



# Public Interest Disclosure Policy and Procedure

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# Document Control

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# 1. Introduction

The Queensland Building and Construction Commission (QBCC) is committed to fostering an ethical, transparent and accountable culture. QBCC encourages staff to speak up about any type of wrongdoing or misconduct. QBCC considers that disclosing wrongdoing accords with our ethical culture, in particular acting with integrity, and that staff who come forward with disclosures of wrongdoing are exemplary organisational citizens.

When staff come forward with information about wrongdoing, we commit to:

- protecting the **discloser** from any adverse action taken as a result of the disclosure
- treating any bullying, harassment, unfair treatment, victimisation or discrimination that results from the disclosure as a breach of our disciplinary policies
- responding to the disclosure thoroughly and impartially
- where some form of wrongdoing has been found, taking appropriate action to deal with it
- keeping the discloser informed of the progress and outcome.

QBCC's *Public Interest Disclosure Policy and Procedure* is available for public viewing on QBCC's website. It will be reviewed every two years of the effective date and updated as required to ensure it meets the requirements of the *Public Interest Disclosure Act 2010* (PID Act) and the standards issued by the Queensland Ombudsman.

## 2. Who does this Policy and Procedure apply to?

This Policy and Procedure applies to QBCC **employees**, regardless of whether or not they work fulltime, part-time or as casuals.

## 3. Purpose

The purpose of this procedure is to ensure that QBCC has practical and effective mechanisms in place to:

- promote the public interest by facilitating public interest disclosures (PIDs)
- give appropriate support to QBCC officers who make PIDs
- offer protection from **reprisal** to those making such disclosures
- ensure that PIDs made to QBCC are properly assessed and, where appropriate, properly investigated
- ensure that the interests of persons who are the subject of a PID are appropriately considered
- ensure that QBCC takes appropriate action in relation to any substantiated wrongdoing which is the subject of a PID, and
- comply with the requirements of the *Public Interest Disclosure Act 2010* (PID Act).

## 4. Why make a PID?

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

QBCC supports the disclosure of information about wrongdoing because:

- implementing systems for reporting and dealing with wrongdoing contributes to QBCC's integrity
- PIDs can lead to improvements in systems that prevent fraud and other economic loss to QBCC, and
- the community's trust in public administration is strengthened by having strong processes in place for reporting and investigating wrongdoing.

A person making a PID will receive the protections provided under the PID Act, including:

- *confidentiality* – the discloser’s name and other identifying information will be protected to the greatest extent possible
- *protection against reprisal* – the discloser is protected from unfair treatment by QBCC and its employees as a result of making the PID
- *immunity from liability* – the discloser cannot be prosecuted for disclosing the information (but is not exempt from action if they have engaged in wrongdoing)
- *protection from defamation* – the discloser has a defence against an accusation of defamation by any person, including **subject officers**.

## 5. What is a Public Interest Disclosure?

Under the PID Act, **any person** can make a disclosure about a:

- **substantial and specific** danger to the health or safety of a person with a **disability**
- substantial and specific danger to the environment, or
- reprisal because of a belief that a person has made, or intends to make a disclosure.

In addition, **public 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, or
- a 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 QBCC 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 found to be substantiated.

For a disclosure to be protected, the discloser does not have to be able to prove that wrongdoing has occurred. It is sufficient that they either have an honest belief on reasonable grounds that wrongdoing has occurred, or provide some evidence which tends to show the wrongdoing has occurred. The discloser does not have to be able to identify the wrongdoer’s identity.

Mere disagreements over policy are not PIDs.

Disclosures about actions aimed primarily at the discloser him or herself, such as harassment or bullying, generally do not meet the legislative criteria for a PID, but are still important, and will be promptly addressed in accordance with QBCC’s *Managing Employee Complaints Policy*.

## 6. Who can a PID be disclosed to?

A PID must be made to the **proper authority** to receive disclosures of the type being made. Disclosers are encouraged to make a disclosure to an appropriate officer of QBCC first. If the matter is not resolved, or the discloser is concerned about confidentiality, the disclosure may be made to another appropriate agency.

Who to contact within QBCC	Other agencies that can receive PIDs
<p>Any person (including employees) can make a disclosure to:</p> <ul style="list-style-type: none"> <li>• any person in a supervisory or management position in relation to the person making the disclosure</li> <li>• any other officer in the Integrity and Complaints Branch</li> <li>• the Commissioner</li> <li>• any member of the QBC Board.</li> </ul>	<p>Disclosures can be made to an agency that has a responsibility for investigating the information disclosed:</p> <ul style="list-style-type: none"> <li>• The Crime and Corruption Commission (CCC) for disclosures about corrupt conduct including reprisal</li> <li>• A Member of the Legislative Assembly (MP) for any wrongdoing or danger</li> <li>• The Queensland Ombudsman for disclosures about maladministration</li> <li>• The Queensland Audit Office for disclosures about a substantial misuse of resources</li> <li>• The Department of Child Safety, Youth and Women for disclosures about danger to the health and safety of a child or young person with a disability</li> <li>• The Department of Communities, Disability Services and Seniors for disclosures about danger to the health and safety of a person with a disability</li> <li>• The Office of the Public Guardian for disclosures about danger to the health and safety of a person with a disability</li> <li>• The Department of Environment and Science for disclosures about danger to the environment</li> <li>• The Chief Judicial Officer of a court or tribunal in for disclosures about wrongdoing by a judicial officer.</li> </ul>

Disclosers should consider who will be the best person to receive the disclosure. If a line manager can resolve the matter, then the disclosure should be made to them. Managers can be one of the best sources of support when a person discloses wrongdoing. However, if the manager or senior people may be involved, the disclosure may be made to another person in QBCC identified above.

If a disclosure is made to a person or an organisation who is not a proper authority, the discloser will not receive the protections provided under the PID Act.

### Disclosure to journalists

Under the PID Act, 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, journalists are not bound by the confidentiality provisions of s 65 of the PID Act.

## 7. How to make a PID

A PID can be made in any way, including anonymously, either verbally or in writing. To assist in the assessment of a PID, and any subsequent investigation, disclosers are requested to provide (preferably in writing):

- contact details (this could be an email address that is created specifically for the purpose of making the disclosure)
- 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, and
  - any further information that could help investigate the PID.

Where a disclosure is made verbally, QBCC will make a written record of the information disclosed, and will seek to confirm the accuracy of that record with the discloser.

Disclosing anonymously can make it difficult to investigate the issue, to seek clarification, and to provide the discloser with feedback. Nevertheless, QBCC is committed to accepting anonymous disclosures, and acting on those that contain sufficient information to support further inquiry.

## 8. Assessing disclosures

Any person in a supervisory or management position to a person making a potential PID should consult as soon as possible with the **PID Coordinator** or the Chief Human Resource Officer to have the disclosure assessed.

QBCC will assess all potential PIDs, as soon as practical, to determine whether the disclosure is a PID, having regard to the criteria set out in section 5 above.

QBCC will make a written record of this determination, including the factors considered on each criteria.

If there is any doubt as to whether a matter is a PID, further information may be obtained from the discloser to inform the decision. If doubt still remains, the matter will be considered and managed as a PID.

As noted above, the discloser does not have to identify the disclosure as a PID – it is up to QBCC to assess information received and decide if it is a PID.

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

*Where the disclosure is determined not to be a PID*

Where the disclosure is assessed as not being a PID, QBCC will nevertheless consider whether it can or should take any action in accordance with the *Managing Employee Complaints Policy*, *Performance Management and Improvement Policy and Procedure*, or other relevant policies and procedures.

QBCC will advise the discloser, in writing, as soon as practicable:

- that the disclosure was determined not to be a PID
- who made the decision
- the reasons for the decision
- about their right to have this decision reviewed
- what other options are open to the discloser to have their concerns addressed, and
- any actions that QBCC has taken or will take in any case in response to the disclosure.

If the discloser is dissatisfied with the determination that the disclosure is not a PID, they can request a review by writing to the QBCC Commissioner within 28 days of receiving the written reasons for decision. If the discloser is dissatisfied with the QBCC Commissioner's decision, they can complain to the Queensland Ombudsman.

## 9. Assessing a PID

Where a disclosure is determined to be a PID, or a PID is referred to QBCC by another entity, QBCC will immediately further assess the disclosure to:

- identify and assess the risk of reprisal to the discloser and possible witnesses, and, in consultation with the discloser, develop a reprisal risk management plan
- identify whether preliminary enquiries are appropriate before any determination below is made
- determine whether:
  - no action should be taken in accordance with s 30 of the PID Act
  - the PID should be referred to another agency in accordance with s 31 of the PID Act
  - the PID should be reported to the CCC in accordance with s 38 of the CCC Act, and/or
  - the PID should be investigated in accordance with QBCC's policies and procedures.

### *Risk Management*

QBCC will conduct a risk assessment to assess the likelihood of the discloser or witnesses suffering reprisal action as a result of having made the disclosure. This assessment must:

- take into account the actual and reasonably perceived risk of the discloser suffering **detriment**
- include consultation with the discloser where possible
- be undertaken even where the discloser is anonymous
- consider the risk that others may be wrongly suspected of being the discloser
- consider the risk to potential witnesses.

Consistent with the assessed level of risk, QBCC will develop a risk management plan, and arrange any reasonably necessary support or protection for the discloser, potential witnesses and others who may wrongly be suspected of being the discloser. See further section 10 below.

### *No Action*

Under s 30 of the PID Act, QBCC may only decide to take no action in relation to the PID where:

- the substance of the disclosure has already been investigated or dealt with by another appropriate process
- QBCC reasonably considers that the disclosure should be dealt with by another appropriate process
- the age of the information the subject of the disclosure makes it impracticable to investigate
- QBCC reasonably considers that the disclosure is too trivial to warrant investigation and that dealing with the disclosure would substantially and unreasonably divert QBCC's resources, or



- another entity that has jurisdiction to investigate the disclosure has notified QBCC that investigation of the disclosure is not warranted.

### *Referral*

QBCC may decide to refer the PID to another agency under s 31 of the PID Act, where another proper authority is better able to deal with it because:

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

The risk of reprisal must be assessed prior to the PID being referred to another agency. QBCC must not refer the matter to another agency if it considers that this would create an unacceptable risk of reprisal.

However, the matter must be reported to the CCC under s 38 of the CCC Act where the PID gives rise a reasonable suspicion of corrupt conduct, notwithstanding any risk of reprisal (s 39 of the CCC Act).

All referrals and the supporting reasons must be properly documented.

### *Acting on the PID*

Where QBCC decides to take action on the PID, this will normally entail referring the PID for investigation in accordance with QBCC's *Performance Management and Improvement Policy and Procedure* (see section 10 below).

However, in some circumstances, alternative strategies for taking action on the PID may be preferable, for example:

- conducting an internal systems or forensic audit
- reviewing relevant policies and procedures
- instituting an appropriate risk management strategy to address future risks highlighted by the disclosure.

These alternative strategies may be preferable where, for example:

- the relevant subject officer/s are no longer employed by QBCC
- the wrongdoing stems from systems failures rather than individual misconduct.

Where an alternative strategy is adopted, QBCC will make proper records of this and the reasons for it.

### *Notice to discloser*

Once the matter has been assessed, QBCC will advise the discloser, in writing, as soon as practicable:

- that their information has been received and assessed as a PID
- if QBCC has decided to take no action on the PID in accordance with s 30 of the PID Act, the reasons for this decision as required by s 30(2) of the PID Act, and the discloser's review rights
- if QBCC has decided to refer the disclosure to another agency, who that agency is and the reasons for this
- otherwise, the action to be taken by QBCC in relation to the disclosure
- the discloser's role in any action to be taken, eg whether they will be interviewed as a witness in an investigation

- the likely timeframe for QBCC's actions
- the role, name and contact details of the PID Support Officer, and the details of any support and protection for the discloser that has been arranged
- about the protections the discloser has under the PID Act
- that the QBCC is committed to keeping appropriate records and maintaining confidentiality, except where permitted under the PID Act
- that the discloser has an obligation under the PID Act to maintain confidentiality
- how updates regarding intended actions and outcomes will be provided to the discloser, and
- contact details for QBCC's Employee Assistance Program.

If the discloser is dissatisfied with a decision to take no action on the PID, they can request a review by writing to the QBCC Commissioner within 28 days of receiving the written reasons for decision.

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

## 10. Investigating a PID

If a decision is made to investigate a PID, QBCC will:

- appoint an investigator for an investigation of a PID, either internal or external, who has appropriate knowledge of the PID Act, the protections provided under the PID Act and this Policy and Procedure
- incorporate in the terms of reference for investigation that the investigation be conducted in accordance with the PID Act, including:
  - take reasonable steps to protect the discloser and others from reprisal
  - comply with the confidentiality obligations at section 65 of the PID Act
  - note the standards issued by the oversight agency under section 60 of the PID Act
- incorporate in the terms of reference that the investigator must continually monitor the matter for information indicating a breach of legislation that must or may be referred to another entity with jurisdiction to deal with the matter.

Any investigation will be done in accordance with the investigation process set out in QBCC's *Performance Management and Improvement Policy and Procedure*, and with consideration of:

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

Where it is considered that natural justice requires disclosing information that does, or is likely to, identify a discloser, then, in accordance with s 65(5) of the PID Act, QBCC will:

- assess whether it is essential to do so under the principles of natural justice
- conduct and record a risk assessment to assess the likelihood of reprisal against the discloser if the information is disclosed
- make a decision whether and what information identifying the discloser should be disclosed
- document the decision and the reasons for the decision.

At the conclusion of the investigation, QBCC will:

- if the investigation of a PID substantiates individual wrongdoing, take appropriate disciplinary and/or managerial action
- evaluate whether there is any evidence of a breach of an offence provision under the PID Act, and, if so, take appropriate action
- review systems, policies and procedures to identify whether any improvements can be made
- consider if staff training is required

- consider whether some form of facilitated discussion involving the discloser and/or the relevant work unit would potentially be helpful.

In accordance with s 32 of the PID Act, at the conclusion of an investigation, QBCC will give the discloser reasonable information about the disclosure, including, at least, the results of QBCC's investigation, unless doing so would adversely affect:

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

## 11. Confidentiality

Details about disclosures, investigations, and related decisions will be kept secure and accessible only to the people involved in the management of the PID. QBCC will ensure that communication with all parties involved will occur discreetly to avoid identifying the discloser wherever possible.

While QBCC 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.

QBCC will inform the discloser of the need to disclose their identity, before doing so, wherever possible.

While QBCC will make every attempt to keep disclosers' details confidential, it cannot guarantee that others will not try to deduce their identity. Information and support will be provided to the discloser until the matter is finalised, as agreed in consultation with the discloser, and set out in the reprisal risk management plan.

## 12. Organisational Support for disclosers

**Organisational support** to the discloser may include:

- clearly communicating that the discloser has done the right thing by coming forward, and QBCC's commitment to properly deal with the disclosure
- properly managing the discloser's expectations around confidentiality, timeframes and outcomes
- ensuring that the discloser is aware of the identity and role of the PID Support Officer, and has direct contact details for them
- ensuring that the PID Support Officer proactively 'checks in' with the discloser on a regular basis
- ensuring, wherever possible, that the discloser's line manager is aware of the disclosure and the need to support the discloser and to proactively manage the risk of reprisal
- identifying a **peer support person** in the workplace for the discloser
- providing appropriate referrals to external support mechanisms, including unions, professional associations and the EAP
- obtaining the discloser's consent for QBCC to directly arrange support for them from external agencies.

With the discloser's agreement, QBCC will brief any peer support person on their role, which may include:

- providing a sounding board and positive reinforcement
- attending meetings and interviews with the discloser
- acting as a liaison point with management and investigators
- referring the discloser to external support mechanisms.

QBCC will regularly reassess the risk of reprisal while the matter is progressing, and in consultation with the discloser, review the reprisal risk management plan if the reprisal risk materially changes.

QBCC takes all allegations of reprisal seriously. In the event of reprisal action being alleged or suspected, QBCC will:

- attend to the safety of disclosers or affected third parties as a matter of priority
- review its risk assessment 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.

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

In order to demonstrate that management action is not reprisal action, QBCC must be able to clearly demonstrate:

- there are sufficient grounds for taking the action
- the action taken is proportionate and consistent with similar cases
- the discloser's individual circumstances have been taken into account
- QBCC's *Performance Management and Improvement Policy and Procedure* and/or other relevant policies have been properly followed
- relevant conversations, actions, decisions and reasons for decisions have been thoroughly documented.

## 13. Rights of subject officers

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

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

## 14. Record-keeping

In accordance with its obligations under the PID Act, the PID Standards, and the [Public Records Act 2002](#), QBCC will ensure that:

- appropriate business records are created and maintained about
  - its receipt and assessment of possible PIDs, including the factors considered in relation to each statutory criteria and its reasons for determining that a disclosure was or was not a PID
  - its assessment and evaluation of the risk of reprisal to the discloser and any witnesses, and all reprisal risk management plans
  - the support provided to disclosers
  - where no action was taken on a PID under s 30, the reasons for this, and who made the decision
  - how each PID was dealt with.
- such records are subject to appropriate security and can only be accessed by appropriately authorised persons
- 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.

In particular, in accordance with s 29 the PID Act, QBCC will ensure that proper records are kept, in relation to each PID, of:

- the name of the person making the disclosure, if known
- where the PID was referred to QBCC by another entity, the name of the referring entity
- the information disclosed
- any action taken on the disclosure

## 15. Review of decisions

A discloser may seek review by the Commissioner of a decision not to take action on the disclosure because:

- the disclosure was assessed as not meeting the statutory criteria to be a PID
- the disclosure was assessed as a PID, but no action was required in accordance with s 30 of the PID Act.

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

The Commissioner or delegate will review the decision as soon as reasonably practical, and will inform the discloser in writing of their decision and the reasons for it.

## 16. Complaints to the Ombudsman

The Queensland Ombudsman is the **oversight agency** for the PID Act, with responsibility for reviewing how QBCC deals with PIDs generally, or particular PIDs.

A discloser, or any other person with a sufficient interest, may therefore complain at any time to the Queensland Ombudsman about how QBCC is managing a particular PID.

QBCC will respond promptly to all requests for information from the Queensland Ombudsman about how it is managing a PID, and will, as far as possible, promptly implement any recommendations from the Queensland Ombudsman about this.

## 17. Roles and Responsibilities

The Commissioner, Queensland Building and Construction Commission (QBCC) is responsible for dealing with public interest disclosures (PIDs), as well as establish reasonable procedures to protect employees who make PIDs from reprisals.

The PID Coordinator is the nominated principal contact for PID issues within QBCC.

## 18. PID Management Program

The Commissioner has overall responsibility for ensuring that QBCC develops, implements and maintains a PID management program. The QBCC PID management program encompasses:

- QBCC's commitment to encouraging the internal reporting of wrongdoing
- senior management's endorsement of the value to QBCC of PIDs and the proper management of PIDs
- a communication strategy to raise awareness among employees about PIDs and QBCC's PID procedure

- a training strategy to inform employees about how to make a PID, the support available to a discloser, and 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 unit responsible for issues related to the management of PIDs
- 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.

The Commissioner has designated the following roles and responsibilities for managing PIDs within QBCC:

Role	Responsibilities	Officer
<b>PID Coordinator</b>	<ul style="list-style-type: none"> <li>• principal contact for PID issues within QBCC</li> <li>• document and manage implementation of PID management program</li> <li>• review and update PID procedure annually</li> <li>• maintain and update internal records of PIDs received</li> <li>• report data on PIDs to Queensland Ombudsman</li> <li>• assess PIDs received</li> <li>• provide acknowledgment of receipt of PID to discloser</li> <li>• liaise with other agencies about referral of PIDs</li> <li>• allocate Case Manager and Investigator to PID matters</li> </ul>	Integrity and Complaints Branch Email: <a href="mailto:integrity@qbcc.qld.gov.au">integrity@qbcc.qld.gov.au</a>
<b>PID Support Officer</b>	<ul style="list-style-type: none"> <li>• provide advice and information to discloser on QBCC PID procedure</li> <li>• undertake risk assessments in consultation with disclosers and other relevant officers</li> <li>• coordinate and provide support to the discloser</li> <li>• work with management to foster a supportive work environment</li> <li>• provide the discloser with referrals to other sources of advice or support as required</li> <li>• facilitate updates on progress of investigation</li> <li>• proactively contact discloser throughout PID process</li> <li>• keep records of all aspects of case management of the disclosure</li> </ul>	Integrity and Complaints Branch Email: <a href="mailto:integrity@qbcc.qld.gov.au">integrity@qbcc.qld.gov.au</a>

<b>Peer support person</b>		Appointed with agreement of, and identified in consultation with, the discloser.
<b>Investigator</b>	<ul style="list-style-type: none"> <li>conduct investigation of information in PID in accordance with terms of reference</li> <li>prepare report for decision-maker</li> </ul>	An appropriate internal or external investigator will be appointed for each PID investigated, depending upon the type of disclosure and other relevant considerations.
<b>Decision-maker</b>	<ul style="list-style-type: none"> <li>review investigation report and determine whether alleged wrongdoing is substantiated</li> </ul>	The Commissioner, or an appropriate delegate appointed for a specific PID investigation.

## 19. Definitions

<b>Term</b>	<b>Definition</b>
<b>Administrative Action</b>	<p>Means any action about a matter of administration, including, for example:</p> <ul style="list-style-type: none"> <li>a decision and an act; and</li> <li>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>the formulation of a proposal or intention; and</li> <li>the making of a recommendation, including a recommendation made to a Minister; and</li> <li>an action taken because of a recommendation made to a Minister.</li> </ul>
<b>Confidential information</b>	<p>Includes information:</p> <ul style="list-style-type: none"> <li>about the identity, occupation, residential or work address or whereabouts of a person: <ul style="list-style-type: none"> <li>who makes a public interest disclosure; or</li> <li>against whom a public interest disclosure has been made;</li> </ul> </li> <li>disclosed in a public interest disclosure</li> <li>about an individual's personal affairs</li> <li>that, if disclosed, may cause detriment to a person.</li> </ul> <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>
<b>Corrupt conduct</b>	<p>As defined in section 15 of the <i>Crime and Corruption Act 2001</i>:</p> <p>(1) Corrupt conduct means conduct of a person, regardless of whether the person holds or held an appointment, that –</p> <p>(a) adversely affects, or could adversely affect, directly or indirectly, the performance of functions or the exercise of powers of –</p> <p>(i) a unit of public administration; or</p> <p>(ii) a person holding an appointment; and</p> <p>(b) results, or could result, directly or indirectly, in the performance of functions or the exercise of powers mentioned in paragraph (a) in a way that –</p> <p>(i) is not honest or is not impartial; or</p> <p>(ii) involves a breach of the trust placed in a person holding an</p>

Term	Definition
	<p>appointment, either knowingly or recklessly; or</p> <p>(iii) involves a misuse of information or material acquired in or in connection with the performance of functions or the exercise of powers of a person holding an appointment; and</p> <p>(c) would, if proved, be -</p> <p>(i) a criminal offence; or</p> <p>(ii) a disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or were the holder of an appointment.</p> <p>(2) <b>Corrupt conduct</b> 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>
<b>Detriment</b>	<p>The meaning given in Schedule 4 of the <i>Public Interest Disclosure Act 2010</i>, including:</p> <ul style="list-style-type: none"> <li>• personal injury or prejudice to safety</li> <li>• property damage or loss</li> <li>• intimidation or harassment</li> <li>• adverse discrimination, disadvantage or adverse treatment about career, profession, employment, trade or business</li> <li>• financial loss; and</li> <li>• damage to reputation, including, for example, personal, professional or business reputation.</li> </ul>



Term	Definition
<b>Disability</b>	<p>As defined in section 11 of the <i>Disability Services Act 2006</i>, for the purposes of this procedure:</p> <p>(1) A <b>disability</b> is a person's condition that –</p> <p>(a) is attributable to -</p> <p>(i) an intellectual, psychiatric, cognitive, neurological, sensory or physical impairment; or</p> <p>(ii) a combination of impairments mentioned in subparagraph (i); and</p> <p>(b) results in-</p> <p>(i) a substantial reduction of the person's capacity for communication, social interaction, learning, mobility or self-care or management; and</p> <p>(ii) the person needing support.</p> <p>(2) For subsection (1), the impairment may result from an acquired brain injury.</p> <p>(3) The disability must be permanent or likely to be permanent.</p> <p>(4) The disability may be, but need not be, of a chronic episodic nature.</p>
<b>Discloser</b>	A person who makes a disclosure in accordance with the <i>Public Interest Disclosure Act 2010</i> .
<b>Employee</b>	Includes a person engaged by the entity under a contract of service.
<b>Journalist</b>	A person engaged in the occupation of writing or editing material intended for publication in the print or electronic news media.
<b>Maladministration</b>	<p>As defined in schedule 4 of the <i>Public Interest Disclosure Act 2010</i>, <b>maladministration</b> is <b>administrative action</b> that:</p> <p>a) was taken contrary to law; or</p> <p>b) was unreasonable, unjust, oppressive, or improperly discriminatory; or</p> <p>c) was in accordance with a rule of law or a provision of an Act or a practice that is or may be unreasonable, unjust, oppressive, or improperly discriminatory in the particular circumstances; or</p> <p>d) was taken -</p> <p>(i) for an improper purpose; or</p> <p>(ii) on irrelevant grounds; or</p> <p>(iii) having regard to irrelevant considerations; or</p> <p>e) was an action for which reasons should have been given, but were not given; or</p> <p>f) was based wholly or partly on a mistake of law or fact; or</p> <p>g) was wrong.</p>
<b>Natural justice</b>	<p>Natural justice, also referred to as 'procedural fairness' applies to any decision that can affect the rights, interests or expectations of individuals in a direct or immediate way. Natural justice is at law a safeguard applying to an individual whose rights or interests are being affected.</p> <p>The rules of natural justice, which have been developed to ensure that decision-making is fair and reasonable, are:</p>

Term	Definition
	<ul style="list-style-type: none"> <li>• avoid bias; and</li> <li>• give a fair hearing.</li> <li>• act only on the basis of logically probative evidence.</li> </ul>
<b>Proper authority</b>	A person or organisation that is authorised under the <i>Public Interest Disclosure Act 2010</i> to receive disclosures.
<b>Public officer</b>	A public officer, of a public sector entity, is an employee, member or officer of the entity.
<b>Reasonable management action</b>	<p>Includes any of the following taken by the employee's manager:</p> <ul style="list-style-type: none"> <li>• a reasonable appraisal of the employee's work performance</li> <li>• a reasonable requirement that the employee undertake counselling</li> <li>• a reasonable suspension of the employee from the employment workplace</li> <li>• a reasonable disciplinary action</li> <li>• a reasonable action to transfer or deploy the employee;</li> <li>• a reasonable action to end the employee's employment by way of redundancy or retrenchment</li> <li>• 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.</li> </ul>
<b>Reprisal</b>	<p>Means, in the <i>Public Interest Disclosure Act 2010</i>:</p> <p>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 <i>Public Interest Disclosure Act 2010</i> is a criminal offence and investigations may be undertaken by the Queensland Police Service.</p>
<b>Subject officer</b>	The employee who is the subject of allegations of wrongdoing made in a disclosure.
<b>Substantial and specific</b>	<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>

## 20. Relevant Legislation

*Crime and Corruption Act 2001 (Qld)*  
*Ombudsman Act 2001 (Qld)*  
*Public Interest Disclosure Act 2010 (Qld)*  
*Public Records Act 2002 (Qld)*  
*Public Sector Ethics Act 1994 (Qld)*  
*Anti-Discrimination Act 1991 (Qld)*  
*Disability Services Act 2006 (Qld)*  
*Environmental Protection Act 1994 (Qld)*  
*Information Privacy Act 2009 (Qld)*  
*Judicial review Act 1991 (Qld)*  
*Public Service Act 2008 (Qld)*  
*Public Service Regulation 2008 (Qld)*