

## Public Interest Disclosure — management

### 1. Purpose

Darling Downs Health is committed to fostering an ethical, transparent culture by creating an environment that encourages the disclosure of information about suspected wrongdoing in the public sector. This procedure describes the processes for making a Public Interest Disclosure (PID) and the requirements for management in accordance with the *Public Interest Disclosure Act 2010 (QLD)* and Public Interest Disclosure Standard No. 1.

### 2. Scope

This procedure applies to members of the public and all permanent, temporary and casual **employees** (including employees of the Department of Health), board members, executives, volunteers, students, visiting medical officers, contractors their agents and assigns.

This procedure is to be read in conjunction with:

- [Public Interest Disclosure Act 2010](#)
- [Public Interest Disclosure standards](#)
- [Human Resources Policy 15 – Public Interest Disclosure](#)

### 3. Procedure

Darling Downs Health's PID procedure is available for viewing at

<https://www.health.qld.gov.au/darlingdowns>.

Darling Downs Health encourages any person 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 assist in eliminating such conduct, Darling Downs Health is committed to creating and maintaining an environment where staff feel confident and safe to speak up and make a disclosure of wrongdoing.

This is achieved by:

- promoting the public interest by supporting PIDs of wrongdoing or danger in the public service
- ensuring that PIDs are properly assessed and, where appropriate, properly investigated and dealt with within a reasonable timeframe
- ensuring protection from **reprisal** is afforded to persons making PIDs
- ensuring appropriate consideration is given to the interests of persons who are the subject of a PID.

### 3.1 What is a PID?’

A PID is a disclosure about wrongdoing in the public sector that serves the public interest.

For a disclosure to be considered as a PID, it must:

- be public interest information about serious wrongdoing or danger
- an appropriate disclosure
- made to a **proper authority**.

The person disclosing the information must have an honest belief, on reasonable grounds, that there has been wrongdoing, or provide evidence that supports the notion that wrongdoing has occurred.

#### 3.1.1 Types of information that can be disclosed under the PID Act

Any person, including employees, can make a PID 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 PID Act, if the offence or contravention would be a substantial and specific danger to the environment
- reprisal because of a belief that a person has made or intends to make a disclosure.

In addition, public sector officers can make a disclosure about the following public interest matters:

- **corrupt conduct**
- **maladministration** that adversely affects a person's interests in a substantial and specific way
- a substantial misuse of public resources
- a substantial and specific danger to public health or safety
- substantial and specific danger to the environment.

A disclosure amounts to a PID and is covered by the PID Act even if the:

- **discloser** reports the information as part of their duties – such as an auditor reporting a fraud or an occupational health and safety officer reporting a safety breach
- disclosure is made anonymously – the discloser is not required to give their name or any identifying information
- discloser has not identified the material as a PID – it is up to Darling Downs Health 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.

### 3.1.2 Separating PIDs from other matters

Often a PID is part of a wider matter, such as employee-related complaints, issues between personnel or performance management concerns. In such cases, it is important to distinguish the PID from any other issues 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 PID Act 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 PID Act.

## 3.2 Disclosing to a proper authority

A PID must be made 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, Darling Downs Health.
- An entity the discloser believes is a proper authority that has the power to deal with or investigate the matter.
- A member of the Legislative Assembly.

### 3.2.1 If you are an employee:

Employees of Darling Downs Health are encouraged to make a disclosure through the following appropriate officers:

- Any person in a supervisory or management position.
- Senior Human Resource Advisors.
- The Public Interest Disclosure Coordinator (Manager Industrial Relations & Systems).
- Members of the Darling Downs Health Executive Management Team.
- Darling Downs Health Health Service Chief Executive (HSCE).
- A Member of the Darling Downs Health Board.
- Another proper authority with the power to investigate or remedy the matter.
- A member of Parliament.

It is preferable that an employee who decides to report wrongdoing or danger reports the conduct to their manager in the first instance. If the discloser believes their manager is involved in the wrongdoing or danger, the disclosure must be made to an alternative manager, senior manager or other officer as listed above.

### **3.2.2 If you are a member of the public**

A member of the public is encouraged to make a disclosure through the following appropriate officers:

- Any Darling Downs Health officer may receive information or a complaint that relates to Darling Downs Health – noting the complaint or information of alleged wrongdoing or danger may be forwarded to other officers or units within Darling Downs Health.
- Another proper authority with the power to investigate or remedy the matter.
- A Member of Parliament.

External proper authorities include:

- The Crime and Corruption Commission (CCC) for disclosures about corrupt conduct including reprisal.
- Queensland Ombudsman for disclosures regarding maladministration.
- Queensland Audit Office for disclosures about substantial misuse of resources.

- Department of Children, Youth Justice and Multicultural Affairs for disclosures about danger to the health and safety of a child or young person with a disability.
- Department of Seniors, Disability Services, and Aboriginal and Torres Strait Islander Partnerships for disclosures about danger to the health and safety of a person with a disability.
- Office of the Public Guardian for disclosures about danger to the health and safety of a person with a disability.
- Department of Environment and Science 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.

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 PID Act. While Darling Downs Health strongly encourages internal reporting, a person may report to an external proper authority as a first step.

A person disclosing information must be aware when disclosing externally, it is very likely the other proper authority will discuss the matter with Darling Downs Health, or refer the information, or complaint, to Darling Downs Health to manage.

A person who decides to make a disclosure of information to a proper authority other than Darling Downs Health, must contact the other entity to find out how to make the disclosure to that entity.

A disclosure can also be made to a **journalist** if the following conditions have been met:

- a valid PID was initially made to a proper authority, and
- the proper authority:
  - decided not to investigate or deal with the disclosure, or
  - investigated the disclosure but did not recommend taking any action, or

- failed to notify the discloser within six months of making the disclosure whether or not the disclosure was to be investigated or otherwise dealt with.

A person who makes a disclosure to a journalist in these circumstances is protected under the PID Act. However, disclosers must be aware that journalists are not bound under the confidentiality provisions of section 65 of the PID Act.

### 3.2.3 How to make a PID

The PID Act states a disclosure of information to a proper authority can be made in a number of ways;

- in person
- in writing (by letter, email or memo)
- by telephone
- anonymously.

Disclosing anonymously means it is not possible to seek clarification or request additional 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 PID Act.

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 support investigation of 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 PID Act. If there is any doubt as to whether a disclosure is in fact a PID, Darling Downs Health will deal with the matter as if it is a PID until otherwise confirmed.

### 3.2.4 Darling Downs Health contact details

#### Employee's

- The Line Manager
- PID Coordinator – Workforce (Manager Industrial Relations and Systems)  
Phone: +61 7 4699 8062  
Email: [complaints\\_dd@health.qld.gov.au](mailto:complaints_dd@health.qld.gov.au)  
Post: PO Box 405, Toowoomba Qld 4350
- The Health Service Chief Executive, Darling Downs Hospital and Health Service  
Phone: +61 7 4699 8403  
Email: [DDHHS@health.qld.gov.au](mailto:DDHHS@health.qld.gov.au)  
Post: PO Box 405, Toowoomba Qld 4350

#### Members of the Public

- The Consumer Liaison Officer  
Phone: +61 7 4616 6152  
Email: [Consumer\\_Liaison\\_DDHHS@health.qld.gov.au](mailto:Consumer_Liaison_DDHHS@health.qld.gov.au)  
Post: PMB 2, Toowoomba Qld 4350
- The Health Service Chief Executive, Darling Downs Hospital and Health Service  
Phone: +61 7 4699 8403  
Email: [DDHHS@health.qld.gov.au](mailto:DDHHS@health.qld.gov.au)  
Post: PO Box 405, Toowoomba Qld 4350

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### 3.3 Roles and responsibilities of Darling Downs Health in managing a PID

As required under the PID Act, the HSCE Officer has implemented procedures to ensure that:

- any **public officer** who makes a PID is given appropriate **organisational support**
- PIDs made to Darling Downs Health are properly assessed and, where appropriate, properly investigated and dealt with
- appropriate action is taken in relation to any wrongdoing which is the subject of a PID
- a management program for PIDs made to Darling Downs Health consistent with the standards issued by the Queensland Ombudsman, is developed and implemented
- public officers who make PIDs are offered protection from reprisal by Darling Downs Health or other public officers of Darling Downs Health..

#### 3.3.1 Role and responsibility of the HSCE

The HSCE has overall responsibility for ensuring that:

- Darling Downs Health has a strong commitment to reporting of wrongdoing.
- Senior management endorse and support the proper management of PIDs.
- All employees are aware that they are required to conduct their duties to high professional and ethical standards and always act in the public interest.
- Reasonable procedures are in place to deal with a PID and that those procedures are published to enable to members of the public and employees to access them.
- PIDs are promptly and properly assessed, including appropriate action being taken in relation to any wrongdoing in a PID.
- Disclosures receive support and protection from reprisal.
- All legislative obligations in relation to reporting and investigation are met.
- All matters involving suspected corrupt conduct are assessed against the *Crime and Corruption Act 2001* section 40 guideline and treated accordingly, including referral to the CCC where appropriate.

The HSCE has overall responsibility for ensuring Darling Downs Health develops, implements and maintains a PID Management program. The Darling Downs Health PID Management Program encompasses:

- commitment to encouraging the internal reporting of wrongdoing
- senior management endorsement of the value to Darling Downs Health of PIDs and the proper management of PIDs
- a communication strategy to raise awareness among employees about PIDs and Darling Downs Health'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 PID procedure and evaluation of the effectiveness of the PID management program.

The HSCE has assigned roles and responsibilities to support the Darling Downs Health in meeting its commitment.

<b>Role overview / action*</b>	<b>Responsibility*</b>
Receive a potential public interest disclosure/complaint for assessment	Workplace Relations Team PID Coordinator Consumer Liaison Team Line Managers Executive Director Workforce
Assess information to determine whether the information is a public interest disclosure pursuant to the PID Act	PID Coordinator Matters Assessment Committee
Advise a discloser when information is assessed as a public interest disclosure	Executive Director Workforce
Suggest a course of action to deal with the public interest disclosure	PID Coordinator in conjunction with the Darling Downs Health delegate or decision maker where appropriate, and subject to any specific direction from the Crime and Corruption Commission for disclosures about suspected corrupt conduct; and/or the QPS.
Take action on, or deal with, information and alleged conduct disclosed in a public interest disclosure	Darling Downs Health delegate The PID Coordinator and/or Workplace Relations Team (WRT) may review or investigate matters that have raised a suspicion of corrupt conduct.
Take no action on a public interest disclosure	Darling Downs Health decision maker, in conjunction with the PID Coordinator and/or WRT for matters raising a suspicion of corrupt conduct.
Consider the risk of reprisal; and where required, implement reasonable procedures and protection plan	PID Coordinator/PID Support Officer and Manager or other delegate.

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<p>Provide updates, in general terms, or regular follow up, for a person who has made a public interest disclosure where required and safe to do so</p>	<p>PID Support Officer and/or Manager May include PID Coordinator and WRT if investigation of the matter involves suspected corrupt conduct.</p>
<p>Reasonable written information / outcome advice to a person who has made a public interest disclosure on the action taken, including a description of the results of the action</p>	<p>Executive Director Workforce or Delegate. The PID Coordinator and WRT may facilitate, or review, where agreed.</p>
<p>Provide or facilitate awareness and training about public interest disclosures</p>	<p>PID Coordinator and PID Support Officers</p>
<p>Public interest disclosure coordinator role for Darling Downs Health including:</p> <ul style="list-style-type: none"> <li>▪ Central contact point for Darling Downs Health on public interest disclosures, including for the oversight agency.</li> <li>▪ Reporting to the oversight agency.</li> <li>▪ Maintain a record of public interest disclosures for Darling Downs Health.</li> <li>▪ Provide information on public interest disclosures and the PID Act where requested (adjunct to local level advice).</li> <li>▪ Custodian for online information for the Department, including online training.</li> </ul>	<p>Manager Industrial Relations and Systems</p>

### **3.3.2 PID Coordinator for Employee Matters – Manager Industrial Relations and Systems**

- Principal contact for PID issues with the Darling Downs Health.
- Central contact point for the Darling Downs Health on PID, including for the oversight agency the Queensland Ombudsman and other agencies regarding the referral of PIDs.
- Maintaining and updating both internal and external PID records and reporting data to the Queensland Ombudsman.
- Monitoring the effectiveness of the Darling Downs Health's procedure and review as appropriate.
- Supporting WRT and Managers with the review of information, or complaints, to determine whether the information needs referral for assessment of a PID pursuant to the PID Act.
- Providing advice and guidance on PID and the PID Act to the HSCE, Senior Executives, management and employees who wish to make a disclosure.
- Providing information concerning PID case management to the HSCE, Senior Executives or management as required and as authorised by the PID Act.
- Advising management when a PID is subject to specific requirements of the CCC.
- Advising the HSCE, or Senior Executive, when concerns arise in relation to non-compliance with this procedure.

### **3.3.3 PID Support Officer (where assigned to a disclosure)**

- Point of contact for disclosers and witnesses once allocated as PID Support Officer.
- Conducting risk assessments and reprisal protection plans in conjunction with discloser.
- Providing information concerning a particular PID to the HSCE, Senior Executives or management as required and as authorised by the PID Act;.
- In certain circumstances, facilitating formal investigation of matters alleged in a PID.
- In certain circumstances, corresponding with a discloser after a PID has been dealt with.

- 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).

### 3.3.4 Line Managers / Supervisors

- Being aware that certain types of conduct reported by employees, or members of the public, may be a PID under the PID Act.
- Referring a potential PID, including information or complaint, to the Workplace Relations Team (WRT) and / or the PID Coordinator for assessment.
- Maintaining confidentiality about a potential public interest disclosure and considering the risk of reprisal.
- Taking action on, or dealing with, information and alleged conduct disclosed in a PID, or take no action on a PID in accordance with the PID Act, after referral and advice from the WRT.
- Providing or facilitating support for a person who is the subject of a PID and affording **natural justice** to them, in consultation with the WRT.
- Ensuring employees in their area of responsibility are aware of, and have access to, mandatory PID training.
- 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 when allegations are substantiated, and / or systemic recommendations are made, adopted recommendations are implemented.

### 3.3.5 Employees

- Ensuring own awareness and compliance with this procedure and relevant whole-of-Government and Darling Downs Health procedures, including the Code of Conduct for the Queensland Public Service.
- Completing mandatory training for PIDs; 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, either as a discloser or witness, maintaining confidentiality to help ensure the integrity of the process of dealing with the PID and mitigate the risk of reprisal.

### **3.4 Assessing a PID and communicating with the discloser**

The disclosure will be assessed in accordance with the PID Act, the PID standards, the Darling Downs Health PID procedure and any other relevant procedure(s).

Under the PID Act, Darling Downs Health must give reasonable information to a discloser.

Darling Downs Health will acknowledge receipt of the PID in writing as soon as practicable. The discloser will be provided with information that meets the requirements of the PID Act and the standards issued by the Queensland Ombudsman, including:

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

Darling Downs Health will maintain contact with the discloser and provide regular updates during the management of the PID.

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

### 3.4.1 Support for Disclosers

Darling Downs Health 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.

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.

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

### 3.4.2 Protections under the PID Act

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

### 3.4.3 Risk assessment and protection from reprisal

Disclosers should not suffer any form of **detriment** as a result of making a PID. Upon receiving a PID, the PID Coordinator / PID Support Officer will conduct a risk assessment with the discloser 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, Darling Downs Health 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).

Darling Downs Health 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, Darling Downs Health 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.

### **3.4.4 Immunity for liability**

A person who makes a PID under the PID Act 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.

### 3.4.5 Protection from defamation action

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

### 3.4.6 Confidentiality

While the Darling Downs Health will make every attempt to preserve 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 to reveal the identity of a person who has made a PID for the purpose of natural justice, the delegate must consider the likelihood of reprisal. Darling Downs Health will ensure that communication with all parties involved will be arranged discreetly to avoid identifying the discloser wherever possible.

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

## 3.5 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 PID Act to protect **confidential information**
- obligation under the PID Act 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, Darling Downs Health will review systems, policies and procedures to identify whether there are improvements that can be made and consider if staff training is required.

### 3.6 Declining to take action on a PID

Under the PID Act, Darling Downs Health 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 Darling Downs Health from the performance of its functions
- another agency with jurisdiction to investigate the information has informed the Darling Downs Health that an investigation is not warranted.

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

If the discloser is dissatisfied with the decision they can request a review by writing to the HSCE within 28 days of receiving the written reasons for decision. If in the event the discloser is still dissatisfied with the assessment, they can appeal that decision to the Queensland Ombudsman's Office.

### 3.7 Reasonable management action

The PID Act 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 Darling Downs Health continues when a disclosure has been, or may be, made.

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

- achieving the performance expectations of their position
- their own behaviour
- observing all workplace policy and procedures.

### **3.7.1 Conduct of a discloser and liability for own conduct**

Under the PID Act 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.

### **3.7.2 Employees who are the subject of a PID (subject officer)**

Darling Downs Health acknowledges that for officers who are the subject of a PID the experience may be stressful. Darling Downs Health will protect their rights by:

- assuring them that the PID will be managed impartially, fairly and reasonably in accordance with the principles of natural justice
- confirming that the PID is an allegation only until information or evidence substantiates the allegation
- providing them with information about their rights and progress and outcome of any investigation
- referring them to the Employee Assistance Program for support.

Management, or the delegate, must advise a subject officer who to contact with any questions, or of support available. 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 PID Act 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.

### 3.7.3 Record-keeping

In accordance with its obligations under the PID Act and the *Public Records Act 2002*, Darling Downs Health 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.

### 3.7.4 Information and education

An online learning course, 'Public Interest Disclosure', provides all Darling Downs Health employees with information and awareness about PID, this procedure and how to report wrongdoing or danger.

Completion of the online learning is mandatory for all Darling Downs Health employees and is to be completed within 30 days of commencement and a refresher must be completed biannually thereafter.

The Darling Downs Health online learning can be accessed via DD-LOL, Darling Downs Health's learning management system (LMS).

### 3.7.5 Evaluation and monitoring

The Darling Downs Health 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 Darling Downs Health's effectiveness for dealing with PIDs, the experience of officers involved in making or managing PIDs and actions taken to deal with PIDs.

## 4. Supporting documents – Darling Downs Health

- Public Interest Disclosure training package - DDLOL

## 5. Supporting documents – External

- [Disability Services Act 2006 QLD](#)
- [Public Interest Disclosure Act 2010 Qld](#)
- [Crime and Corruption Act 2001 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 \(2019\)](#)
- [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](#)
- [Code of Conduct for the Queensland Public Service](#)
- [Human Resources Policy I5 – Public Interest Disclosure](#)

- [HR Policy E9, Requirements for reporting corrupt conduct](#)

## 6. Related standards

- ISO 9001:2015 Quality Management Systems — Clause 6.1

## 7. Related values

- Integrity
- Courage

## 8. Definitions

Term	Definition
Administrative action	<p>(a) means any action about a matter of administration, including, for example:</p> <ul style="list-style-type: none"> <li>(i) a decision and an act; and</li> <li>(ii) a failure to make a decision or do an act, including a failure to provide a written statement of reasons for a decision; and</li> <li>(iii) the formulation of a proposal or intention; and</li> <li>(iv) the making of a recommendation, including a recommendation made to a Minister; and</li> <li>(v) an action taken because of a recommendation made to a Minister; and</li> </ul> <p>(b) does not include an operational action of a police officer or of an officer of the Crime and Corruption Commission.</p>
Confidential information	<p>(a) includes —</p> <ul style="list-style-type: none"> <li>(i) information about the identity, occupation, residential or work address or whereabouts of a person — <ul style="list-style-type: none"> <li>(A) who makes a public interest disclosure; or</li> <li>(B) against whom a public interest disclosure has been made; and</li> </ul> </li> <li>(ii) information disclosed by a public interest disclosure; and</li> <li>(iii) information about an individual's personal affairs; and</li> <li>(iv) information that, if disclosed, may cause detriment to a person; and</li> </ul> <p>(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.</p>
Corrupt conduct	As defined in section 15 of the <a href="#">Crime and Corruption Act 2001</a>

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- (1) Corrupt conduct means conduct of a person, regardless of whether the person holds or held an appointment, that—
- (a) adversely affects, or could adversely affect, directly or indirectly, the performance of functions or the exercise of powers of—
    - (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—
    - (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—
    - (i) a criminal offence; or
    - (ii) a disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or were the holder of an appointment.
- (2) Corrupt conduct also means conduct of a person, regardless of whether the person holds or held an appointment, that—
- (a) impairs, or could impair, public confidence in public administration; and
  - (b) involves, or could involve, any of the following—
    - (i) collusive tendering;
    - (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)—
      - (A) protecting health or safety of persons;
      - (B) protecting the environment;
      - (C) protecting or managing the use of the State's natural, cultural, mining or energy resources;
    - (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;
    - (iv) evading a State tax, levy or duty or otherwise fraudulently causing a loss of State revenue;
    - (v) fraudulently obtaining or retaining an appointment; and
  - (c) would, if proved, be—
    - (i) a criminal offence; or
    - (ii) a disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or were the holder of an appointment.

Detriment	Includes – (a) personal injury or prejudice to safety; and (b) property damage or loss; and (c) intimidation or harassment; and (d) adverse discrimination, disadvantage or adverse treatment about career, profession, employment, trade or business; and (e) financial loss; and (f) damage to reputation, including, for example, personal, professional or business reputation.
Disability	As defined in section 11 of the <a href="#">Disability Services Act 2006</a> , for the purposes of this procedure: (1) A disability is a person’s condition that— (a) is attributable to— (i) an intellectual, psychiatric, cognitive, neurological, sensory or physical impairment; or (ii) a combination of impairments mentioned in subparagraph (i); and (b) results in— (i) a substantial reduction of the person’s capacity for communication, social interaction, learning, mobility or self care or management; and (ii) the person needing support. (2) For subsection (1), the impairment may result from an acquired brain injury. (3) The disability must be permanent or likely to be permanent. (4) The disability may be, but need not be, of a chronic episodic nature.
Discloser	A person who makes a disclosure in accordance with the <a href="#">Public Interest Disclosure Act 2010</a> .
Employee	Employee of an entity, includes a person engaged by the entity under a contract of service.
Entity	A public sector entity is any of the following— (a) a committee of the Legislative Assembly, whether or not a statutory committee; (b) the parliamentary service; (c) a court or tribunal; (d) the administrative office attached to a court or tribunal; (e) the Executive Council; (f) a department; Note— The following are, or are included in, departments— • the Queensland Ambulance Service • the Queensland Fire and Rescue Service

	<ul style="list-style-type: none"> <li>• the Queensland Police Service.</li> </ul> <p>(g) a local government;</p> <p>(h) a registered higher education provider or TAFE Queensland;</p> <p>(i) the Queensland Agricultural Training Colleges under the Queensland Agricultural Training Colleges Act 2005;</p> <p>(j) an entity established under an Act or under State or local government authorisation for a public, State or local government purpose;</p> <p>(k) an entity, prescribed under a regulation, that is assisted by public funds.</p>
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	A person engaged in the occupation of writing or editing material intended for publication in the print or electronic news media.
Maladministration	As defined in schedule 4 of the <a href="#">Public Interest Disclosure Act 2010</a> , maladministration is administrative action that— <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> <ul style="list-style-type: none"> <li>(i) for an improper purpose; or</li> <li>(ii) on irrelevant grounds; or</li> <li>(iii) having regard to irrelevant considerations; or</li> </ul> <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>
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"> <li>• avoid bias; and</li> <li>• give a fair hearing.</li> </ul> <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"> <li>• providing moral and emotional support</li> <li>• advising disclosers about agency resources available to handle any concerns they have as a result of making their disclosure</li> <li>• appointing a support officer to assist the discloser through the process</li> <li>• referring the discloser to the agency’s Employee Assistance Program or arranging for other professional counselling</li> <li>• generating support for the discloser in their work unit where appropriate</li> <li>• ensuring that any suspicions of victimisation or harassment are dealt with</li> <li>• maintaining contact with the discloser negotiating with the discloser and their support officer a formal end to their involvement with the support program when it is agreed that they no longer need assistance.</li> </ul>
Proper authority	A person or organisation that is authorised under the <a href="#">Public Interest Disclosure Act 2010</a> to receive disclosures.
Public health or safety	<p>the health or safety of persons:</p> <p>(a) under lawful care or control; or</p> <p>(b) using community facilities or services provided by the public or private sector; or</p> <p>(c) in employment workplace</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> <p>(a) a reasonable appraisal of the employee’s work performance;</p> <p>(b) a reasonable requirement that the employee undertake counselling;</p> <p>(c) a reasonable suspension of the employee from the employment workplace;</p> <p>(d) a reasonable disciplinary action;</p> <p>(e) a reasonable action to transfer or deploy the employee;</p> <p>(f) a reasonable action to end the employee’s employment by way of redundancy or retrenchment;</p> <p>(g) a reasonable action in relation to an action mentioned in paragraphs (a) to (f);</p> <p>(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.</p>

Reprisal	<p>The term 'reprisal' is defined under the <a href="#">Public Interest Disclosure Act 2010</a> 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"> <li>• has made or intends to make a disclosure; or</li> <li>• has been or intends to be involved in a proceeding under the disclosure Act against any person.</li> </ul> <p>Reprisal under the <a href="#">Public Interest Disclosure Act 2010</a> 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	<p>Substantial means 'of a significant or considerable degree'. It must be more than trivial or minimal and have some weight or importance.</p> <p>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.</p>

## 9. Procedure revision and approval history

<b>Executive Sponsor</b>	Executive Director Workforce				
<b>Author</b>	Manager Industrial Relations and Systems				
<b>Approval Authority</b>	Corporate Services Improvement Committee (CorpSIC)				
<b>Keywords</b>	Public Interest Disclosure, PROC-0148				
Version	Approved	Effective	Authority	Comment	Review
1.0	12/09/2013	12/09/2013	Health Service Chief Executive	1 <sup>st</sup> version	12/09/2015
2.0	18/09/2017	18/09/2017	CorpSIC	2 <sup>nd</sup> version	18/09/2020
3.0	16/05/2022	16/05/2022	CorpSIC	3 <sup>rd</sup> version	16/05/2025

Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Chair: Corporate Services Improvement Committee

## 10. Appendices

- Nil

## 11. Risk and audit strategy

- Medium (Tier 3) – Audit strategy not required

## 12. Implementation

- The procedure will be published in QHEPS and the Darling Downs Health website.
- The updated document will be communicated to the Workforce via Staff connect.