses a potential PID to the media.

## **8.3 Receipt of a Public Interest Disclosure**

Upon receipt of a potential PID, the relevant Human Resources Manager, line manager, supervisor or District Chief Executive Officer must notify the Internal Witness Support Unit (IWSU) as soon as possible. Any relevant material produced in relation to the potential PID must be forwarded to the IWSU for assessment and subsequent action.

## **8.4 Assessment by the Internal Witness Support Unit**

The IWSU must conduct an assessment of the disclosure in order to determine whether it amounts to a PID. In making its assessment, the IWSU may obtain independent expert advice.

Upon receipt of sufficient independent advice the IWSU will make an assessment of the PID status.

## **Suspected Official Misconduct (Section 15)**

The IWSU will make its assessment regarding whether the disclosure contains allegations or information constituting suspected 'official misconduct' (See Definitions). The IWSU may rely on advice from the Queensland Health's Ethical Standards Unit, and/or the Crime and Misconduct Commission (CMC) in making this assessment. Queensland Health's Ethical Standards Unit is responsible for notifying the CMC of allegations of suspected official misconduct.

### **Maladministration (Section 16)**

The IWSU will make its assessment regarding whether the disclosure contains allegations or information constituting suspected 'maladministration' that adversely affects anybody's interests in a 'substantial and specific' way. The IWSU may rely on advice from internal or external independent sources on this issue.

### **Negligent or Improper Management Affecting Public Funds (Section 17)**

The IWSU will make its assessment regarding whether the disclosure contains allegations or information constituting negligent or improper management, resulting or likely to result in a substantial waste of public funds. The disclosure raised must constitute more than a mere disagreement over policy and funds flowing from policy decisions.

### **Substantial and Specific Danger to Public Health or Safety or to the Environment (Section 18)**

The IWSU will make its assessment regarding whether the disclosure contains allegations or information that amounts to a 'substantial and specific' danger to public health or safety or to the environment.

### **Substantial and Specific Danger to the Health or Safety of a Person with a Disability (Section 19)**

The IWSU will make its assessment regarding whether the disclosure contains allegations or information that amounts to a 'substantial and specific' danger to a person with a disability or to the environment.

### **Assessment of Risk of Reprisal (Section 20)**

The assessment of a potential PID will include an assessment of the risk of reprisal to any Queensland Health employees or others. The appropriate response to the risk of reprisal will depend on the level of seriousness of the risk. (Refer to section 8.10 Reprisals).

### **Information about Someone's Conduct that is a Reprisal**

Information relating to alleged reprisal actions must be referred to the IWSU. The IWSU will make an assessment as to whether the information amounts to a PID. Further, the Queensland Health Ethical Standards Unit will make an assessment regarding whether the allegation of reprisal should be referred to the Crime and Misconduct Commission as suspected official misconduct.

### **Determination by an External Agency or Court of Law**

Whether a disclosure falls under *the Act*, so as to constitute a PID, is ultimately a matter of law. Therefore a PID assessment made by the IWSU may be set aside by a court as the ultimate decision maker on such matters.

## **8.5 Verifying a PID**

Once a disclosure of information is assessed as a PID, the IWSU may refer the PID to an appropriate entity for investigation or review for the purpose of determining whether the PID is substantially verified.

The PID may be referred to:

- Ethical Standards Unit
- District administration
- External investigators
- Other bodies as appropriate e.g. Medical Board Queensland, Queensland Nursing Council, Health Quality and Complaints Commission, Crime and Misconduct Commission and Queensland Police Service

## **8.6 Notification of Assessment**

Where appropriate, the IWSU will notify the discloser of the outcome of the assessment.

In the event that a disclosure of information is assessed as a PID, the discloser of the information is then classified as an 'internal witness' and is protected under *the Act* from retaliation or reprisals.

## **8.7 Where a Potential PID is Denied**

In the event that information is assessed and subsequently denied PID status, the IWSU may advise the discloser of this determination. Where appropriate, the IWSU will advise the discloser of his or her entitlement to a review of the decision, and advise of the review avenues available to the discloser. Review avenues include the Public Service Commission, Queensland Ombudsman and the Crime and Misconduct Commission (contact details are provided in section 14 of this policy).

Where a potential PID is denied, the Code of Conduct states that Queensland Health is committed to protecting any employee who raises concerns about a breach of the Code from retaliation or reprisal.

Employees with complaints which are assessed as not constituting PIDs will be referred to the appropriate area responsible for addressing the complaint, e.g. the grievance process. Disclosures that involve activity that is specifically aimed at the discloser e.g. harassment or bullying, are personnel grievances. This does not mean that they should not be reported, as this behaviour is contrary to the Queensland Code of Conduct. Personnel grievances relating to these types of issues should be reported to your line manager or a more senior manager. Refer to preserved IRM 3.5 Grievance Resolution and EB6 Grievance Settling and Industrial Disputes.

## **8.8 Feedback to the Internal Witness**

The internal witness will be provided with feedback as to how the disclosure will be investigated or managed.

The information provided will be subject to any applicable legislative and confidentiality requirements. Information will be provided in a manner which will ensure the integrity of any investigation or review is not compromised, and the safety of any person is not jeopardised.

At the conclusion of any investigation or review, the internal witness will be advised of the outcome.

At this time, consideration will also be given about whether a formal exit from the support program is appropriate.

## **8.9 Support Networks**

Queensland Health is committed to protecting its officers from reprisals that are, or may, be taken against them as a result of making a disclosure.

The IWSU will advocate the implementation of a support network for the internal witness. In consultation with the internal witness, this will involve the appointment of some or all of the following:

- Peer support person
- Line manager
- Supervisor
- Human resources officer
- District CEO

The internal witness will also be provided with contact details for access to the Employee Assistance Service, which provides free and confidential counselling services to Queensland Health staff.

The IWSU may consult with the internal witness in order to determine what level of support is needed in their case.

## **8.10 Reprisals**

Should an internal witness consider that 'reprisal' action has been taken against them for having made a PID, the matter must be immediately reported to the IWSU. Any allegation of reprisal taken against an internal witness will be taken seriously by Queensland Health.

The protections provided by *the Act* do not exempt an internal witness from being subject to management action by departmental officers acting in the course of their duties. For example, managers and supervisors may address the work performance issues of an internal witness, which are unrelated to the PID claim.

## **8.11 Confidentiality Issues**

It is very important in the handling of a PID that confidentiality is maintained. Confidentiality is important in protecting internal witnesses against reprisals, as well as being important to protect any other persons affected by the PID.

In relation to any PID, the identity of the discloser, the nature of the disclosure, the subject matter of the disclosure and the identity of the 'subject officer' (see definitions) will be treated as confidential information. Accordingly, this confidential information will not be disclosed to another person, except in accordance with *the Act*.

Under *the Act* 'confidential information' relating to a PID would include:

- information about the identity, occupation, residential or work address or whereabouts of a person who makes a PID, or against whom a PID is made;
- information disclosed within a PID;
- information about an individual's personal affairs; and
- information that, if disclosed, may cause detriment to a person.

Employees who lawfully receive information in the administration of this policy must not disclose that information, except in the proper administration of this procedure or as may be authorised by legislation.

If an employee has concerns about issues of confidentiality or disclosing confidential information to another person, it is necessary to obtain advice from the IWSU prior to making any such disclosure of confidential information to another person or entity.

While every attempt to protect confidentiality will be made there will be occasions where disclosure of the identity of an internal witness may be required by law. These include:

- Responding to a subpoena or some other court order
- Responding to a search warrant
- Responding to a notice to produce or any other compulsive that means required or authorised by law
- A direction by a Parliamentary Committee
- Court proceedings

### **8.12 Vexatious PIDs**

Disclosures should not be made if the information is known to be malicious, false, misleading or vexatious. While a legal level of proof is not required, a discloser should be prepared to demonstrate reasonable grounds for his/her suspicions.

In the event the IWSU obtains information raising a reasonable suspicion that a potential PID is vexatious or intentionally false, and the discloser intended that the false information be acted upon, the matter will be referred to the Queensland Health Ethical Standards Unit for notification to the Crime and Misconduct Commission.

On the advice of the Crime and Misconduct Commission, the IWSU may withdraw or alter PID status previously granted to an internal witness.

In some circumstances, it may constitute an offence if a person makes a statement intending that it be acted upon as a PID and the person intentionally provides false or misleading information.

### **8.13 Record Keeping and Reporting of PIDs**

The IWSU will maintain a confidential file pertaining to each potential PID, with the following minimal requirements:

- the name of the person making the disclosure (if known);
- details of the disclosure;
- the determination made in respect of the PID claim; and
- action taken on the disclosures (including review, investigation or other form of managerial response).

In each reporting year, IWSU will report in the Queensland Health Annual Report on the number of potential PIDs received for each category of disclosure, whether the potential PID was granted or denied, and how many of the PIDs were substantially verified.

## **9 ADVICE FOR MANAGERS RECEIVING A PID**

The attitudes, knowledge and skills of managers are key assets for overcoming barriers to a positive reporting environment. Managers play an important role in developing a culture of transparency and a workplace in which staff can feel supported when making a disclosure.

Managers have a critical role in influencing Queensland Health staff perceptions as to whether Queensland Health will appropriately respond to disclosures and support internal witnesses. Managers therefore need to know:

- How to identify a potential PID. For assistance please contact IWSU.
- Where to report the PID as soon as possible (the IWSU).
- The requirements of confidentiality that bind them, along with other employees, once a PID has been made. For instance, managers should not directly or indirectly disclose confidential information relating to the PID to any other employee without authority, including employees who are the subject of the disclosure.
- How to preserve evidence necessary for any assessment and subsequent investigation or review of the PID without unintentionally alerting other employees to the disclosure. This will take place in consultation with the IWSU and any appointed investigation or review officers.
- To be aware of any risks and proactively assess any potential reprisal action against an internal witness during an investigation or a review, and to take reasonable management action to prevent an internal witness from suffering reprisal or detriment.
- To report any suspected or alleged reprisal action to the IWSU.
- To be aware that internal witnesses and subject officers may experience anxiety and stress as a result of any investigation or review and provide support to staff. Managers should seek the advice and assistance of IWSU or human resource management officers in determining appropriate strategies to support employees in these situations.

## 10 ADVICE FOR EMPLOYEES WHO ARE THE SUBJECT OF A PID

The granting of internal witness status to a person who has made a PID does not mean that Queensland Health considers the disclosed information to be verified. It means that Queensland Health is committed to taking action to address the information disclosed to determine whether there is any substance to the disclosure. It also means that Queensland Health will take reasonable management action to protect the internal witness from reprisal action.

Subject officers will be assumed to be innocent of any adverse allegation unless there is evidence to the required standard of proof to show otherwise.

Subject officers may seek assistance from their industrial union, or engage their own legal representative, at their own expense during the process of an investigation of any allegations raised against them. The rules of natural justice will apply to any subject officer under investigation in respect of an allegation raised against them. Accordingly, subject officers will be advised of the nature of allegations against them at the appropriate time and will be afforded an opportunity to respond.

Ordinarily subject officers will not be entitled to know the identity of the internal witness. Further, in order to protect the identity of the internal witness, it may not be possible to provide the subject officer with all correspondence or documentary information considered by investigators.

Subject officers may also utilise the *Freedom of Information Act 1992* (FOI) to apply for access to information held by the Department. Queensland Health's Legal Unit is responsible for processing FOI applications. It should be noted that access to the relevant information is subject to the consideration of exception provisions contained within the *FOI Act*. For further information regarding the FOI process, please contact the Legal Unit either via email ([foi@health.qld.gov.au](mailto:foi@health.qld.gov.au)) or telephone (07) 323 41735.

## 11 LEGISLATIVE AND POLICY BASIS

### ***Whistleblowers Protection Act 1994 (Qld)***

This *Act* provides a scheme that promotes the public interest by giving legal protection to disclosures about unlawful, negligent or improper public sector conduct, or danger to public health or safety or the environment (Section 7(1)).

*The Act* contains provisions for the protection of internal witnesses who have made a PID, including protections against reprisals and the requirement to treat the disclosure as confidential.

*The Act* states that a person is not liable, civilly, criminally or under an administrative process, for making a PID (Section 39(1)).

*The Act* states a public sector entity must establish reasonable procedures to protect its staff from reprisals that are, or may be, taken against them by the entity or other persons of the entity (Section 44).

## Public Sector Ethics Act 1994 (Qld)

It is an ethical obligation of public officials to disclose fraud, corruption and maladministration of which the official becomes aware (Section 9 (2) (c)). These obligations are reflected in the Queensland Health Code of Conduct.

### The Queensland Health Code of Conduct

Queensland Health is committed to promoting a culture of reporting wrongdoing and protecting employees who make disclosures about wrongdoing.

Principle 2, Integrity states that staff should report any official misconduct, including fraud or corruption which the employee becomes aware of at work.

Principle 2, Integrity also states that it is a criminal offence to take reprisal action against a person who has made a disclosure about official misconduct.

## 12 DEFINITIONS

Administrative action	Administrative action is defined in Schedule 6 of <i>the Act</i> as an act or omission of an administrative character done or made by, in or for a public sector entity, and includes for example: <ul style="list-style-type: none"> <li>• a decision or failure to decide; and</li> <li>• a formulation of a proposal or intention.</li> </ul>
Disability	Disability is defined in Section 11 of the <i>Disability Services Act 2006</i> as a permanent (or likely to be permanent) condition which may or may not be of a chronic episodic nature, attributable to an intellectual, psychiatric, cognitive, neurological, sensory or physical impairment, or a combination of impairments, that results in a substantial reduction of the person's capacity for communication, social interaction, learning or mobility and the person needs support.
Discloser	Discloser is a person who has provided information that may constitute a PID within the meaning of <i>the Act</i> .
Employee	Employee means those persons who work for or are engaged by Queensland Health including employees, contracted staff, contractors, volunteers and consultants.
Internal Witness	Internal Witness is a employee who has made a disclosure that has been assessed as a PID in accordance with <i>the Act</i> .
Internal Witness Support Unit (IWSU)	Internal Witness Support Unit (IWSU), Assurance and Risk Advisory Services is responsible for the receipt, assessment and subsequent management of PIDs made to Queensland Health.

Maladministration	<p>Maladministration has two overlapping definitions within <i>the Act</i>.</p> <p>Section 8(3) of <i>the Act</i> includes maladministration as “illegal, arbitrary, oppressive or improper public sector administrative action”.</p> <p>Schedule 6 of <i>the Act</i> defines maladministration as “administrative action that is unlawful, arbitrary, unjust, oppressive, improperly discriminatory or taken for an improper purpose”.</p>
Official Misconduct	<p>Sections 14 and 15 of the <i>Crime and Misconduct Act 2001</i> states that ‘official misconduct’ by public officers can involve:</p> <ul style="list-style-type: none"> <li>• performance of duties or exercise of powers in a dishonest way or in a way which lacks impartiality; or</li> <li>• a breach of trust; or</li> <li>• the misuse of information or material;</li> </ul> <p>and in any case, constitutes conduct that could, if proven, amount to:</p> <ul style="list-style-type: none"> <li>• a criminal offence; or</li> <li>• a disciplinary breach providing reasonable grounds for the termination of employment.</li> </ul>
Public Health or Safety	<p>Public Health or Safety includes health or safety of persons:</p> <ul style="list-style-type: none"> <li>• under lawful care or control; or</li> <li>• using community facilities or services provided by the public or private sector; or</li> <li>• in employment workplaces.</li> </ul> <p>Example: A patient under the care or control of a doctor, nurse or other health professional at a public health facility.</p>
Public Interest Disclosure (PID)	<p>A disclosure of the types of information specified in Sections 15-20 of <i>the Act</i>. A PID is defined by reference to:</p> <ul style="list-style-type: none"> <li>• the person who makes the disclosure;</li> <li>• the type of information disclosed; and</li> <li>• the entity to which the disclosure is made.</li> </ul>
Public Officer	<p>A person who is an officer of a public sector entity, and includes:</p> <ul style="list-style-type: none"> <li>• a public sector entity that is a corporation; and</li> <li>• a member of the Legislative Assembly, but only <ul style="list-style-type: none"> <li>○ to allow a member of the Legislative Assembly to make a PID; or</li> <li>○ for the purposes of Sections 55 and 57 of <i>the Act</i>.</li> </ul> </li> </ul>
Public Sector Entity	<p>Public Sector Entity is defined in Schedule 5 Section 2 of <i>the Act</i>, and includes Queensland Health.</p>
Reprisal	<p>A Reprisal occurs when any person causes, or attempts or conspires to cause, detriment to another</p>

	<p>person because or in the belief that a person has made or may make a PID. Some examples of a detriment which could give rise to allegations of reprisals include:</p> <ul style="list-style-type: none"> <li>• personal injury or prejudice to safety;</li> <li>• property damage or loss;</li> <li>• intimidation or harassment;</li> <li>• unlawful discrimination, disadvantage or adverse treatment about career, profession, employment, trade or business;</li> <li>• threats of any of the above; or</li> <li>• financial loss from any of the above.</li> </ul> <p>A public officer who is found to have taken a reprisal commits a criminal offence.</p>
Subject Officer	Any Queensland Health employee who is the subject of an allegation made against them which requires an investigation, review or other form of managerial response in order to have the allegation addressed.
Substantial and Specific	Real, direct and significant impact or adverse effect.

### 13 HISTORY

<b>December 2008</b>	Amended Attachment One to update email address for the Internal Witness Support Unit.
<b>December 2008</b>	Developed as a result of the HR Policy Consolidation Project.

## FURTHER INFORMATION

### **Internal Witness Support Unit Assurance and Risk Advisory Services**

Level 17  
147-163 Charlotte Street  
Brisbane  
GPO Box 48  
Brisbane Qld 4001

Telephone: (07) 3234 0529  
Facsimile: (07) 3234 0069  
[PID@health.qld.gov.au](mailto:PID@health.qld.gov.au)

### **Public Service Commission**

Level 3, 61 Mary Street  
Brisbane  
PO Box 15190  
City East Queensland  
Brisbane Qld 4002

Telephone: (07) 3227 6379  
Facsimile: (07) 3224 2635  
[www.psc.qld.gov.au](http://www.psc.qld.gov.au)

### **Crime and Misconduct Commission**

Level 2, North Tower Green Square  
Fortitude Valley Q 4006  
GPO Box 3123  
Brisbane Qld 4001

Telephone: (07) 3360 6060  
Facsimile: (07) 3360 6333

Toll Free: 1 800 061 611  
[www.cmc.qld.gov.au](http://www.cmc.qld.gov.au)

### **Queensland Ombudsman**

Level 25, 288 Edward Street  
Brisbane Q 4000  
GPO Box 3314  
Brisbane Qld 4001

Telephone: (07) 3005 7000  
Facsimile: (07) 3005 7067  
[www.ombudsman.qld.gov.au](http://www.ombudsman.qld.gov.au)

### **Queensland Audit Office**

Level 11, Central Plaza One  
345 Queen Street  
Brisbane Q 4000  
GPO Box 1139  
Brisbane Qld 4001

Telephone: (07) 3405 1100  
Facsimile: (07) 3405 1111  
[www.qao.qld.gov.au](http://www.qao.qld.gov.au)

### **Health Quality and Complaints Commission**

288 Edward Street  
Brisbane Q 4000  
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## CHECKLIST – WHO CAN MAKE A PUBLIC INTEREST DISCLOSURE

Types of Disclosures	Disclosures Defined	Can a disclosure be made	
		By a Public Officer	By Anybody
Official misconduct	A Public Officer may make a PID about someone's conduct if: a) the officer has information about the conduct; and b) the conduct is official misconduct.	Yes	No
Maladministration	A Public Officer may make a PID about someone else's conduct if: a) the officer has information about the conduct; and b) the conduct is maladministration that adversely affects anybody's interests in a substantial and specific way.	Yes	No
Negligent or improper management affecting public funds.	A Public Officer may make a PID about the conduct of another public officer, a public sector entity or a public sector contractor if: a) The officer has information about the conduct; and b) The conduct is negligent or improper management directly or indirectly resulting, or likely to result in, a substantial waste of public funds.  The disclosure cannot be based on a mere disagreement over policy that may properly be adopted about amounts, purposes and priorities of expenditure.	Yes	No
A substantial and specific danger to:  a) Public health or safety;  b) The environment;  c) The health or safety of a person with a disability.	a) A Public Officer may make a disclosure of this type to an appropriate public sector entity, if the information in their possession tends to show a substantial and specific danger to public health and safety.  b) Any person may make a disclosure of this type to an appropriate public sector entity, if the information in their possession tends to show a substantial and specific danger to the environment.  c) Any person may make a disclosure of this type to an appropriate public sector entity, if the information in their possession tends to show a substantial and specific danger to a person with a disability as defined in the <i>Disability Services Act 2006</i> .	Yes  Yes  Yes	No  Yes (only in relation to contraventions as outlined in Schedule 2 of the Act)  Yes
Reprisal taken against anybody for making a PID.	Anybody may make a PID about someone else's conduct if: a) the person has information about the conduct; and b) the conduct is a reprisal.	Yes	Yes