

Procedure

Public Interest Disclosures

1. Purpose

This procedure describes the process by which West Moreton Health (WMH) will manage public interest disclosures (PIDs) in the interests of fostering an ethical, transparent culture to support the highest standards of patient and staff safety and ensuring the responsible use of public resources.

As required under the *Public Interest Disclosure Act 2010*, WMH will implement procedures (a Public Interest Disclosure Management Program) to ensure that:

- Any **public officer** who makes a PID is given appropriate support;
- PIDs made to WMH 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 WMH, consistent with the standards issued by the Queensland Ombudsman, is developed and implemented;
- Public officers who make PIDs are offered protection from reprisal by WMH or other public officers of WMH.

2. Scope

This procedure applies to all WMH employees.

3. Statement / Commitment

WMH values the disclosure of information about suspected wrongdoing in the public sector so that it can be properly assessed and, if necessary, appropriately investigated. WMH will provide support to an employee or others who make disclosures about matters in the public interest. This procedure demonstrates this commitment and ensures that practical and effective processes are implemented which comply with the requirements of the *Public Interest Disclosure Act 2010* (PID Act).

WMH is committed to respecting, protecting and promoting human rights. To the extent that this procedure engages with human rights, West Moreton Health staff will properly consider them, and act and make decisions compatibly as per the *Human Rights Act 2019* (Qld).

4. Principles

West Moreton Health has a zero-tolerance approach to wrongdoing or danger, including corruption and maladministration. These behaviours can erode public confidence in our health system, and undermine the good work carried out by the health service.

West Moreton Health encourages any employee who becomes aware of, or suspects wrongdoing, to report it. Every employee has a responsibility to disclose wrongdoing under the Code of Conduct for the Queensland Public Service (Code of Conduct).

To eliminate such conduct, the health service 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 health service;
- Ensuring disclosures, including those made anonymously, are properly assessed and when appropriate, properly investigated or otherwise dealt with;
- Ensuring public interest disclosure (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; and
- Ensuring appropriate consideration and natural justice is given to the interests of those who are the subject of a PID.

5. Process

5.1 PID Management Program

The Health Service Chief Executive has overall responsibility for ensuring that WMH develops, implements and maintains a PID management program. The WMH PID management program encompasses:

- Commitment to encouraging the internal reporting of wrongdoing;
- Senior management endorsement of the value to WMH of PIDs and the proper management of PIDs;
- A communication strategy to raise awareness among employees about PIDs and WMH'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;

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- Regular review of the Public Interest Disclosure Procedure and evaluation of the effectiveness of the PID management program.

5.2 Roles and responsibilities within the PID management program

The Health Service Chief Executive has designated the following roles and responsibilities for managing PIDs within WMH:

Role	Responsibilities	Contact
PID Coordinator (Delegated to the Executive Director People & Culture and Manager Human Resources)	<ul style="list-style-type: none"> • principal contact for PID issues within WMH • document and manage implementation of PID management program • review and update PID procedure annually • report data on PIDs to Queensland Ombudsman • assess PIDs received • undertake risk assessments in consultation with disclosers and other relevant officers • liaise with other agencies about referral of PIDs • allocate Investigator and Support Officer to PID matter 	WM_WorkplaceRelations@health.qld.gov.au
Workplace Relations	<ul style="list-style-type: none"> • maintain and update internal records of PIDs received 	
PID Support Officer (Fulfilled by members of the Human Resources team and Workplace Relations)	<ul style="list-style-type: none"> • provide acknowledgment of receipt of PID to discloser • provide advice and information to discloser on WMH's PID procedure • provide personal support and referral to other sources of advice or support as required • facilitate updates on progress of investigation • proactively contact discloser throughout PID management process 	
Investigator	<ul style="list-style-type: none"> • conduct investigation of information in PID in accordance with terms of reference 	An appropriate internal or external investigator will be appointed for each PID

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	<ul style="list-style-type: none"> prepare report for delegated decision-maker 	investigated depending upon the type of disclosure and other relevant considerations.
Delegated decision-maker	<ul style="list-style-type: none"> review investigation report and determine whether alleged wrongdoing is substantiated 	An appropriate decision-maker will be appointed for each PID investigated.

5.3 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. WMH supports the disclosure of information about wrongdoing because:

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

When making a PID the discloser receives the protections provided under the PID Act, including:

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

5.4 What is a PID?

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**;
- 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;

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- a substantial and specific danger to public health or safety;
- substantial and specific danger to the environment.

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

A disclosure amounts to a PID and is covered 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 WMH 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 it is subsequently investigated or found to be substantiated.

5.5 To whom can a PID be disclosed?

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 WMH first, as set out in the table below. If the matter is not resolved, or the discloser is concerned about confidentiality, the disclosure may be made to another appropriate agency.

Contacts within WMH	Other agencies that can receive PIDs
<p>Any person (including employees) can make a disclosure to:</p> <ul style="list-style-type: none"> • Line manager/Supervisor (can be any employee who holds a manager or supervisor position) • Corrupt Conduct Liaison Officer (CCLO) • Workplace Relations unit • Human Resources Manager • Any Executive Director • Any Chief Officer • The Chief Executive 	<p>Disclosures can be made to an agency that has a responsibility for investigating the information disclosed:</p> <ul style="list-style-type: none"> • Crime and Corruption Commission (CCC) for disclosures about corrupt conduct including reprisal • Queensland Ombudsman for disclosures about maladministration • Queensland Audit Office for disclosures about a substantial misuse of resources • 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 • Department of Communities, Disability Services and Seniors for disclosures about

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Contacts within WMH	Other agencies that can receive PIDs
	<p>danger to the health and safety of a person with a disability</p> <ul style="list-style-type: none"> • 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.

A disclosure can also be made to a journalist, as a last resort, 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 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 should be aware that journalists are not bound under the confidentiality provisions of section 65 of the PID Act. Disclosers should also be aware that disclosure to someone who is not a proper authority (including a journalist, unless the conditions set out immediately above have been met) will not give them the protections available under the PID Act and may expose them to legal risk. Disclosers who are concerned about potential legal risk should seek legal advice.

5.6 How to make a PID

A discloser can make a PID in any way, including anonymously, either verbally or in writing. To assist in the assessment, and any subsequent investigation of a PID, disclosers are requested to provide the below:

- contact details (this could be an email address that is created for the purpose of making the disclosure or a telephone number)
- 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.

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- this information should be provided in writing.

5.7 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 in order to make a decision. If doubt 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 PID Act.

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 be subject to disciplinary action for intentionally giving false or misleading information in a PID, or during an investigation into a PID.

Where a discloser states they are making a PID, but it is assessed that the matter is not a PID, WMH 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 (refer to section 5.13);
- any action WMH proposes to take in relation to the matter; and
- any other options the discloser has in relation to the matter.

5.8 Assessing a PID

The disclosure will be assessed as per the criteria set out in section 5.4 above, the PID Act, the PID standards and any other relevant procedure(s).

Once the matter has been assessed as a PID, WMH will advise the discloser:

- that their information has been received and assessed as a PID;
- the action to be taken by WMH 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 WMH support officer they can contact for updates or advice;
- of the discloser's obligations regarding confidentiality;
- the protections the discloser has under the PID Act;
- the commitment of WMH 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; and
- contact details for the WMH Employee Assistance Program.

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

5.9 Referring a PID

If WMH decides there is another proper authority that is better able to deal with the PID, the PID may be referred to that agency. This may be because:

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- the PID concerns wrongdoing by that agency or an employee of that agency; and/or
- that agency has the power to investigate or remedy the matter.

Before referring the PID to another agency, WMH will conduct a risk assessment, and will not proceed with the referral if there is an unacceptable risk of reprisal. In accordance with the requirements of the PID Act, WMH will, if practicable, consult with the person who made the public interest disclosure when considering whether there would be an unacceptable risk.

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 PID Act permit appropriate officers of WMH 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 WMH.

5.10 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, WMH 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 based on information available in the PID. The risk assessment will also consider the risk to persons who may be suspected of making the PID.

Consistent with the assessed level of risk, WMH 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). Refer to section 5.15 for support for disclosers.

WMH 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, WMH will:

- attend to the safety of the discloser (or witnesses or affected third parties) as a matter of priority;
- review its risk assessment, risk management plan and any protective measures needed to mitigate any further risk of reprisal;
- manage any allegation of a reprisal as a PID in its own right.

5.11 Declining to act on a PID

Under the PID Act, WMH 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;

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- 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 WMH from the performance of its functions;
- another agency with jurisdiction to investigate the information has informed WMH that an investigation is not warranted.

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

5.12 Communication with disclosers

Under the PID Act, WMH must give reasonable information to a discloser.

WMH 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:

- the action that will be taken in response to the PID;
- the protections under the PID Act;
- confidentiality obligations of the discloser and WMH;
- support arrangements.

WMH 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, WMH will advise the discloser in writing of the action taken and the results of the action.

5.13 Right of review

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

5.14 Confidentiality

While WMH 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.

WMH 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 WMH will make every attempt to keep their details confidential, it cannot guarantee that others will not try to deduce their identity.

5.15 Support for disclosers

WMH recognises that providing appropriate support to a discloser is an important feature of effective PID management.

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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. The PID Support Officer will assist the discloser to access information about PIDs, protections available under the PID Act 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.

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

5.16 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, WMH will review systems, policies and procedures to identify any opportunity for improvements to be made and consider if staff training is required.

5.17 Rights of subject officers

WMH acknowledges that for officers who are the subject of a PID the experience may be stressful. WMH 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 confirms a finding;
- providing them with information about their rights and the progress and outcome of any investigation;
- referring them to the Employee Assistance Program for additional support.

Information and support will be provided to a subject officer until the matter is finalised.

5.18 Record-keeping

In accordance with its obligations under the PID Act and the *Public Records Act 2002*, WMH will ensure that:

- accurate data is collected about the receipt and management of PIDs;

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- 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.

6. Roles and Responsibilities

Role	Responsibility
Board	Provides oversight of the procedure
Executive Committee	Advises the Board in its oversight of the procedure and monitors West Moreton Health's compliance with this procedure
Chief Executive	Accountable for overall management of this procedure
People & Culture	The service responsible for ensuring West Moreton Health's compliance with this procedure
All staff	Responsible for compliance with this procedure

7. Definition/s

Term	Definition
Administrative action	<p>(a) means any action about a matter of administration, including, for example:</p> <ul style="list-style-type: none"> (i) a decision and an act; and (ii) a failure to make a decision or do an act, including a failure to provide a written statement of reasons for a decision; and (iii) the formulation of a proposal or intention; and (iv) the making of a recommendation, including a recommendation made to a Minister; and (v) an action taken because of a recommendation made to a Minister; and <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"> (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

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	<p>(iv) information that, if disclosed, may cause detriment to a person; and</p> <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	<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> <p>(a) adversely affects, or could adversely affect, directly or indirectly, the performance of functions or the exercise of powers of—</p> <p style="padding-left: 40px;">(i) a unit of public administration; or</p> <p style="padding-left: 40px;">(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 style="padding-left: 40px;">(i) is not honest or is not impartial; or</p> <p style="padding-left: 40px;">(ii) involves a breach of the trust placed in a person holding an appointment, either knowingly or recklessly; or</p> <p style="padding-left: 40px;">(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 style="padding-left: 40px;">(i) a criminal offence; or</p> <p style="padding-left: 40px;">(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 style="padding-left: 40px;">(i) collusive tendering;</p> <p style="padding-left: 40px;">(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 style="padding-left: 80px;">(A) protecting health or safety of persons;</p> <p style="padding-left: 80px;">(B) protecting the environment;</p> <p style="padding-left: 80px;">(C) protecting or managing the use of the State’s natural, cultural, mining or energy resources;</p>

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	<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>
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 <i>Disability Services Act 2006</i>, 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 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	People employed by under the <i>Hospital and Health Boards Act 2011</i> (Qld).

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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 Public Interest Disclosure Act 2010 , maladministration is administrative action that— (a) was taken contrary to law; or (b) was unreasonable, unjust, oppressive, or improperly discriminatory; or (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 (d) was taken— (i) for an improper purpose; or (ii) on irrelevant grounds; or (iii) having regard to irrelevant considerations; or (e) was an action for which reasons should have been given, but were not given; or (f) was based wholly or partly on a mistake of law or fact; or (g) was wrong.
Natural justice	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. The rules of natural justice, which have been developed to ensure that decision-making is fair and reasonable, are: <ul style="list-style-type: none"> • avoid bias; and • give a fair hearing. • act only on the basis of logically probative evidence.
Organisational support	For the purposes of this procedure, organisational support means actions such as, but not limited to: <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 • referring the discloser to the agency’s Employee Assistance Program or arranging for other professional counselling

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	<ul style="list-style-type: none"> 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 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>Examples of detriment include:</p> <ul style="list-style-type: none"> personal injury or prejudice to safety; property damage or loss; intimidation or harassment; adverse discrimination, disadvantage or adverse treatment about career, profession, employment, trade or business;

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	<ul style="list-style-type: none"> • financial loss; • damage to reputation, including, for example, personal, professional or business reputation. <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	<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 can be identified or particularised as opposed to broad or general concerns or criticisms.</p>

8. Non-Compliance

Non-compliance should be reported to a supervisor/line manager and managed in accordance with the [Compliance Breach Reporting Procedure WMHHS2018035](#). Further advice and support should be sought from the Human Resources team to ensure appropriate action is taken in relation to non-compliance. Outcomes arising from non-compliance may include but are not limited to reporting to an external authority such as the Queensland Ombudsman and/or the Crime and Corruption Commission; and disciplinary action which may include termination of employment.

9. Monitoring and Evaluation

Level or risk	Medium
What will be monitored	Review compliance with each incident and PID received to ensure the correct process is being followed for making and managing a PID. Ensure support is provided to those who have made or wish to make a PID.
How (method)	<p>A sample of corrupt conduct complaints will be reviewed to ensure appropriate referral for PID assessment has been made.</p> <p>A sample PID process will be reviewed to ensure compliance with this procedure using the PID procedure checklist.</p>
Frequency	Annually
Responsible officer	Human Resource Business Partners and/or Workplace Relations and/or Manager Human Resources
Reporting to	Executive Director, People and Culture

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10. Related West Moreton Documents

Policy and Procedure Documents	<ul style="list-style-type: none"> • WMHHS2015019 Compliance Management Procedure • WMHHS2014327 Corrupt Conduct and Fraud Control Procedure • WMHHS2014269 Mandatory Training Procedure • WMHHS2013214 Risk Management Policy
Clinical Guidelines/Pathways	<ul style="list-style-type: none"> • Nil
Other	<ul style="list-style-type: none"> • People Management Intranet page • West Moreton Learning On-Line (WM-LOL) • Policy, Procedure and Work Instruction Staff Sign-Off Sheet

11. Compliance Requirements and Obligations

Legislation and other compliance requirements	<ul style="list-style-type: none"> • Anti-Discrimination Act 1991 (Qld) • Crime and Corruption Act 2001 (Qld) • Criminal Code Act 1899 (Qld) • Human Rights Act 2019 (Qld) • Industrial Relations Act 2016 (Qld) • Information Privacy Act 2009 (Qld) • Public Interest Disclosure Act 2010 (Qld) • Right to Information Regulation 2009 (Qld) • Public Records Act 2002 (Qld) • Ombudsman Act 2001 (Qld)
National Safety and Quality Health Service (NSQHS) Standards	 1. Clinical Governance
Other Standards	N/A

12. References and Resources

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

[Public Service Commission Directive 07/20 – Appeals](#)

Crime and Corruption Commission, Queensland Ombudsman and Queensland Public Service Commission 2011, [Managing a public interest disclosure program – A guide for public sector organisations.](#)

Crime and Corruption Commission, Queensland Ombudsman and Queensland Public Service Commission 2011, [Handling a public interest disclosure – A guide for public sector managers and supervisors.](#)

Crime and Corruption Commission, Queensland Ombudsman and Queensland Public Service Commission 2011, [Making a public interest disclosure – A guide for individuals working in the public sector.](#)

Queensland Ombudsman March 2019, [Public Interest Disclosure Standard No. 1.](#)

Queensland Ombudsman March 2019, [Public Interest Disclosure Standard No. 2](#)

Queensland Ombudsman 2016, [Public Interest Disclosures website.](#)

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13. Development, Revision and Approval History

ID & Version No.	Approval Date	Effective Date	Review Date	Document Custodian/Author	Endorsing Committee	Approval Authority
WMHHS2014305v4	08/09/2023		09/09/2026	Human Resources Manager		Chief Executive
Summary of changes						
<input checked="" type="checkbox"/> Scheduled review, minor changes including: updating some wording, updating references to replacement directives, and updating links to external sources.						

14. Key Words

Corrupt Conduct, Public Interest Disclosure, PID, Discloser, Confidentiality.

15. Appendices

Appendix 1 – PID Assessment Checklist

Appendix 2 – PID Process Checklist

Appendix 3 – PID Risk Assessment

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Public Interest Disclosure Assessment Checklist

To assess whether a matter amounts to a disclosure under the *Public Interest Disclosure Act (2010)* (the PID Act), it needs to include all the following elements:

- an appropriate disclosure
- of public interest information
- made to a proper authority.

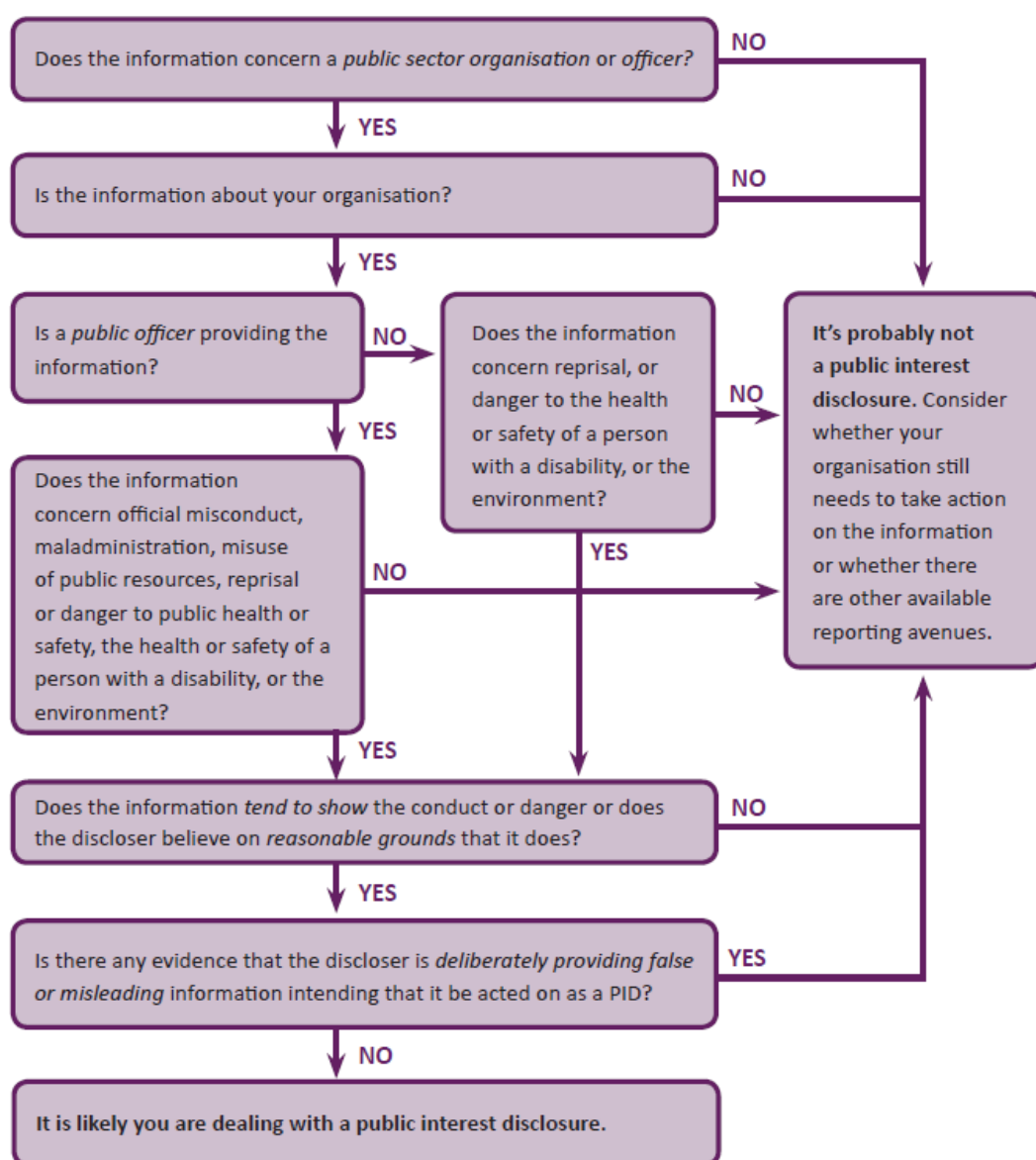
1. An appropriate disclosure		
Does the discloser honestly believe on reasonable grounds that the information tends to show the conduct being disclosed?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<i>Consider whether there is any evidence to suggest the disclosure is false or misleading</i>
Or Is there evidence which tends to show the conduct occurred (regardless of the discloser's belief)?		
2. Of public information		
If the discloser is a public officer, is the disclosure about any of the below: <ul style="list-style-type: none"> <input type="checkbox"/> substantial and specific danger to health and safety of a person with a disability <input type="checkbox"/> 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 <input type="checkbox"/> reprisal connected to a previous PID <input type="checkbox"/> corrupt conduct <input type="checkbox"/> maladministration that adversely affects a person's interests in a substantial and specific way <input type="checkbox"/> a substantial misuse of public resources <input type="checkbox"/> substantial and specific danger to public health or safety <input type="checkbox"/> substantial and specific danger to the environment Or If the discloser is NOT a public officer, is the disclosure about any of the below:	<input type="checkbox"/> Yes <input type="checkbox"/> No	<i>Consider whether the discloser's employment status meets the definition of public officer as defined in s.7 of the PID Act. If in doubt, proceed on the basis that the discloser is a public officer until there is evidence to the contrary.</i> <i>Public interest information is defined in ss.12 and 13 of the PID Act. If the disclosure is not about one of these categories of public interest information, then it is not a PID. For more information about categories of public interest information, refer to the Queensland Ombudsman's website: www.ombudsman.qld.gov.au</i>

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<input type="checkbox"/> substantial and specific danger to health and safety of a person with a disability <input type="checkbox"/> the commission of an offence, or contravention of a condition imposed under a provision mentioned in Schedule 2 of the PID Act, if the contravention would be a substantial and specific danger to the environment <input type="checkbox"/> reprisal connected to a previous PID		
3. Made to a proper authority		
Has the disclosure been made to a proper authority?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<i>Consider whether the disclosure has been made to a proper authority as defined in ss. 14, 15, 16 or 17 of the PID Act.</i> <i>If the disclosure would otherwise be a PID but has not been made to a proper authority, consider what action to take. Should the matter be referred to another proper authority, or should advice be provided to the discloser about where they should lodge their PID?</i>
Decision and action		
Based on this assessment, is the information a Public Interest Disclosure?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Reasons for decision		
What action will be taken?		
Assessment completed by		
Signature		
Date		
Tips for effective PID assessment		

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- The PID assessment should occur prior to the commencement of any investigation
- Disclosers are not required to self-identify that they are making a PID
- If the discloser is anonymous, assess the content of the information for evidence that the discloser is a public officer. If in doubt, proceed on the basis that the discloser is a public officer, unless there is evidence to the contrary
- If in doubt, err on the side of caution and interpret the PID Act broadly
- For further advice, please refer to the Queensland Ombudsman's PID standards at <https://www.ombudsman.qld.gov.au/what-we-do/role-of-the-ombudsman/legislation-and-standard> or contact the Queensland Ombudsman PID unit at PIDadmin@ombudsman.qld.gov.au



PID Process Checklist

Date:

Discloser:

Subject Officer:

PID Support Officer:

Ensure the following items are completed on each occasion:

- PID Received and filed – if verbally, please create file note
- PID Risk Assessment completed
- Risk Assessment to be reviewed and determined by HRM
- Case created in Service Now
- CCC Assessment completed
- Support contact nominated – preferably a HR contact but can be another employee
- Correspondence sent to discloser – Initial PID Letter Template and supporting documentation
- If determined not a PID – see email template to be used
- Investigation process to commence (where required)
- On completion of process – outcome advice letter to be issued to discloser

Completed by:

Date:

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Public Interest Disclosure Risk Assessment

In order to comply with the requirements of the *Public Interest Disclosure Act 2010* (the PID Act) and the Public Interest Disclosure standards, a risk assessment must be completed as soon as practicable after assessing a PID. The risk assessment should be reviewed on a regular basis, and amended as required, until the management of the PID is finalised.

In conducting a risk assessment, take into account the nature of the risks, the consequences if reprisals occur, the likelihood of reprisal occurring and the timeframe/s in which the risks of reprisal may arise.

Internal reference	
Assessor	
Date	
For which party is this risk assessment prepared?	<input type="checkbox"/> Discloser <input type="checkbox"/> Subject officer/s <input type="checkbox"/> Witness/es <input type="checkbox"/> Other (specify)
Checklist	<input type="checkbox"/> Explain the PID management process to each party (where appropriate) <input type="checkbox"/> Consult with each party (where practicable) about any potential risks they have identified <input type="checkbox"/> Explain West Moreton Health's obligations in relation to confidentiality, the exceptions to confidentiality, and the limitations with respect to affording natural justice to a subject officer <input type="checkbox"/> Provide information to each party about their responsibilities and what they can expect, particularly when it comes to their obligations to maintain confidentiality <input type="checkbox"/> Provide advice on what outcomes can reasonably be expected Refer to the resources available through the Queensland Ombudsman website for additional information and resources about supporting employees and other people affected by a public interest disclosure.
Risk assessment	
What harm?	

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<p>Reasons:</p>	<p><i>What is the nature of the risks? What types of harm are possible, both when the PID is initially made and during the process of managing the PID?</i></p> <p><i>Examples of types of harm include:</i></p> <ul style="list-style-type: none"> • Stress • Isolation • Harassment and intimidation • Withholding of resources needed to perform role • Physical harms • Denial of career opportunities • Unreasonable performance management • Financial loss • Damage to reputation • Damage to property • Refusal of access to training and professional development
What consequences?	
<p><input type="checkbox"/> Minor</p> <p><input type="checkbox"/> Moderate</p> <p><input type="checkbox"/> Significant</p> <p>Reasons:</p>	<p><i>What is the potential impact of the harms?</i></p> <p><i>Will the impact be limited and transitory, with the party having the capacity to readily deal with it?</i></p> <p><i>Will the impact have consequences for the party which will affect their work-life and potentially their personal wellbeing and home life, requiring proactive support to effectively manage?</i></p> <p><i>Will the consequences be short-term, medium-term or long-term in nature?</i></p>
What likelihood?	
<p><input type="checkbox"/> Unlikely</p> <p><input type="checkbox"/> Possible</p> <p><input type="checkbox"/> Likely</p> <p>Reasons:</p>	<p><i>What is the likelihood of risks occurring, particularly if confidentiality cannot be maintained?</i></p> <p><i>Will the likelihood of reprisal be exacerbated by the presence of any of the following factors:</i></p> <ul style="list-style-type: none"> • The number of subject officers involved • The seniority of the subject officer/s • The number of people who know the discloser has raised the issue • The seriousness of the alleged wrongdoing • Any history of conflict in the workplace
Evaluation of risk	

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LIKELIHOOD	CONSEQUENCE		
	Minor	Moderate	Significant
Unlikely	Low	Low	Medium
Possible	Low	Medium	High
Likely	Medium	High	High

Assessment

This matter has been assessed as being:

High risk

Medium risk

Low risk

Additional comments