

Public interest disclosure policy

1. Purpose

This policy establishes the underlying principles and obligations of the Department of Energy and Public Works (the department) concerning public interest disclosures (PIDs) under the [Public Interest Disclosure Act 2010](#) (PID Act). This policy has been developed in accordance with the PID Act and the [Public Interest Disclosure Standards](#) issued by the Queensland Ombudsman (PID Standards), which require agencies to have reasonable procedures to deal with PIDs.

This policy applies to:

- all employees working for the department regardless of whether they are permanent, temporary, full-time, part-time or casual employees, and persons on secondment from other departments/agencies
- other persons who perform work for the department including contractors, students gaining work experience and volunteers. For the purposes of this policy, the term contractor includes on-hired temporary labour services (agency staff), and
- other persons whose complaint or information has been assessed as a PID (such as members of the public).

2. Policy statement

The department is committed to fostering an ethical, transparent culture. In pursuit of this, the department values the disclosure of information about suspected wrongdoing in the public sector so that it can be properly assessed and, if necessary, appropriately investigated.

The department will ensure disclosers are supported and protected from reprisal and that appropriate consideration is given to persons who are the subject of a PID. The department is also committed to developing, implementing and maintaining a PID management program (as set out in section 3.1 of the [Public interest disclosure procedure](#) (PID procedure)).

This policy forms part of the department's overall approach to integrity management and should be read in conjunction with the [Public interest disclosure procedure](#) (PID Procedure), the [Corrupt conduct prevention policy](#), the [Complaints management policy](#), the [Employee complaints policy](#), the [Fraud and corruption control policy](#), the [Fraud and corruption control plan](#), the [Risk management policy](#) and the [Code of Conduct for the Queensland Public Service](#).

2.1 What is a PID?

A PID is a disclosure about certain wrongdoing.

Any person (whether an employee, a contractor or a member of the public) 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
- a reprisal because, or in the belief that, a person has made, or intends to make a PID.

Public officers (which includes employees) 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 (in certain circumstances)
- a substantial and specific danger to public health or safety
- a substantial and specific danger to the environment.

2.2 Making a PID?

Disclosers are encouraged to report PIDs directly to the department's [Integrity Services Unit](#) or as outlined in section 3.4 of the PID Procedure.

Disclosures can be made in any way, including anonymously, either verbally or in writing. Disclosers are, however, encouraged to give their contact details so the department can contact them to provide support, obtain any further information and provide outcome advice.

The department is committed to taking appropriate action on disclosures (subject to sufficient information being provided).

Under the PID Act, a discloser may disclose substantially the same information to a journalist after they have made a PID to the department or another entity under certain circumstances. This is discussed in more detail in section 3.4 of the PID procedure.

2.3 Protection from reprisal

Making a PID about suspected wrongdoing is the right thing to do. Disclosers should not suffer harm or detriment because they have spoken up, or someone believes they may have spoken up. This type of action is called reprisal and is an offence under the PID Act.

The department will protect disclosers, witnesses and/or people who are involved in a PID investigation, from reprisal.

When a disclosure is made, the department will assess the risks to the discloser, and/or the affected third parties, and offer support.

Allegations of reprisal are taken very seriously and will be assessed, and appropriate action taken, which may include referral to the Crime and Corruption Commission and/or the Queensland Police Service.

3. Responsibilities

3.1 Director-General

- Ensure that the department complies with the PID Act, including:
 - establishing reasonable procedures to deal with PIDs
 - receiving and assessing PIDs
 - keeping a record of disclosures
 - reviewing the department's decisions not to investigate or deal with PIDs on request
 - providing disclosure information to the Office of the Queensland Ombudsman.
- Delegate responsibilities under the PID Act as considered appropriate.
- Lead a workplace culture that encourages, supports and raises awareness about disclosures and the appropriate management of PIDs.

- Ensure that the department develops, implements and maintains a PID management program.
- Ensure effective management and oversight of the department's PID management program and procedures.
- Appoint a PID Coordinator of the department with responsibility for the implementation of the department's PID management program, including acting as a principal point of contact with the Office of the Queensland Ombudsman.

3.2 Divisional Heads and Managers/Supervisors

- Raise awareness about PIDs and encouraging the reporting of wrongdoing.
- Respond to a disclosure or PID in accordance with this policy and the PID procedure.
- Ensure all new employees and agency staff complete an induction process, including the completion of mandatory training in public sector ethics and the [Code of Conduct for the Queensland Public Service](#)
- In response to a PID and in consultation with the Integrity Services Unit:
 - provide support to the discloser
 - monitor for reprisal
 - maintain appropriate confidentiality
 - keep appropriate records.
- Where a delegation exists, ensure that PIDs are properly investigated, and appropriate action is taken with respect to any wrongdoing which is the subject of a PID.

3.3 Integrity Services Unit

- Develop and maintain the department's PID policy and PID procedure.
- Develop and deliver awareness and education initiatives in relation to PIDs, including protections afforded to disclosers.
- Assess disclosures and manage PIDs in accordance with the PID Act, the PID Standards and the PID Procedure.
- Liaise with other agencies about referral of PIDs.
- Manage investigations of PIDs and any allegations of reprisal.

3.4 All employees and all persons who perform work for the department

- Report suspected wrongdoing, including any breaches of this policy, to the Integrity Services Unit (or an external agency, if appropriate). For further information on how to make a PID, refer to the department's PID Procedure.
- Maintain appropriate confidentiality in relation to a PID.
- Refrain from taking reprisal in relation to a PID.
- Where relevant, undertake mandatory public sector ethics training provided by the department, including training in the [Code of Conduct for the Queensland Public Service](#).

4. Delegations

For the relevant delegation to deal with PIDs under the PID Act refer to The Hub.

5. Reporting requirements

The Integrity Services Unit is responsible for providing statistical reports on PIDs to the Deputy Director-General, Corporate and the Executive Leadership Team, as well as preparing other reporting as required.

6. Approval

Approved by:

Robyn Turbit
Deputy Director-General, Corporate

Date: 6 December 2021

Attachment 1: Contacts and References

Attachment 2: Definitions

Licence

Public interest disclosure policy © The State of Queensland (Department of Energy and Public Works) 2021.

<http://creativecommons.org/licenses/by/4.0/deed.en>



This work is licensed under a Creative Commons Attribution 4.0 Australia Licence. You are free to copy, communicate and adapt this work, as long as you attribute by citing 'Public interest disclosure policy, State of Queensland (Department of Energy and Public Works) 2021'.

Version Control

Version	Date	Comments
1.0	6 December 2021	Policy approved by Deputy Director-General, Corporate

Attachment 1: Contacts and References

Contacts

Director-General

Department of Energy and Public Works
Level 36, 1 William Street, Brisbane Qld 4000
GPO Box 2457, Brisbane Qld 4001
Telephone (07) 3008 2936

Deputy Director-General, Corporate

Department of Energy and Public Works
Level 2, 60 Albert Street, Brisbane Qld 4000
GPO Box 2457, Brisbane Qld 4001
Telephone (07) 3008 2900

Chief Human Resources Officer

Department of Energy and Public Works
Level 14, 41 George Street, Brisbane Qld 4000
GPO Box 2457, Brisbane Qld 4001
Telephone (07) 3008 3040
Facsimile (07) 3225 8120

Integrity Services Unit

Department of Energy and Public Works
Level 2, 60 Albert Street, Brisbane Qld 4000
GPO Box 2457, Brisbane Qld 4001
Telephone (07) 3008 2924
Email integrityservices@epw.qld.gov.au

Queensland Ombudsman (PID oversight agency)

Level 18, 53 Albert Street, Brisbane QLD 4000
GPO Box 3314, Brisbane Qld 4001
Telephone (07) 3005 7000
Facsimile (07) 3005 7067
Toll Free 1800 068 908 (outside Brisbane, within Queensland)
www.ombudsman.qld.gov.au

Crime and Corruption Commission

Complaints Officer
Level 2, North Tower Green Square
515 St Pauls Terrace
Fortitude Valley Qld 4006
GPO Box 3123, Brisbane Qld 4001
Telephone (07) 3360 6060
Facsimile (07) 3360 6333
Toll Free 1800 061 611 (outside Brisbane, within Queensland)
www.ccc.qld.gov.au/corruption/report-corruption

References

The requirements set out in this document are based on, and are consistent with, relevant Government legislation, regulations, directives, information standards and/or policies at the time of publication.

Legislation and regulations

[Anti-Discrimination Act 1991](#)

[Crime and Corruption Act 2001](#)

[Disability Services Act 2006](#)

[Human Rights Act 2019](#)

[Industrial Relations Act 2016](#)

[Information Privacy Act 2009](#)

[Judicial Review Act 1991](#)

[Public Interest Disclosure Act 2010](#)

[Public Records Act 2002](#)

[Public Sector Ethics Act 1994](#)

[Public Service Act 2008](#)

[Right to Information Act 2009](#)

Queensland Government documents

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

[Public Interest Disclosure Standard No. 1/2019 – Public Interest Disclosure Management Program](#)

[Public Interest Disclosure Standard No. 2/2019 – Assessing, Investigating and Dealing with Public Interest Disclosures](#)

[Public Interest Disclosure Standard No. 3/2019 – Public Interest Disclosure Data Recording and Reporting](#)

[Making a public interest disclosure – a guide for individuals working in the public sector 2011 \(publication jointly prepared by the Queensland Ombudsman, the former Crime and Misconduct Commission and the Public Service Commission\)](#)

[Handling a public interest disclosure – a guide for public sector managers and supervisors 2011 \(publication jointly prepared by the Queensland Ombudsman, the former Crime and Misconduct Commission and the Public Service Commission\)](#)

[Disclosure Fact sheet 1: What is a disclosure](#)

[Disclosure Fact sheet 2: Checklist for making a disclosure](#)

[Disclosure Fact sheet 3: Discloser information and support](#)

Department of Energy and Public Works documents

The following documents can be found at on the hub at Resource centre - Policies and procedures (sharepoint.com) (or navigate to: Resource Centre > Policies and Procedures > Integrity):

Public interest disclosure procedure

Complaints management policy

Complaints management procedure

Corrupt conduct prevention policy

Corrupt conduct prevention procedure

Fraud and corruption control policy

Fraud and corruption control plan

The following documents can be found at on the hub at Resource centre - Policies and procedures (sharepoint.com) (or navigate to: Resource Centre > Policies and Procedures):

Employee complaints policy (see HR)

Employee complaints guideline (see HR)

Risk management policy (see Risk Management)

Attachment 2: Definitions

Term	Description
Administrative action	<p>Has a specific meaning per Schedule 4 of the PID Act.</p> <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>Has a specific meaning per section 65(7) of the PID Act.</p> <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 PID; or (B) against whom a PID has been made; and (ii) information disclosed by a PID; and (iii) information about an individual's personal affairs; and (iv) information that, if disclosed, may cause detriment to a person; and <p>(b) 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>
Contractor	<p>Means contractors, subcontractors, consultants and their employees, and includes on-hired temporary labour services (agency staff).</p>
Corrupt conduct	<p>Has a specific meaning per 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

Term	Description
	<p>(ii) involves a breach of the trust placed in a person holding an 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) Corrupt conduct also means conduct of a person, regardless of whether the person holds or held an appointment, that—</p> <p>(a) impairs, or could impair, public confidence in public administration; and</p> <p>(b) involves, or could involve, any of the following—</p> <p>(i) collusive tendering;</p> <p>(ii) fraud relating to an application for a licence, permit or other authority under an Act with a purpose or object of any of the following (however described)—</p> <p>(A) protecting health or safety of persons;</p> <p>(B) protecting the environment;</p> <p>(C) protecting or managing the use of the State's natural, cultural, mining or energy resources;</p> <p>(iii) dishonestly obtaining, or helping someone to dishonestly obtain, a benefit from the payment or application of public funds or the disposition of State assets;</p> <p>(iv) evading a State tax, levy or duty or otherwise fraudulently causing a loss of State revenue;</p> <p>(v) fraudulently obtaining or retaining an appointment; and</p> <p>(c) would, if proved, be—</p> <p>(i) a criminal offence; or</p> <p>(ii) a disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or were the holder of an appointment.</p> <p>Corrupt conduct can be attributed to any person, regardless of whether or not they are employed in the department, including:</p> <ul style="list-style-type: none"> • employees • people who used to but no longer work in the department • people who subsequently take up an appointment in the department • people who are suppliers or providers to the department • other private individuals or organisations

Term	Description
	<ul style="list-style-type: none"> • people outside Queensland where there is a direct link between the conduct and its adverse effect on the department).¹ <p>Refer to the Corrupt conduct prevention policy and Corrupt conduct prevention procedure for further information.</p>
Detriment	<p>Has a specific meaning per schedule 4 of the PID Act.</p> <p>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>Has a specific meaning per section 11 of the <i>Disability Services Act 2006</i>.</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	Means a person who makes a disclosure in accordance with the PID Act.
Divisional Heads	Means all Deputy Directors-General.
Employee	<p>Under schedule 4 of the PID Act, employee of an entity, includes a person engaged by the entity under a contract of service.</p> <p>For the purposes of this policy and the PID procedure, it also includes a person employed in the department under the <i>Public Service Act 2008</i> as a</p>

¹ “Corruption in focus: A guide to dealing with corrupt conduct in the Queensland public sector”, Crime and Corruption Commission, January 2020, page 1.3.

Term	Description
	public service officer, general employee or temporary employee and persons on secondment from other departments/agencies.
Investigation	Includes any enquiry undertaken to establish whether the information provided in a PID can be substantiated, including a review or audit.
Journalist	Has a specific meaning per section 20(4) of the PID Act. Means a person engaged in the occupation of writing or editing material intended for publication in the print or electronic news media.
Maladministration	Has a specific meaning per schedule 4 of the PID Act. Means 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.
Manager/supervisor	Means any person whose duties involve or include managing or supervising others in the carrying out of their duties, irrespective of their formal title.
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 • give a fair hearing • act only on the basis of logically probative evidence.
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 PID 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

Term	Description
	<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.
Person/s	Means all persons described in Section 1 of this policy and Section 2 of the PID Procedure.
Proper authority	<p>Has a specific meaning per section 5 of the PID Act.</p> <p>Means:</p> <p>(a) a public sector entity; or</p> <p>(b) a Member of the Legislative Assembly.</p>
Public interest disclosure/s	<p>Has a specific meaning per sections 12 to 17 of the PID Act.</p> <p>Means a disclosure of certain types of information made to a Proper Authority. The types of information that a person can make a public interest disclosure about are as follows:</p> <p>A public officer (which includes an employee) can make a public interest disclosure about:</p> <p>(a) the conduct of another person that could, if proved, be—</p> <p style="padding-left: 20px;">(i) corrupt conduct; or</p> <p style="padding-left: 20px;">(ii) maladministration that adversely affects a person’s interests in a substantial and specific way; or</p> <p>(b) a substantial misuse of public resources (other than an alleged misuse based on a mere disagreement over policy that may properly be adopted about amounts, purposes or priorities of expenditure); or</p> <p>(c) a substantial and specific danger to public health or safety; or</p> <p>(d) a substantial and specific danger to the environment.</p> <p>if</p> <p>(a) the person honestly believes on reasonable grounds that the information tends to show the conduct or other matter [the subjective test]; or</p> <p>(b) the information tends to show the conduct or other matter, regardless of whether the person honestly believes the information tends to show the conduct or other matter [the objective test].</p> <p>Any person (which includes a public officer/employee) can make a public interest disclosure about—</p> <p>(a) a substantial and specific danger to the health or safety of a person with a disability (as defined in section 11 of the <i>Disability Services Act 2006</i>); or</p> <p>(b) the commission of an offence against a provision mentioned in Schedule 2 of the PID Act, if the commission of the offence is or would be a substantial and specific danger to the environment; or</p>

Term	Description
	<p>(c) a contravention of a condition imposed under a provision mentioned in Schedule 2 of the PID Act, if the contravention is or would be a substantial and specific danger to the environment; or</p> <p>(d) the conduct of another person that could, if proved, be a reprisal.</p> <p>if</p> <p>(a) the person honestly believes on reasonable grounds that the information tends to show the conduct or other matter [the subjective test]; or</p> <p>(b) the information tends to show the conduct or other matter, regardless of whether the person honestly believes the information tends to show the conduct or other matter [the objective test].</p> <p>A PID includes all information and help given by the discloser to the Proper Authority for the PID.</p>
Public officer	<p>Has a specific meaning per section 7 of the PID Act.</p> <p>Means an employee, member or officer of a Public Sector Entity.</p> <p>For clarity, contractors (which includes agency staff) are not public officers.</p>
Public sector entity	<p>Has a specific meaning per section 6 of the PID Act.</p> <p>Means any one of the following-</p> <p>(a) a committee of the Legislative Assembly, whether or not a statutory committee;</p> <p>(b) the parliamentary service;</p> <p>(c) a court or tribunal;</p> <p>(d) the administrative office attached to a court or tribunal;</p> <p>(e) the Executive Council;</p> <p>(f) a department;</p> <p>Note— The following are, or are included in, departments—</p> <ul style="list-style-type: none"> • the Queensland Ambulance Service • the Queensland Fire and Rescue Service • the Queensland Police Service. <p>(g) a local government;</p> <p>(h) a registered higher education provider or TAFE Queensland;</p> <p>(j) an entity established under an Act or under State or local government authorisation for a public, State or local government purpose;</p> <p>(k) an entity prescribed under a regulation, that is assisted by public funds.</p> <p>However, the following are not public sector entities—</p> <p>(a) a corporate entity, other than to the extent expressly stated in this Act;</p> <p>(b) a Government Owned Corporation, other than to the extent expressly stated in this Act;</p> <p>(c) the following entities under the <i>Education (General Provisions) Act 2006</i>—</p> <ol style="list-style-type: none"> (i) an advisory committee; (ii) a non-State school; (iii) a parents and citizens association; <p>(d) an entity prescribed under a regulation.</p>

Term	Description
	A State educational institution or school council is part of the department in which the <i>Education (General Provisions) Act 2006</i> is administered.
Reasonable belief	A view which is objectively fair or sensible.
Reasonable management action	<p>Has a specific meaning per section 45(3) of the PID Act.</p> <p>Includes any of the following action taken by a manager in relation to an employee —</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>Has a specific meaning per section 40 of the PID Act.</p> <p>Means causing, attempting to cause or conspiring to cause detriment to another person because, or in the belief that, they or someone else:</p> <ul style="list-style-type: none"> • has made or intends to make a PID; or • has been or intends to be involved in a proceeding under the PID Act against any person. <p>Reprisal under the PID Act is a criminal offence and investigations may be undertaken by the Queensland Police Service.</p>
Subject officer	Means an employee of the department, or a person performing work for the department, who is the subject of allegations of wrongdoing made in a disclosure.
Substantial and specific	<p><i>Substantial</i> means 'of a significant or considerable degree'. It must be more than trivial or minimal and have some weight or importance.</p> <p><i>Specific</i> 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>