



Procedure

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Public Interest Disclosure

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Purpose

The Sunshine Coast Hospital and Health Service (SCHHS) has a zero-tolerance approach to wrongdoing, including corruption, fraud and maladministration. These behaviours can erode public confidence in our health system and undermine the good work carried out by the organisation.

This procedure describes the process for making a public interest disclosures (PIDs) and the requirements for management in accordance with the *Public Interest Disclosure Act 2010 (Qld)* ('the PIDA') and the Public Interest Disclosure Standard No.1. The SCHHS procedure also aligns to the principles set out in the Department of Health Public interest disclosure [policy](#) 15 (QH-POL-202).

Scope/ site specifics

This procedure applies to all SCHHS employees as well as contractors and consultants, together with any organisation and/or individuals acting as its agents (including visiting medical officers and other partners' contractors, consultants, students/trainees and volunteers.

This procedure does not replace the need to read or refer to the PIDA.

Procedure

The SCHHS commitment to Public Interest Disclosures

The SCHHS encourages any employee who believes that they have witnessed wrongdoing to come forward and make a disclosure. Every employee has a responsibility to disclose wrongdoing under the [Code of Conduct for the Queensland Public Service](#).

To eliminate such conduct, the SCHHS is committed to creating and maintaining an environment that encourages disclosure of information about wrongdoing or danger. This is achieved by:

- Facilitating disclosures of information, or complaints, about wrongdoing or danger that relate to the SCHHS through a management program for public interest disclosures (PIDs) to be made, consistent with the standards issued by the Queensland Ombudsman
- Ensuring disclosures, including those made anonymously are properly assessed and when appropriate, properly investigated or otherwise dealt with
- Ensuring PID assessments, investigations and decision-making processes are completed within a reasonable timeframe
- Affording appropriate and reasonable protection from reprisals, and support, for those who have made a PID
- Ensuring appropriate consideration and natural justice is given to the interests of those who are the subject of a PID
- Ensuring appropriate action is taken in relation to any wrongdoing which is subject of a PID.

What is a Public Interest Disclosure (PID)?

A public interest disclosure is a disclosure of information about certain types of wrongdoing or danger. Sections 12 and 13 of the PIDA detail what information may be disclosed and who may disclose it.

For the information or complaint to be considered a PID under the *PIDA*, the information must be disclosed to a proper authority.

The person disclosing the information must also have an honest belief, on reasonable grounds, that there is wrongdoing or danger (subjective test), or the information must tend to indicate the wrongdoing or danger, regardless of the belief of the person disclosing the information (objective test).

A discloser can have either a '**reasonable belief**' that wrongdoing has occurred or provide evidence which tends to show the wrongdoing has occurred.

Types of information that can be disclosed under the PIDA

Anyone (whether or not the person is a public officer) can disclose information under section 12 of the PIDA about:

- **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.

A **public officer** can also disclose information under the PIDA about:

In addition, under section 13 of the PIDA, 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 substantial misuse of public resources – other than an alleged misuse based on mere disagreement over policy that may properly be adopted about amounts, purposes or priorities of expenditure
- Substantial and specific danger to the environment.

A disclosure amounts to a PID and is covered by the PIDA 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 to the SCHHS 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

Separating PIDs from other matters

PIDs are often entangled with employee-related complaints or performance management concerns. In such cases, it is important to distinguish the PID from any other issue/s and deal with each one using the appropriate mechanisms.

On occasion, information is disclosed by a person to a proper authority because of another process without the person who disclosed the information honestly believing (or knowing) the matter concerned was (alleged) wrongdoing or danger, e.g. suspected corrupt conduct. For example, when lodging a grievance or complaint at the local level, there may be information that raises a suspicion of corrupt conduct.

Often managers, through the course of managing their employees, may disclose information as part of performing their duties. Internal auditors may disclose information as a consequence of an internal audit.

In these circumstances, and applying the objective test, the reason for disclosing the information does not limit the PIDA from being applied where legislatively required.

A purported disclosure is when a person explicitly requests that their information is treated as a PID but the information does not meet the criteria of the PIDA.

Who can a PID be disclosed to?

For the information, or complaint, to be considered a PID and attract the protections afforded by the PIDA, the information must be disclosed to a **proper authority**.

A proper authority is a person or organisation authorised to receive a PID.

Disclosing to a proper authority ensures that the reputation of the person(s) about whom a disclosure is made is not unfairly damaged (defamed) and to encourage disclosures to appropriate proper authorities that have a responsibility or the power to take action. It also serves to maintain the integrity and confidentiality of the matter and to mitigate the risk of reprisal.

In general, a proper authority includes:

- A public sector entity if the disclosure is about the conduct of the entity or any of its officers, for example, the SCHHS
- An entity the discloser believes is a proper authority that has the power to deal with or investigate the matter – for example the Crime and Corruption Commission (CCC) for matters of suspected corrupt conduct
- A Member of the Legislative Assembly.

Within the SCHHS disclosers are encouraged to make a disclosure to the following proper authorities / appropriate officers:

- Any person in a supervisory or management position;
- Human Resource Advisors;
- The Ethics and Integrity Unit;
- The Health Service Chief Executive.

It is preferable an employee who decides to report wrongdoing or danger reports the conduct to their manager.

If the discloser believes their manager is involved in the wrongdoing or danger, the disclosure should be made to an alternative manager, senior manager or other officer as listed above.

Disclosures can also be made to an agency which has a responsibility for investigating the information disclosed, such as:

- The Crime and Corruption Commission for corrupt conduct, including reprisal

- Queensland Ombudsman for disclosures regarding maladministration
- Queensland Audit Office for disclosures about substantial misuse of resources
- Office of the Public Guardian for disclosures about the danger to the health and safety of a person with a disability;
- Department of Child Safety, Youth and Women for disclosures about the danger to the health and safety of a child or young person with a disability
- Department of Environment and Science for disclosures about danger to the environment
- A member of the Legislative Assembly (MP) for any wrongdoing or danger
- The Chief Judicial Officer of a court or tribunal in relation to a disclosure about wrongdoing by a judicial officer.

Under section 17(3) of the PIDA, if the proper authority is a public sector entity, the person may also make the disclosure to:

“(b) the Minister responsible for its administration; or

(c) if the proper authority that is a public sector entity has a governing body—a member of its governing body (i.e. the Board Chair and Directors).”

If a disclosure is made to a person or an entity other than a proper authority, the person making the disclosure will not receive the protections of the PIDA.

While the SCHHS strongly encourages internal reporting, a person may report to an external proper authority as a first step.

A person disclosing information should be aware when disclosing externally, it is very likely the other proper authority will discuss the matter with the SCHHS, or refer the information, or complaint, to the SCHHS to deal with.

A person who decides to make a disclosure of information to a proper authority other than the SCHHS, should contact the other entity to find out how to make the disclosure to that entity (e.g. what is that entity’s procedure).

When a disclosure may be made to a journalist

The PIDA provides a disclosure of information may be made to a journalist in certain circumstances. However, a journalist is not considered a ‘proper authority’ under the PIDA.

A disclosure of information to a journalist **can only** occur after certain pre-conditions of the PIDA have been met, including:

- The disclosure was initially made to a proper authority and the information was determined to be a public interest disclosure under the PIDA; and
- The proper authority:
 - Decided not to investigate or deal with the PID; or
 - Investigated the PID but did not recommend the taking of any action; or
 - Did not notify the person, within 6 months after the date the PID was made, whether or not the PID was to be investigated or dealt with.

An employee may place themselves at risk of breaching other legal requirements when disclosing information to an unauthorised person. Disclosers are strongly encouraged to seek advice, including legal advice, before reporting information to the media.

A journalist is not bound by the preservation of confidentiality under section 65 of the PIDA.

Why make a PID?

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 SCHHS supports the disclosure of information about wrongdoing because:

- Implementing systems for reporting and dealing with wrongdoing contributes to the integrity of the SCHHS;
- The outcomes of PIDs can include improvements to systems that prevent fraud and other economic loss to the SCHHS;
- The community's trust in public administration is strengthened by having strong processes in place for reporting wrongdoing.

How to make a PID – in writing, verbally and anonymously

The PIDA states a disclosure of information to a proper authority can be made in any way, in writing, verbally, including anonymously. If the proper authority has a reasonable procedure for making a public interest disclosure, the person must use the procedure.

A disclosure of information, or complaint, must still be assessed, and may be a PID, regardless of how it is made - written, verbally or anonymously.

Disclosing anonymously can make it difficult to seek clarification or more information, to inform of progress or to provide feedback on the action to be taken, or which has been taken on the PID. An anonymous discloser may also experience difficulties in relying upon the protections afforded by the PIDA.

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);
- Provide as much information as possible about the suspected wrongdoing, including:
 - Who was involved
 - What happened
 - When it happened
 - Where it happened
 - Whether there were any witnesses, and if so who they are
 - Any evidence that supports the PID, and where the evidence is located
 - Any further information that could help investigate the PID.
- Provide this information in writing.

A person disclosing information does not need to state that the information, or complaint is a PID for the matter to be assessed under the PIDA. The SCHHS cannot decline to assess information, or a complaint, to determine if it is a PID under the PIDA.

Contact details

Internal

SCHHS Ethics and Integrity Unit
Email: SCHHS-CCC@health.qld.gov.au
Ph: 52020091

SCHHS Human Resources
Email: SC-HR@health.qld.gov.au
Ph: 5370 3723

You may also make your complaint in writing using the [Suspected Corrupt Conduct Reporting Form](#).

External

Queensland Crime and Corruption Commission (in relation to suspected corrupt conduct)
Email: mailbox@ccc.qld.gov.au
Ph: 33606060

Queensland Ombudsman Office (general PID enquiries)
Email: ombudsman@ombudsman.qld.gov.au
Ph: 1800 068 908

Roles and responsibilities in disclosure management

The Health Service Chief Executive (HSCE) has overall responsibility for ensuring that the SCHHS develops, implements and maintains a PID management program. The SCHHS PID management program encompasses:

- Commitment to encouraging the internal reporting of wrongdoing
- Senior management endorsement of the value to the SCHHS of PIDs and the proper management of PIDs
- A communication strategy to raise awareness among employees about PIDs and the SCHHS'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 the Public Interest Disclosure Procedure and evaluation of the effectiveness of the PID management program.

An organisational culture that encourages, values and supports making PIDs requires shared responsibilities for disclosure management across the SCHHS.

The HSCE has designated the following roles and responsibilities for managing PIDs within the SCHHS:

PID Coordinator - Manager Ethics and Integrity is responsible for:

- Principal contact for PID issues within the SCHHS;

- Providing advice on PID and the PIDA to the HSCE, Senior Executives, management, employees and members of the public who wish to make a disclosure
- Assessment of information, or complaints, to determine whether the information is a PID pursuant to the PIDA
- Providing advice to a discloser when information is assessed as a PID
- Providing information concerning a particular PID to the HSCE, Senior Executives or management as required and as authorised by the PIDA
- Communicating with the HSCE, Senior Executives, management and external agencies about PID case management, including on matters of taking action or no action to deal with a PID and timelines
- Advising management when a PID is subject to specific requirements of the Crime and Corruption Commission
- Allocation of a Support Officer to PID discloser. Provide advice to the designated Support Officer regarding their responsibilities
- In certain circumstances, facilitate formal investigation of matters alleged in a PID
- In certain circumstances, correspond with a discloser after a PID has been dealt with
- Being the central contact point for the SCHHS on PID, including for the oversight agency the Queensland Ombudsman; and maintaining a record of PIDs for the SCHHS and reporting data to Queensland Ombudsman
- Liaising with other agencies about referral of PIDs
- The SCHHS procedure and online information; and monitoring the effectiveness of its policy and processes including review and updating of the SCHHS procedure
- Advising the HSCE, or Senior Executive, when concerns arise in relation to non-compliance with this procedure
- Providing the discloser with regular updates about progress of the matter.
- Provide reasonable written outcome advice to a person who has made a PID on the action taken, including a description of the results of the action
- Maintaining locally held confidential PID records and information securely, including information on risk assessments, reprisal protection plans, or other information gathered when dealing with the disclosure (e.g. Investigation reports, disciplinary files)
- Delivery of face-to-face PID training to work groups upon request.

Management and Supervisors (including decision-makers and delegates) are responsible for:

- Being aware that certain types of conduct reported by employees, or members of the public, may be a PID under the PIDA
- Referring a potential PID, including information or complaint, to the Ethics and Integrity Unit for assessment
- Maintaining confidentiality about a potential public interest disclosure and considering the risk of reprisal
- Take action on, or deal with, information and alleged conduct disclosed in a PID, or take no action on a PID in accordance with the PIDA, after referral and advice from HR

- Providing or facilitating support for a person who is the subject of a PID and affording natural justice to them
- Ensure PIDs are dealt with in a timely manner, subject to the complexity of the matter, alleged conduct disclosed, procedural fairness for any subject officer or any external agency involvement (e.g. CCC / Queensland Police Service)
- Ensuring employees in their area of responsibility are aware of their obligations in relation to the requirements of this procedure, including obligations regarding confidentiality and reprisal under the PIDA
- Ensuring employees in their area of responsibility are aware of, and have access to, mandatory PID training and PID information, including awareness of this procedure
- Ensuring mandatory training records are maintained for their area of responsibility
- Monitoring the workplace for signs of reprisal against a discloser, or any other person, where a PID has been made
- Ensuring appropriate actions occur when allegations are substantiated, and/ or systemic recommendations are accepted
- As a result of a PID, determining whether any other change is needed to policy, procedure, other process or control measure and escalating and monitoring through to implementation.

PID Support Officer is responsible for:

- Providing advice and information to discloser on the SCHHS PID procedure
- Providing or facilitating support for a person who has made a PID including referral to Employee Assistance program or arranging for other professional counselling
- Undertaking a risk assessment and develop a support plan for the discloser (contact PID Coordinator for assistance if required)
- Continually monitor risk of reprisal through regular contact with discloser throughout PID management process
- Ensuring that any suspicions of reprisal, victimisation or harassment are referred to HR and/or the PID Coordinator

Employees are responsible for:

- Ensuring own awareness and compliance with this procedure and relevant whole-of-Government and SCHHS policies and procedures, including the Code of Conduct for the Queensland Public Service and SCHHS's procedure for reporting corrupt conduct
- Attending mandatory training for Public Interest Disclosures; Conduct and Ethics; and Fraud Awareness
- Being aware of the possibility that corrupt conduct, maladministration, reprisal or a danger to public health and safety may exist in the workplace and reporting any concerns to their manager or supervisor
- When involved in a PID process in any capacity, maintain confidentiality to help ensure the integrity of the process of dealing with the PID and mitigate the risk of reprisal.

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.

Mere disagreements over policy do not meet the threshold for a PID under the PIDA.

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

Whether a disclosure of information, or complaint, is assessed as not being a PID, the Code of Conduct states employees who report genuine concerns of wrongdoing will be supported. All reports of suspected wrongdoing will be managed in a fair, transparent and consistent manner.

False or misleading information

Section 66 of the PIDA states that a person who gives information to a proper authority, knowing it is false or misleading, and intending it be acted upon as a PID, commits a criminal offence.

The protections of the PIDA do not extend to those who intentionally make a disclosure of information known to be false or misleading.

Internal proper authorities who receive a disclosure of information and have concerns the information is false or misleading must refer the information to HR and/or the Ethics and Integrity Unit for assessment.

In the event HR and/or the Ethics and Integrity Unit obtains information raising a reasonable suspicion a disclosure of information is false or misleading, the matter will be referred to the Queensland Police Service (QPS) and the Crime and Corruption Commission.

An employee making a false or misleading disclosure may also face disciplinary action.

Assessing a PID and communicating with the discloser

The disclosure will be assessed in accordance with the PIDA, the PID standards, the SCHHS Public Interest Disclosure Procedure and any other relevant procedure(s).

Under the PIDA, the SCHHS must give reasonable information to a discloser.

The SCHHS 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 PIDA and the standards issued by the Queensland Ombudsman, including:

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

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

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

Referral to other entities

The PIDA allows a receiving public sector entity to refer a disclosure of information to another public sector entity. This may be done, for example, when the disclosure relates to the conduct of the other entity, or its employees, or the other entity has the necessary jurisdiction, expertise and technical skills or knowledge to investigate. The SCHHS will consider the risk of reprisal before referring the disclosure to another entity to deal with, and where practical, consult with the discloser.

In some instances, public sector entities may need to work together and share confidential information to manage a PID.

It may also be necessary to refer the PID to another agency because of a legislative obligation, for example, 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 PIDA permit appropriate officers of the SCHHS 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 the SCHHS.

Support for disclosers

The SCHHS 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. For employees, a discloser's direct manager is usually well placed to act as support officer and support the discloser, unless the manager is excluded from the role because of involvement in the PID disclosure or investigation. Alternatively, it may be appropriate to appoint a manager in another area but able to be easily reached by the discloser.

A PID Support Officer must not be involved in a process to deal with the PID, including investigation, or be a discloser or witness for the same PID process.

The PID Support Officer will assist the discloser to access information about PIDs, protections available under the PIDA and the PID management process. The PID Support Officer will proactively contact the discloser to offer support.

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

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

Protections under the PIDA

A purpose of the PIDA is to provide protections for a person who makes a PID, including from reprisal, as far as reasonably practicable.

Risk assessment and protection from reprisal

Under Section 40 of the PIDA, a person must not reprimand against another person, by causing *detriment*, because a PID has been made.

Schedule 4 of the PIDA defines 'detriment'. It includes such actions as intimidation or harassment; or adverse discrimination, disadvantage or treatment about a person's career.

Upon receiving a PID, the SCHHS 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, the SCHHS 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 SCHHS 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 SCHHS 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.

Immunity from liability

A person who makes a PID under the PIDA is not subject to any civil or criminal liability or any liability arising by way of administrative process, including disciplinary action, for **making** the PID.

Confidentiality provisions do not apply

A person who makes a PID will have immunity from prosecution or other legal proceedings for a breach of any confidentiality requirements under another Act.

This means a person who makes a PID, does not breach an obligation by way of oath, or a rule of law (e.g. another Act), restricting or requiring the person to maintain confidentiality, provided the disclosure is *made to a proper authority*.

Protection from defamation action

A person who makes PID will have absolute privilege in defamation proceedings from the making of the disclosure, provided the disclosure is *made to a proper authority*.

Confidentiality

While the SCHHS will make every attempt 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.

If it is necessary the identity of a person who has made a PID needs to be revealed for the purpose of natural justice, the delegate must consider that it is unlikely that a reprisal will be taken against the person.

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

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

Investigating a PID

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.

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, the SCHHS will review systems, policies and procedures to identify whether there are improvements that can be made and consider if staff training is required.

Declining to take action on a PID

Under the PIDA, the SCHHS may 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 impractical to investigate
- The information disclosed is too trivial and dealing with it would substantially and unreasonably divert the SCHHS from the performance of its functions
- Another agency with jurisdiction to investigate the information has informed the SCHHS that an investigation is not warranted.

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

Rights of review

If the discloser is dissatisfied with the decision not to investigate or deal with a PID they can request a review by writing to the Health Service Chief Executive of the SCHHS within 28 days of receiving the written reasons for the decision.

When no action is taken, all obligations under the PIDA still apply, including confidentiality and protections from reprisal.

In the case where a discloser provides information and after formal assessment, SCHHS determines the information does not meet the threshold of the PIDA and therefore is assessed as not being a PID, the discloser can request the matter be reviewed. If in the event the discloser is still dissatisfied with the assessment, they can appeal that decision to the Queensland Ombudsman's Office.

Reasonable management action

The PIDA recognises taking reasonable management action is not prevented because a PID has been, or may be, made. The employment relationship between an employee who makes a PID and the SCHHS continues when a disclosure has been, or may be, made.

The PIDA confirms taking reasonable management action in relation to a person who has, or may make, a PID is not reprisal action.

Reasonable management action is defined in the PIDA. It includes actions such as:

- An appraisal of an employee's work performance
- Suspension of an employee from the workplace
- Disciplinary action
- Management decisions regarding transfer, deployment, redundancy or retrenchment
- Any reasonable action in relation to any of the above.

When it is confirmed for an employee they have made a PID under the PIDA, the employee remains responsible for:

- Achieving the performance expectations of their position
- Their own behaviour
- Observing all workplace policy and procedures.

Conduct of a discloser and liability for own conduct

Under the PIDA a person is still liable for their own conduct even if the conduct forms part of, or is the basis, for the PID. The person who made the PID is not protected civilly, criminally or from any liability, including by way of an administrative process, including disciplinary action, for their own conduct.

An employee who has made a PID must ensure their conduct is at all times appropriate and in accordance with the Code of Conduct for the Queensland Public Service. In particular, a discloser must ensure their conduct towards a person who is the subject of a PID, or who has participated in the process of dealing with a disclosure, is proper and appropriate.

Employees who are the subject of a PID (subject officer)

The SCHHS is committed, and required, to taking action to address information about wrongdoing or danger to determine the substance.

A PID will be managed impartially and objectively. It is only an allegation until the information is dealt with, and a finding made.

Subject officers must be afforded natural justice. The right to natural justice includes being provided with an opportunity to respond to an allegation prior to any adverse decision being made. Affording natural justice does not mean a subject officer must be advised of the allegation as soon as the information, or complaint, has been received.

Subject officers are entitled to:

- A presumption of innocence and to be treated fairly
- Have the matter handled confidentially
- Have the matter dealt with, reviewed or investigated impartially (procedural fairness)

- Be informed, where necessary, and at a time considered appropriate by the decision-maker or delegate, of the alleged wrongdoing or danger.

Management, or the delegate, should advise a subject officer who to contact with any questions, and of support available such as Employee Assistance. Subject officers may also seek assistance from their union or other support person during the process of the PID being dealt with.

A subject officer must ensure their conduct or workplace behaviour is not improper or detrimental towards a person who has, or is believed to have, made a PID, or a person who has participated in a process of dealing with a disclosure (e.g. a witness). To do so may be a reprisal under the PIDA and constitute a criminal offence.

A subject officer may not be advised about an allegation if it is misleading or of no substance and the decision maker intends to take no action, or make an adverse finding, in relation to it.

Record-keeping

In accordance with its obligations under the PIDA and the [Public Records Act 2002](#), the SCHHS 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.

Information and education

An online learning tool, 'Public Interest Disclosures', provides all SCHHS employees with information and awareness about PID, this procedure and how to report wrongdoing or danger.

Completion of the online learning (or by face-to-face facilitation) is **mandatory** for all SCHHS employees and is to be completed within three months of commencement and a refresher must be completed **annually** thereafter.

The SCHHS online learning can be accessed via the SCHHS's learning management system (LMS).

It is strongly encouraged that SCHHS delegates raise PID awareness by providing information as part of other training, such as Ethics, Integrity and Accountability, Fraud Awareness, complaints management or other ethics training.

The Ethics and Integrity Unit can co-ordinate the delivery of face-to-face training for work groups upon request. Contact the Manager Ethics and Integrity on 5202 0091 to request face-to-face training.

Evaluation and monitoring

The Ethics and Integrity Unit, will conduct periodic reviews, including jointly with external agencies, to ensure its policy and procedures are consistent with best practice, current legislation and any standard in force.

Reviews will be consultative in nature and will seek to improve internal procedures for overall PID management including reporting, record keeping, risk management, confidentiality and awareness. Reviews will consider the SCHHSs effectiveness for dealing with PIDs, the experience of officers involved in making or managing PIDs and actions taken to deal with PIDs.

Reviews will also aim to identify ongoing risks to the SCHHS and its officers by identifying any trends of information disclosed, and substantiated, and developing measures to prevent a reoccurrence of improper or inappropriate conduct, process or practice.

Definition of key terms

Term	Description
Administrative action	<p>Defined in Schedule 4 of the <i>Public Interest Disclosure Act 2010 (Qld)</i> and means any action about a matter of administration, including, for example:</p> <ul style="list-style-type: none"> - a decision and an act; and - a failure to provide a written statement of reasons for a decision; and - the formulation of a proposal or intention; and - the making of a recommendation, including a recommendation made to a Minister; and - an action taken because of a recommendation made to a Minister. <p>It does not include an operational action of a police officer or of an officer of the CCC.</p>
Anonymous	Where the person disclosing information does not identify themselves at any stage, to anyone.
Confidential information	<p>Includes:</p> <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 <p>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.</p>
Corrupt conduct	<p>As defined in section 15 of the Crime and Corruption Act 2001</p> <p>(1) Corrupt conduct means conduct of a person, regardless of whether the person holds or held an appointment, that—</p> <ul style="list-style-type: none"> (a) adversely affects, or could adversely affect, directly or indirectly, the performance of functions or the exercise of powers of— <ul style="list-style-type: none"> (i) a unit of public administration; or (ii) a person holding an appointment; and (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: <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 (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 (c) would, if proved, be: <ul style="list-style-type: none"> (i) a criminal offence; or

	<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>
Danger	A threat or event that would cause harm or damage to both persons and/or property.
Detriment	<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>
Disability	<p>As defined in section 11 of the Disability Services Act 2006, 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</p>

	<p>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>
Discloser	A person who makes a disclosure in accordance with the Public Interest Disclosure Act 2010 .
Employee	of an entity, includes a person engaged by the entity under a contract of service.
Environment	As defined in the <i>Environmental Protection Act 1994</i> (Qld).
Investigation	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.
Journalist	Pursuant to Section 20(4) of the <i>Public Interest Disclosure Act 2010</i> (Qld) - a person engaged in the occupation of writing or editing material intended for publication in the print or electronic news media.
Maladministration	<p>The <i>Public Interest Disclosure Act 2010</i> (Qld) defines maladministration as administrative action:</p> <ul style="list-style-type: none"> – that was taken contrary to law – or was unreasonable, unjust, oppressive, or improperly discriminatory; or – was taken for an improper purpose; or – on irrelevant grounds; or – having regard to irrelevant considerations; or – was an action for which reasons should have been given, but were not given; or <p>was based wholly or partly on a mistake of law or fact; or was wrong.</p>
Natural justice	<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 – give a fair hearing. <p>act only on the basis of logically probative evidence.</p>
Organisational support	<p>For the purposes of this procedure, organisational support means actions such as, but not limited to:</p> <ul style="list-style-type: none"> – providing moral and emotional support – advising disclosers about agency resources available to handle any concerns they have as a result of making their disclosure – appointing a mentor, confidante or other support officer to assist the discloser through the process

	<ul style="list-style-type: none"> – referring the discloser to the agency’s Employee Assistance Program or arranging for other professional counselling – generating support for the discloser in their work unit where appropriate – ensuring that any suspicions of victimisation or harassment are dealt with – maintaining contact with the discloser <p>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.</p>
Proper authority	A person or organisation that is authorised under the Public Interest Disclosure Act 2010 to receive disclosures.
Public health or safety	<p>Includes the health or safety of persons:</p> <ul style="list-style-type: none"> a. under lawful care or control; or b. using community facilities or services provided by the public or private sector; or c. in employment workplaces. <p>For example - a patient under the care or control of a doctor, nurse or other health professional at a public health facility.</p>
Public officer	A public officer, of a public sector entity, is an employee, member or officer of the entity.
Reasonable belief	A view which is objectively fair or sensible.
Reasonable management action	<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.
Reprisal	<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>
Subject officer	An officer who is the subject of allegations of wrongdoing made in a disclosure.

Substantial and specific	Substantial - means 'of a significant or considerable degree (or great)'. It must be more than trivial or minimal and have some weight or importance (e.g. conduct that is moderately or somewhat serious). 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.
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References and further reading

Primary legislation, policy, standards or other authority

Public Interest Disclosure Act 2010 (Qld)

Crime and Corruption Act 2001 (Qld)

Public Service Act 2008 (Qld)

The Public Sector Ethics Act 1994 (Qld)

Financial Accountability Act 2009 (Qld)

Disability Services Act 2006 (Qld)

Information Privacy Act 2009 (Qld)

Right to Information Act 2009 (Qld)

Industrial Relations Act 2016 (Qld)

Anti-Discrimination Act 1991 (Qld)

Environmental Protection Act 1994 (Qld)

Queensland Ombudsman *Public Interest Disclosure Standard No. 1 (2019)*

Queensland Ombudsman *Public Interest Disclosure Standard No. 2 (2019)*

Queensland Ombudsman *Public Interest Disclosure Standard No. 3 (2019)*

Code of Conduct for the Queensland Public Service 2011

Public Service Commission [Directive](#) 03/17 - Appeals

Department of Health Public interest disclosure [policy](#) I5 (QH-POL-202).

National Safety and Quality Health Service Standards 2nd ed – Clinical governance

Forms and other related or supporting documents

SCHHS 000657 Fraud and corruption control [framework](#) 2016- 2018

SCHHS [procedure](#) 000656 Corrupt conduct reporting

Managing a Public interest disclosure program: A [guide](#) for public sector organisations

Making a Public interest disclosure: A [guide](#) for individuals working in the public sector

Handling A Public interest disclosure: A [Guide](#) For Public sector managers and supervisors

Other PID resources available from the Queensland Ombudsman PID Resources [webpage](#)

National Safety and Quality Health Service (NSQHS) Standards 2nd ed

- Preventing and Controlling Healthcare Associated Infection
- Medication Safety

Consultation

Key stakeholders who contributed to and/ or reviewed this revised version include:

Executive Director- People and Culture

Manager, Ethics and Integrity

Compliance is addressed by

At the time of document review evidence will be required to demonstrate effectiveness of and compliance to the procedure.

Level of risk	Medium
Audit strategy and frequency	Queensland Ombudsman conducts regular audits as the oversight body for public interest disclosures By exception based on Queensland Ombudsman requirements
Key elements, indicators and / or outcomes	100% against Queensland Ombudsman reporting compliance

Document approval

Version	Prepared by	Endorsed by	Authorised by	Review due
4.0	Manager Ethics & Integrity	Manager Ethics & Integrity	Executive Director People and Culture	10/10/2023
Supersedes: Version 3.0				
Keywords: Public interest disclosure, PID, PIDA, corruption, fraud, maladministration, wrong doing, liability, confidentiality, false, misleading information.				