

Public Interest Disclosure Management Program

Version number: 7.0 | Version effective: 1 December 2022

Audience

QLeave-wide

Purpose

To outline the process under which a public interest disclosure (disclosure) can be made, ensuring that information disclosed is properly assessed and dealt with, and that all parties involved in a disclosure are supported and offered appropriate protection.

Overview

QLeave has an obligation to serve the public interest by providing appropriate avenues for reporting allegations of wrongdoing or danger in accordance with the *Public Interest Disclosure Act 2010* (the Act).

Management commitment

QLeave aspires to an organisational climate where all employees feel confident and comfortable about making a disclosure of wrongdoing.

When a discloser comes forward with information about wrongdoing, QLeave commits to:

- protecting the dignity, wellbeing, career interests and good name of all persons involved
- protecting the discloser from any adverse treatment taken as a result of making the disclosure
- responding to the disclosure thoroughly and impartially
- taking appropriate action to deal with any wrongdoing or danger, if substantiated
- keeping the discloser informed of the progress and outcome.

Responsibilities

General Manager

- Communicate the expectation that all employees are required to conduct their duties to high professional and ethical standards and always act in the public interest in accordance with the Code of Conduct for the Queensland Public Service.
- Ensure clear procedures for reporting disclosures are in place and readily accessible to employees and the general public.
- Ensure appropriate communication and training strategies are in place to educate employees about disclosures.

If a disclosure is received about the General Manager, the matter will be referred to QLeave's Board Chairs.

Public Interest Disclosure Coordinator

- The General Manager has assigned the role and responsibilities of the Public Interest Disclosure (PID) Coordinator to the Executive Officer.
- Manage all disclosures in accordance with the Act, independently of any investigation and the resultant decision-making process.
- Properly assess disclosures and where appropriate arrange for investigation or referral to another agency.
- Effectively manage the risk of reprisal against disclosers or third parties.
- Provide appropriate information to disclosers and oversee the coordination of support and protection offered.
- Implement a secure and confidential reporting system to record and manage disclosures.
- Meet reporting requirements of the Queensland Ombudsman.
- Monitor, review and provide advice on legislative obligations relevant to disclosures.
- Arrange training on disclosures for employees, supervisors and managers as part of QLeave's annual cycle of training.
- Undertake a review of this procedure annually.

If a disclosure is received about the Executive Officer, the General Manager will assign the role of PID Coordinator to an alternative officer or external entity.

PID Support Officer

- The PID Coordinator will assign the role of PID Support Officer to an appropriate person as each disclosure is received and assessed on a case-by-case basis.
- QLeave's trained PID Support Officers are the Manager People, Culture and Capability (PCC) and the Senior Advisor PCC.
- Provide or facilitate support to a person who has made a disclosure. Provide or facilitate support for a person who is the subject of a disclosure and afford them natural justice.
- Monitor the workplace for signs of reprisal against a discloser, or any other person.

Investigator

- An appropriate internal or external investigator will be appointed for each disclosure to be investigated depending upon the type of disclosure and other relevant considerations.
- Conduct an investigation of information provided in a disclosure in accordance with terms of reference approved by the General Manager.
- Prepare a report for the delegated decision-maker.

Delegated decision-maker

- An appropriate decision-maker will be appointed for each disclosure investigated, to review the investigation report and determine whether alleged wrongdoing is substantiated.

Communications Team

- Publish the procedure on QLeave's website so that it is accessible to employees and the general public and meets minimum web accessibility standards.

People, Culture and Capability Team

- Provide all new employees of QLeave with information about public interest disclosures at induction, including a clear explanation of how to make a disclosure.
- Provide all employees with access to regular training about the identification of wrongdoing, how to make a disclosure, the protection and support afforded to disclosers and how QLeave deals with disclosures.



Managers and supervisors

- Report information or complaints for disclosure assessment.
- Maintain confidentiality about a potential disclosure and consider the risk of reprisal.
- Escalate any disclosure to the General Manager / PID Coordinator for assessment, management and possible investigation.

Employees

- Report alleged wrongdoing or danger in accordance with this procedure.
- Maintain confidentiality to ensure process integrity and reduce the risk of reprisal.
- Assist in an investigation of a disclosure by providing all relevant information, if requested.

Process

1. Why make a disclosure?

QLeave supports the disclosure of information about wrongdoing because:

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

When making a disclosure, the discloser receives the protections provided under the 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 QLeave and its employees as a result of making the disclosure
- immunity from liability – the discloser cannot be prosecuted for disclosing 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.

What is a disclosure?

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

- a substantial and specific danger to the health or safety of a person with a disability; or
- the commission of an offence, or contravention of a condition imposed under a provision of legislation mentioned in Schedule 2 of the Act, if the offence or contravention would be a 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 sector officers can make a disclosure about the following public interest matters:

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

A discloser can 'honestly believe on reasonable grounds' that wrongdoing has occurred, or provide evidence which tends to show the wrongdoing has occurred.

A disclosure amounts to a public interest disclosure and is covered by the 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. When a disclosure is made anonymously, it can be difficult to seek clarification or more information, to inform the discloser of progress, or to advise the discloser about action taken or to be taken to deal with the disclosure verbally
- discloser has not identified the material as a disclosure – it is QLeave’s responsibility to assess information received and determine if it is a disclosure
- disclosure is unsubstantiated following investigation – the discloser is protected when the information they provided is assessed as a disclosure, whether or not it is subsequently investigated or found to be substantiated.

2. Determining the appropriate reporting avenue

A disclosure must be made to a proper authority. A proper authority is a person or organisation authorised to receive disclosures.

Internal authorities

Any person can make a disclosure to:

- General Manager
- PID Coordinator
- PCC
- any person in a supervisory or management position, including directors.

External authorities

Disclosures can be made to an agency that has a responsibility for investigating the information disclosed:

- 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 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 for disclosures about danger to the environment
- a Member of the Legislative Assembly (MP) for any wrongdoing or danger
- the Chief Judicial Officer of a court or tribunal in relation to a disclosure about wrongdoing by a judicial officer
- Queensland Human Rights Commission under the *Anti-Discrimination Act 1991* about a reprisal in accordance with section 44 of the Act.

Disclosure to a journalist

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

- a disclosure was initially made to a proper authority and the information was determined to be a disclosure under the Act
- 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 Act.

However, disclosers should be aware that journalists are not bound under the confidentiality provisions of section 65 of the Act.

False or misleading information

Under section 66 of the Act, a person who gives information to a proper authority, knowing that it is false or misleading, and intending that it be acted upon as a disclosure, commits a criminal offence with a maximum penalty of two years' imprisonment.

The protections under the Act are not extended to disclosers who intentionally make a disclosure they know is false.

3. Receiving a disclosure

QLearn must receive and assess disclosures in accordance with the Public Interest Disclosure Standard No 1/2019.

Material or evidence of a disclosure could include:

- the discloser's name and contact details (for communication about assessment, action and outcome), unless the discloser prefers to remain anonymous
- the name (and position) of the person who is the subject of the disclosure
- information about the wrongdoing or danger, relevant events, dates and places
- the names of people who may be able to provide additional information (for example, any witnesses)
- correspondence or other supporting documents such as a diary of events and conversations, or file notes, where relevant
- advice about whether anything was done in response to the wrongdoing.

To enable investigation, all disclosures must:

- be clear and factual
- avoid speculation, emotive language, embellishment
- avoid the provision of only vague details.

4. Assessing a disclosure

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

Mere disagreements over policy do not meet the threshold for a public interest disclosure under the Act.

All incoming complaint information will be assessed by the General Manager / PID Coordinator to determine whether it meets the requirements of the Act.

In conjunction with their assessment of complaint information, the General Manager / PID Coordinator will apply the tests set out in sections 12(3) – any person who has information about the conduct of another person or another matter and 13(3) – a public officer who has information about the conduct of another person that could, if proved, be corrupt conduct or maladministration that adversely affects a person's interest in a substantial and specific way, of the Act respectively, to determine the appropriateness of that information to be assessed as a disclosure.

- Section 12(3)(a) sets out the subjective test, which stipulates that the discloser must have an honest belief, on reasonable grounds that their information tends to show the conduct or danger concerned.

- Section 12(3)(b) sets out the objective test, which is that the information tends to show the conduct or danger, regardless of whether the discloser honestly believes their information tends to show the conduct or danger.

Assessed as a disclosure

Once the matter is assessed as a disclosure, QLeave will advise the discloser:

- that their information has been received and assessed as a disclosure
- the action to be taken by QLeave in relation to the disclosure, which could include the facilitation of a formal investigation of the matter alleged in the disclosure or referring the matter to an external agency for investigating
- the likely timeframe involved
- the name and contact details of the QLeave support officer assigned and their role as the discloser's central point of contact if they want further information or are concerned about reprisals and their responsibility to maintain confidentiality
- the protections available under the Act
- the commitment of QLeave to keep appropriate records and maintain confidentiality, except where permitted under the Act
- the means by which updates regarding intended actions and outcomes will be provided to the discloser
- contact details for the QLeave Employee Assistance Program.

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

5. Dealing with a disclosure

The following actions may be taken to deal with a disclosure:

- provide an explanation to the discloser (for example, where the disclosure was not aware of the whole circumstances surrounding an action which appears to them to be improper)
- resolve the disclosure managerially
- conduct an internal audit, or a review of an issue or the operation of a particular unit
- implement or change policies, procedures of practices
- formally investigate the allegations
- refer the allegations to an appropriate external entity.

Assessed and not considered a disclosure or decision not to deal with a disclosure

If the matter is determined not to be a disclosure, QLeave will advise the discloser:

- that their information has been received but was not assessed as a disclosure
- the reasons for the decision
- the review rights available if the discloser is dissatisfied with the decision and how to request review
- any action QLeave proposes to take in relation to the matter
- any other options the discloser has in relation to the matter.

Under section 30 of the Act, QLeave can decide not to deal with a disclosure if it reasonably concludes the disclosure:

- has already been investigated or dealt with by another appropriate process; or
- should be dealt with by another appropriate process; or
- is impractical to investigate because of its age; or
- is trivial in nature and dealing with it would substantially and unreasonably divert the resources of QLeave from the performance of its functions; or
- another agency with jurisdiction to investigate the information has informed QLeave that an investigation is not warranted.



If QLeave decides not to deal with or investigate a disclosure for any of the above reasons, QLeave will provide the discloser with written advice, explaining how it considers one or more of the provisions of section 30 apply to the matter and why it has decided it is appropriate to take no further action.

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

Referring a disclosure

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

- the disclosure concerns wrongdoing by that agency or an employee of that agency
- that agency has the power to investigate or remedy the matter.

Before referring the disclosure to another agency, QLeave will conduct a risk assessment, and will not proceed with the referral if there is an unacceptable risk of reprisal.

It may also be necessary to refer the disclosure to another agency because of a legislative obligation, for example, QLeave may 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 provisions of the Act permit appropriate officers of QLeave to communicate with another agency about the referral of a disclosure. Officers will exercise discretion in their contact with any other agency.

The discloser will be advised of the action taken by QLeave.

Organisational support

Disclosers

QLeave will initiate and coordinate organisational support for disclosers, particularly if they suffer detriment as a result of their disclosure. In order to maintain impartiality and investigative credibility, investigators will not be involved in the provision of organisational support.

Officers who are the subject of a disclosure

QLeave acknowledges that the employee/s about whom disclosures are made are likely to find the experience stressful.

QLeave will protect their rights by:

- reassuring them that the disclosure will be dealt with impartially, fairly and reasonably
- confirming that the disclosure is only an allegation until evidence collected shows otherwise
- providing them with information about their rights and the progress and outcome of any investigation
- ensuring they are given a fair hearing and a right of reply.

Information and support will be provided to the discloser, the employee about whom the disclosure was made and other relevant employees until the matter is finalised.

Confidentiality

QLeave will ensure that communication with all parties involved will be arranged discreetly to avoid identifying the discloser.

While QLeave will make every attempt to protect confidentiality, a discloser's identity may need to be disclosed to:

- provide natural justice to the person subject to the allegations
- respond to a court order, legal directive, or as part of court proceedings.

Disclosers should also be aware that while QLeave will make every effort to keep their name confidential, it cannot guarantee that others will not try to deduce their identity.

All parties involved (including disclosers, subject officers, witnesses and affected third parties) have obligations to maintain confidentiality under the Act, except in the limited circumstances provided in the Act.

QLeave will ensure that disclosures are managed in accordance with the *Human Rights Act 2019*, where every person has the right to not have the person's reputation unlawfully attacked.

Details about disclosures, investigations and related decision will be kept secure and accessible only to people involved in the management of the disclosure.

Risk assessment and protection from reprisal

Upon assessing a disclosure as a public interest disclosure, QLeave will conduct a risk assessment to ascertain the likelihood of the discloser (or witnesses or affected third parties) suffering reprisal action as a result of having made the disclosure. The assessment will take into account the actual and reasonably perceived risk of victimisation or unlawful discrimination, and will include input from the discloser.

A risk assessment will be undertaken if the discloser is anonymous on the basis of information available in the disclosure.

Consistent with the assessed level of risk, QLeave will develop and implement a risk management plan and will arrange protection for the discloser where they are a QLeave employee, and where practicable, their identity.

It should be noted that while QLeave will conduct equally rigorous risk assessments for employees and members of the public, it does not have the legislative authority to provide members of the public with the same level of protection that it would provide to employees.

QLeave will regularly reassess the risk of reprisal while the disclosure is being managed, in consultation with the discloser, and review the risk management plan, if required.

Reprisal and detriment

A person should not suffer any form of detriment because they, or someone else, has made a disclosure (or in the belief they have made a disclosure).

In the event of reprisal action being alleged or suspected, QLeave 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 disclosure in its own right.

All managers must notify the General Manager / PID Coordinator of any allegations of reprisal action against a discloser or if they suspect that reprisal action against a discloser is occurring.

Reprisal under the Act is a criminal offence and investigations may be undertaken by the Queensland Police Service.

Reasonable management action

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

6. Finalisation

On finalisation of a matter:

- employees involved in the disclosure will be debriefed to clarify any decision or outcomes, without breaching confidentiality, and to emphasise the opportunities to learn from the situation
- disclosers will be provided with written advice about the outcome and finalisation of their disclosure
- QLeave will consider the opportunities for improvements.

7. Reporting and recordkeeping

In accordance with its obligations under the Act and the *Public Records Act 2002*, QLeave ensures:

- accurate data is collected about the receipt and management of disclosures
- anonymised data is reported to the Queensland Ombudsman in their role as the oversight agency, through their disclosure reporting portal
- records about disclosures, investigations, and related decisions are kept secure and accessible only to appropriately authorised people involved in the management of disclosures in QLeave's HPE CM (Content Management) system.

Training strategy

The PID Coordinator will coordinate training about QLeave's Public Interest Disclosure management program.

All new employees are enrolled in Public Interest Disclosure training through ELMO Learning System as part of the induction program.

All employees undertake training on an annual basis about the identification of wrongdoing, how to make a disclosure, the protection and support afforded to disclosers and how QLeave deals with disclosures.

The Executive Leadership Team, Leadership Team and Supervisors undertake training on an annual basis about QLeave's obligations under the Act, QLeave's disclosure procedure, protection of confidentiality and prevention of reprisal.

Communication strategy

This procedure is available for public viewing on QLeave's website. It is reviewed annually and updated as required, to ensure it meets the requirements of the Act and the standards issued by the Queensland Ombudsman.

Regular communication is issued to employees to raise awareness about disclosures and QLeave's disclosure management program, including communications that target the specific information needs of QLeave employees who directly or indirectly supervise or manage others.

Key messages about disclosures are:

- as public servants, QLeave employees have an obligation to report wrongdoing
- a discloser will be afforded protection against reprisal as a result of making a disclosure
- a discloser's name and other identifying information will be protected to the extent allowed
- disclosers can be anonymous
- the responsibility rests with QLeave to identify whether a matter meets the criteria of a disclosure.



Definitions

Term	Definition
Administrative action	<p>As defined in schedule 4 of the Act 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>does not include an operational action of a police officer or of an officer of the Crime and Corruption Commission.</p>
Complaint	<p>A complaint is not a disclosure unless assessed as meeting the requirements of a public interest disclosure.</p>
Confidential information	<p>As defined in section 65 of the Act 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 disclosure has been made; and(ii) information disclosed by a public interest disclosure; and(iii) information about an individual's personal affairs; and(iv) information that, if disclosed, may cause detriment to a person; and <p>does not include information publicly disclosed in a PID 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 <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> <ul style="list-style-type: none">(a) adversely affects, or could adversely affect, directly or indirectly, the performance of functions or the exercise of powers of—<ul style="list-style-type: none">(i) a unit of public administration; or(ii) a person holding an appointment; and(b) results, or could result, directly or indirectly, in the performance of functions or the exercise of powers mentioned in paragraph (a) in a way that—<ul style="list-style-type: none">(i) is not honest or is not impartial; or(ii) involves a breach of the trust placed in a person holding an appointment, either knowingly or recklessly; or(iii) involves a misuse of information or material acquired in or in connection with the performance of functions or the exercise of powers of a person holding an appointment; and(c) would, if proved, be—<ul style="list-style-type: none">(i) a criminal offence; or(ii) a disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or were the holder of an appointment.



Term	Definition
Corrupt conduct (cont)	<p>(2) Corrupt conduct also means conduct of a person, regardless of whether the person holds or held an appointment, that—</p> <ul style="list-style-type: none"> (a) impairs, or could impair, public confidence in public administration; and (b) involves, or could involve, any of the following— <ul style="list-style-type: none"> (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)— <ul style="list-style-type: none"> (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— <ul style="list-style-type: none"> (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	<p>As defined in scheduled 4 of the PID Act includes –</p> <ul style="list-style-type: none"> (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	<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> <ul style="list-style-type: none"> (a) is attributable to— <ul style="list-style-type: none"> (i) an intellectual, psychiatric, cognitive, neurological, sensory or physical impairment; or (ii) a combination of impairments mentioned in subparagraph (i); and (b) results in— <ul style="list-style-type: none"> (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. <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	<p>A person who makes a disclosure in accordance with the <i>Public Interest Disclosure Act 2010</i>.</p>

Term	Definition
Disclosure	<p>A disclosure of information as specified under the Act, made to a proper authority that has the responsibility or power to take action and provide an appropriate remedy.</p> <p>For a report to be considered a disclosure, under the Act, it must be:</p> <ul style="list-style-type: none"> • an appropriate disclosure • public interest information about serious wrongdoing or danger as specified in sections 12 and 13 of the Act • made by a proper person • made to a proper authority
Employee	Includes a person engaged by QLeave under a contract of service.
Investigation	For the purposes of this procedure, investigation includes any enquiry undertaken to establish whether the information provided in a disclosure can be substantiated, including a review or audit.
Journalist	<p>As defined in section 20(4) of the Act</p> <ul style="list-style-type: none"> • a person engaged in the occupation of writing or editing material intended for publication in the print or electronic news media.
Maladministration	<p>As defined in schedule 4 of the <i>Public Interest Disclosure Act 2010</i>, maladministration is administrative action that—</p> <ul style="list-style-type: none"> (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— <ul style="list-style-type: none"> (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	<p>Natural justice, also referred to as ‘procedural fairness’ applies to any decision that can affect the rights, interests or expectations of individuals in a direct or immediate way. Natural justice is at law a safeguard applying to an individual whose rights or interests are being affected.</p> <p>The rules of natural justice, which have been developed to ensure that decision-making is fair and reasonable, are:</p> <ul style="list-style-type: none"> • avoid bias • give a fair hearing; and • act only on the basis of logically probative evidence.



Term	Definition
Organisational Support	<p>For the purposes of this procedure, organisational support means actions such as, but not limited to:</p> <ul style="list-style-type: none"> • providing moral and emotional support • advising disclosers about agency resources available to handle any concerns they have as a result of making their disclosure • appointing a mentor, confidante or other support officer to assist the discloser through the process • referring the discloser to the agency's Employee Assistance Program or arranging for other professional counselling • generating support for the discloser in their work unit where appropriate • ensuring that any suspicions of victimisation or harassment are dealt with • maintaining contact with the discloser • 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.
Proper authority	A person or organisation that is authorised under the <i>Public Interest Disclosure Act 2010</i> (sections 14, 15 and 17) to receive disclosures.
Public Officer	A public officer, of a public sector entity, is an employee, member or officer of the entity.
Public sector entity	As defined in section 6 of the Act
Reasonable belief	A view which is objectively fair or sensible.
Reasonable Management Action	<p>As defined in section 45(3) of the Act</p> <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. <p>Reasonable management action in relation to a discloser must:</p> <ul style="list-style-type: none"> • be based on sufficient grounds • be reasonable, as well as proportionate and consistent with similar cases • have taken into account the discloser's particular circumstances • not be taking action because the discloser has made a disclosure.

Term	Definition
Reprisal	<p>Defined under the <i>Public Interest Disclosure Act 2010</i> as causing, attempting to cause or conspiring to cause detriment to another person in the belief that they or someone else has:</p> <ul style="list-style-type: none"> • made or intends to make a disclosure; or • been or intends to be involved in a proceeding under the disclosure Act against any person.
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>

Legislation

- [Acts Interpretation Act 1954](#)
- [Crime and Corruption Act 2001](#)
- [Evidence Act 1977](#)
- [Human Rights Act 2019](#)
- [Information Privacy Act 2009](#)
- [Ombudsman Act 2001](#)
- [Public Interest Disclosure Act 2010](#)
- [Public Records Act 2002](#)
- [Public Sector Ethics Act 1994](#)
- [Public Service Act 2008](#)
- [Right to Information Act 2009](#)

Related Controlled Documents

- Nil

Other related resources

- Code of Conduct for the Queensland Public Service
- [All agencies - Natural justice, disclosure, and privacy \(published by the Office of the Information Commissioner \(Queensland\)\)](#)
- [Disclosure Fact sheet 1: What is a disclosure \(published by the Queensland Ombudsman\)](#)
- [Disclosure Fact sheet 2: Checklist for making a disclosure \(published by the Queensland Ombudsman\)](#)
- [Disclosure Fact sheet 3: Discloser information and support \(published by the Queensland Ombudsman\)](#)
- [Public Interest Disclosure Standard No. 1/2019 – PID management program \(published by the Queensland Ombudsman\)](#)
- [Public Interest Disclosure Standard No. 2/2019 – Assessing, investigating and dealing with PIDs \(published by the Queensland Ombudsman\)](#)
- [Public Interest Disclosure Standard No. 3/2019 – PID data recording and reporting \(published by the Queensland Ombudsman\)](#)
- QLeave's Customer complaints policy and procedure (refer QLeave's intranet)



- QLeave's Employee complaints policy and procedure (refer QLeave's intranet)
- QLeave's Fraud and Corruption Control policy and procedure (refer QLeave's intranet)
- QLeave's Recordkeeping Policy (refer QLeave's intranet)
- QLeave's Risk management policy and procedure (refer QLeave's intranet)

Contact

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Superseded versions

5.0 Public Interest Disclosure
6.0 Public Interest Disclosures Management Program

Scheduled review date

30 November 2023

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