



PUBLIC INTEREST DISCLOSURE PROCEDURE

This Public Interest Disclosure (PID) Procedure provides the procedure that Western Downs Regional Council will follow in managing public interest disclosures and incorporates Council's Public Interest Disclosure Management Plan.

This document is based on the Office of the Queensland Ombudsman *Model Public Interest Disclosure Procedure*

Section 28 of the [Public Interest Disclosure Act 2010](#) (the PID Act), requires:-

28	Reasonable procedures to deal with public interest disclosures
(1)	The chief executive officer of a public sector entity must establish reasonable procedures to ensure that— <ul style="list-style-type: none"> a) public officers of the entity who make public interest disclosures are given appropriate support; and b) public interest disclosures made to the entity are properly assessed and, when appropriate, properly investigated and dealt with; and c) appropriate action is taken in relation to any wrongdoing that is the subject of a public interest disclosure made to the entity; and d) a management program for public interest disclosures made to the entity, consistent with any standard made under section 60, is developed and implemented; and e) public officers of the entity are offered protection from reprisals by the entity or other public officers of the entity.
(2)	The chief executive officer of a public sector entity must ensure the procedures are published, as soon as practicable after the procedures are made, on a website that is maintained by the public sector entity and readily accessible to the public.

Department:	Customer Support and Governance
Responsible Officer:	Customer Support and Governance Manager

Version	Approval Date	Adopted/Approved
1	15/05/2013	Ordinary Meeting of Council
2	02/09/2019	Executive Team Meeting
3	18/09/2019	Ordinary Meeting of Council
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5	28/11/2024	Executive Leadership Team Meeting

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1. Introduction

Western Downs Regional Council is committed to fostering an ethical, transparent culture. In pursuit of this, Western Downs Regional Council values the disclosure of information about suspected wrongdoing in the public sector so that it can be properly assessed and if necessary, appropriately investigated. Council 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 procedures are implemented which comply with the requirements of the [Public Interest Disclosure Act 2010](#) (PID Act).

2. Objective/Purpose

By complying with the *Public Interest Disclosure Act*, Western Downs Regional Council will:

- (1) promote the public interest by facilitating public interest disclosures (PIDs) of wrongdoing;
- (2) ensure that public interest disclosures are properly assessed and where appropriate, properly investigated and dealt with;
- (3) ensure appropriate consideration is given to the interests of persons who are the subject of a public interest disclosure; and
- (4) ensure protection from reprisal is afforded to persons making a public interest disclosure.

As required under the *Public Interest Disclosure Act*, the Chief Executive Officer will implement procedures to ensure that:

- (1) any public officer who makes a public interest disclosure is given appropriate support;
- (2) public interest disclosures made to Western Downs Regional Council are properly assessed and where appropriate, properly investigated and dealt with;
- (3) appropriate action is taken in relation to any wrongdoing which is the subject of a public interest disclosure;
- (4) a management programme for public interest disclosures made to Council, consistent with the standards issued by the Queensland Ombudsman, is developed and implemented; and
- (5) public officers who make public interest disclosures are offered protection from reprisal by Council or other public officers of Council.

Council's Public Interest Disclosure Procedure is available for public viewing at www.wdrc.qld.gov.au page. The Public Interest Disclosure Procedure will be reviewed annually and updated as required to ensure it meets the requirements of the *Public Interest Disclosure Act* and the standards issued by the Queensland Ombudsman.

3. **Public Interest Disclosure Management Programme**

The Chief Executive Officer has overall responsibility for ensuring that Western Downs Regional Council develops, implements, and maintains a public interest disclosure management programme. Council's public interest disclosure management programme encompasses:

- (1) a commitment to encouraging the internal reporting of wrongdoing;
- (2) senior management endorsement of the value to Council of public interest disclosures and the proper management of such disclosures;
- (3) a communication strategy to raise awareness among employees about public interest disclosures and Council's public interest disclosure procedure;
- (4) a training strategy to give employees access to training about how to make a public interest disclosure, information on the support available to a discloser, and advice on how disclosures will be managed;
- (5) specialist training and awareness about public interest disclosures for senior management and other staff who may receive or manage public interest disclosures, disclosers, or workplace issues relating to such disclosures;
- (6) the appointment of a specialist officer/unit to be responsible for issues related to the management of public interest disclosures;
- (7) ensuring effective systems and procedures are in place so that issues and outcomes from public interest disclosures inform improvements to service delivery, business processes, and internal controls; and
- (8) regular review of the Public Interest Disclosure Procedure and evaluation of the effectiveness of the public interest disclosure management programme.

The Chief Executive Officer has designated the following roles and responsibilities for managing public interest disclosures within Western Downs Regional Council:

Role:	Responsibilities:	Officer:
Public Interest Disclosure Co-ordinator	<ul style="list-style-type: none"> (a) principal contact for public interest disclosure issues within Council; (b) document and manage implementation of public interest disclosure management programme; (c) review and update public interest disclosure procedure annually; (d) maintain and update internal records of public interest disclosures received; (e) report data on public interest disclosures to Queensland Ombudsman; (f) assess public interest disclosures received; (g) provide acknowledgment of receipt of public interest disclosure to discloser; (h) undertake risk assessments in consultation with disclosers and other relevant officers; 	<p><i>Customer Support and Governance Manager</i></p> <p><i>Ph: (07) 4679 4217</i></p> <p><i>Email: PIDCoordinator@wdrc.qld.gov.au</i></p>

Role:	Responsibilities:	Officer:
	<ul style="list-style-type: none"> (i) liaise with other agencies about referral of public interest disclosures; and (j) allocate Investigator and Support Officer to a public interest disclosure matter. 	
Public Interest Disclosure Support Officer	<ul style="list-style-type: none"> (a) provide advice and information to discloser on Council's public interest disclosure procedure; (b) provide personal support and referral to other sources of advice or support as required; (c) facilitate updates on progress of investigation; and (d) proactively contact discloser throughout public interest disclosure management process. 	The Public Interest Disclosure Co-ordinator will assign a Public Interest Disclosure Support Officer.
Investigator	<ul style="list-style-type: none"> (a) conduct investigation of information in public interest disclosure in accordance with terms of reference; and (b) prepare report for delegated decision-maker. 	An appropriate internal or external investigator will be appointed for each public interest disclosure investigated, depending upon the type of disclosure and other relevant considerations.
Delegated decision-maker	<ul style="list-style-type: none"> (a) review investigation report and determine whether alleged wrongdoing is substantiated. 	An appropriate decision-maker will be appointed for each public interest disclosure investigated.
General Managers, Manager, Co-ordinators, and Supervisors	<ul style="list-style-type: none"> (a) identifying, accepting and reporting to the Public Interest Disclosure Co-ordinator any possible public interest disclosures reported to them; (b) maintaining an ethical culture and leading by example; (c) ensuring their staff and themselves are aware and adequately trained in respect to public interest disclosures; (d) maintain confidentiality and natural justice; (e) assist in the management of public interest disclosures where required; (f) continually monitor the workplace for signs of reprisal and raise concerns before it escalates; and (g) notify the Chief Executive Officer or Public Interest Disclosure Co-ordinator of any 	All Officers in supervisory roles within the organisation.

Role:	Responsibilities:	Officer:
	detrimental actions and acts of reprisal.	

4. Why make a Public Interest Disclosure?

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. Western Downs Regional Council supports the disclosure of information about wrongdoing because:

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

When making a public interest disclosure the discloser receives the protections provided under the *Public Interest Disclosure Act*, including:

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

5. What is a Public Interest Disclosure?

Under the *Public Interest Disclosure Act*, any person can make a disclosure about a:

- (1) **substantial** and **specific** danger to the health or safety of a person with a **disability**;
- (2) the commission of an offence or contravention of a condition imposed under a provision of legislation mentioned in Schedule 2 of the *Public Interest Disclosure Act*, if the offence or contravention would be a **substantial** and **specific** danger to the environment; or
- (3) **reprisal** because of a belief that a person has made or intends to make a disclosure.

In addition, public sector officers (including the Mayor, Councillors, and Employees) can make a disclosure about the following public interest matters:

- (1) **corrupt conduct**;
- (2) **maladministration** that adversely affects a person's interests in a **substantial** and **specific** way;
- (3) a **substantial** misuse of public resources;
- (4) a **substantial** and **specific** danger to public health or safety; and
- (5) **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 public interest disclosure and is covered by the *Public Interest Disclosure Act* even if the:

- (1) 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;
- (2) disclosure is made anonymously – the discloser is not required to give their name or any identifying information;
- (3) discloser has not identified the material as a public interest disclosure – it is up to Council to assess information received and decide if it is a public interest disclosure; or
- (4) disclosure is unsubstantiated following investigation – the discloser is protected when the information they provide is assessed as a public interest disclosure, whether or not it is subsequently investigated or found to be not substantiated.

6. Who can a Public Interest Disclosure be disclosed to?

A public interest disclosure 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 Western Downs Regional Council first. If the matter is not resolved or the discloser is concerned about confidentiality, the disclosure may be made to another appropriate agency.

Who to contact within Western Downs Regional Council	Other agencies that can receive public interest disclosures:
<p>Any person (including employees) can make a disclosure to:</p> <ol style="list-style-type: none"> (a) any person in a supervisory or management position; (b) the human resources unit; (c) via Council's Administrative Complaint Process; (d) contacting Council's Governance team; or (e) the Chief Executive Officer. 	<p>Disclosures can be made to an agency that has a responsibility for investigating the information disclosed:</p> <ol style="list-style-type: none"> (a) Crime and Corruption Commission (CCC) for disclosures about corrupt conduct including reprisal; (b) Queensland Ombudsman for disclosures about maladministration; (c) Queensland Audit Office for disclosures about a substantial misuse of resources; (d) Department of Child Safety, Seniors and Disability Services for disclosures about danger to the health and safety of a child or young person with a disability or for

<p>Customer Support and Governance Manager, Peter Greet</p> <p>Ph: 4679 4217</p> <p>Email: peter.greet@wdrc.qld.gov.au</p> <p>Governance Coordinator, Karen Gillespie</p> <p>Ph: 4679 4064</p> <p>Email: karen.gillespie@wdrc.qld.gov.au</p> <p>Or Email: PIDCoordinator@wdrc.qld.gov.au</p>	<p>disclosures about danger to the health and safety of a person with a disability;</p> <p>(e) Office of the Public Guardian for disclosures about danger to the health and safety of a person with a disability;</p> <p>(f) Department of Environment and Science disclosures about danger to the environment;</p> <p>(g) a Member of the Legislative Assembly (MP) for any wrongdoing or danger; or</p> <p>(h) the Chief Judicial Officer of a court or tribunal in relation to a disclosure about wrongdoing by a judicial officer.</p> <p>Also, a person may make a complaint under the <i>Anti-Discrimination Act 1991</i> about a reprisal in accordance with section 44 of the <i>Public Interest Disclosure Act</i>. A complaint can be lodged with the Queensland Human Rights Commission.</p>
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A disclosure can also be made to a **journalist** if the following conditions have been met:

- (1) a valid public interest disclosure was initially made to a proper authority, and
- (2) the proper authority:
 - (a) decided not to investigate or deal with the disclosure,
 - (b) investigated the disclosure but did not recommend taking any action, or
 - (c) 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 *Public Interest Disclosure Act*. However, disclosers should be aware that journalists are not bound under the confidentiality provisions of section 65 of the *Public Interest Disclosure Act*.

7. How to make a Public Interest Disclosure

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

- (1) provide contact details (this could be an email address that is created for the purpose of making the disclosure or a telephone number);
- (2) provide as much information as possible about the suspected wrongdoing, including:
 - (a) who was involved;
 - (b) what happened;
 - (c) when it happened;
 - (d) where it happened;
 - (e) whether there were any witnesses, and if so, who they are;
 - (f) any evidence that supports the public interest disclosure, and where the evidence is located; and
 - (g) any further information that could help investigate the public interest disclosure; and
- (3) provide this information in writing.

8. Deciding whether a matter is a Public Interest 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 *Public Interest Disclosure Act*.

It is an offence under the *Public Interest Disclosure Act* to intentionally give false or misleading information intending it be acted on as a public interest disclosure. Employees may be subject to disciplinary action for intentionally giving false or misleading information in a public interest disclosure or during an investigation into a public interest disclosure.

Where a discloser states they are making a public interest disclosure but it is assessed that the matter is not a public interest disclosure, Council will advise the discloser:

- (1) that their information has been received but was not assessed as a public interest disclosure;
- (2) the reasons for the decision;
- (3) the review rights available if the discloser is dissatisfied with the decision and how to request review;
- (4) any action Council proposes to take in relation to the matter; and
- (5) any other options the discloser has in relation to the matter.

Council's Public Interest Disclosure Assessment Checklist must be completed and appropriately recorded. (ECM Doc Set ID 5095475)

9. Assessing a Public Interest Disclosure

The disclosure will be assessed in accordance with the *Public Interest Disclosure Act*, the public interest disclosure standards, Council's Public Interest Disclosure Procedure, and any other relevant procedure(s).

Once the matter has been assessed as a public interest disclosure, Council will advise the discloser:

- (1) that their information has been received and assessed as a public interest disclosure;
- (2) the action to be taken by Council in relation to the disclosure, which could include referring the matter to an external agency or investigating;
- (3) the likely timeframe involved;
- (4) the name and contact details of the Council support officer they can contact for updates or advice;
- (5) of the discloser's obligations regarding confidentiality;
- (6) the protections the discloser has under the *Public Interest Disclosure Act*;
- (7) the commitment of Council to keep appropriate records and maintain confidentiality, except where permitted under the *Public Interest Disclosure Act*;
- (8) how updates regarding intended actions and outcomes will be provided to the discloser; and
- (9) contact details for Council's Employee Assistance Programme.

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

10. Referring a Public Interest Disclosure

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

- (1) the public interest disclosure concerns wrongdoing by that agency or an employee of that agency; or
- (2) that agency has the power to investigate or remedy the matter.

Before referring the public interest disclosure to another agency, Council 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 public interest disclosure 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 *Public Interest Disclosure Act* permit appropriate officers of Council to communicate with another agency about the referral of a public interest disclosure. Officers will exercise discretion in their contacts with any other agency. The discloser will be advised of the action taken by Council.

11. Risk assessment and protection from reprisal

Disclosers should not suffer any form of detriment as a result of making a public interest disclosure. Upon receiving a public interest disclosure, Council 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 on the basis of information available in the public interest disclosure. The risk assessment will also take into account the risk to persons who may be suspected of making the public interest disclosure.

Consistent with the assessed level of risk, Council 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).

In consultation with the discloser, Council will regularly reassess the risk of reprisal while the public interest disclosure is being managed and review the risk management plan if required.

In the event of reprisal action being alleged or suspected, Council will:

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

The [Queensland Ombudsman *Public Interest Disclosure Risk Assessment and Risk Management Guide*](#) must be completed and appropriately recorded. Further information is available on the Queensland Ombudsman's website: [Assess, investigate and deal with public interest disclosures - Queensland Ombudsman](#)

12. Declining to take action on a Public Interest Disclosure

Under the *Public Interest Disclosure Act*, Council may decide not to investigate or deal with a public interest disclosure in various circumstances, including:

- (1) the information disclosed has already been investigated or dealt with by another process;
- (2) the information disclosed should be dealt with by another process;
- (3) the age of the information makes it impractical to investigate;
- (4) the information disclosed is too trivial and dealing with it would substantially and unreasonably divert Council from the performance of its functions; and
- (5) another agency with jurisdiction to investigate the information has informed Council that an investigation is not warranted.

If a decision is made not to investigate or deal with a public interest disclosure, Council will give the discloser written reasons for that decision.

If the discloser is dissatisfied with the decision, they can request a review by writing to the Chief Executive Officer within twenty-eight (28) days of receiving the written reasons for decision.

13. Communication with disclosers

Under the *Public Interest Disclosure Act*, Council must give reasonable information to a discloser.

Council will acknowledge receipt of the public interest disclosure in writing as soon as practicable. The discloser will be provided with information that meets the requirements of the *Public Interest Disclosure Act* and the standards issued by the Queensland Ombudsman, including:

- (1) the action that will be taken in response to the public interest disclosure;
- (2) the protections under the *Public Interest Disclosure Act*;
- (3) confidentiality obligations of the discloser and Council; and
- (4) support arrangements.

Council will maintain contact with the discloser and provide regular updates during the management of the public interest disclosure.

In accordance with the *Public Interest Disclosure Act*, after finalising action in response to the public interest disclosure, Council will advise the discloser in writing of the action taken and the results of the action.

14. Confidentiality

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

- (1) provide natural justice to subject officers; and
- (2) respond to a court order, legal directive, or court proceedings.

Council will ensure that, wherever possible, communication with all parties involved will be arranged discreetly to avoid identifying the discloser.

Disclosers should be aware that while Council will make every attempt to keep their details 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 *Public Interest Disclosure Act*, except in the limited circumstances provided in the Act.

15. Support for disclosers

Council recognises that providing appropriate support to a discloser is an important feature of effective public interest disclosure management.

An assessment will be undertaken to identify the support needs of the discloser. Where appropriate, a Public Interest Disclosure Support Officer will be assigned to the discloser. The Public Interest Disclosure Support Officer will assist the discloser to access information about public interest disclosures, protections available under the *Public Interest Disclosure Act*, and the public interest disclosure management process. The Public Interest Disclosure 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 public interest disclosure does not prevent **reasonable management action** and a discloser will remain liable for their own conduct. 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 public interest disclosure.

16. Investigating a Public Interest Disclosure

If a decision is made to investigate a public interest disclosure, this will be done with consideration for the:

- (1) principles of **natural justice**;
- (2) obligation under the *Public Interest Disclosure Act* to protect **confidential information**;
- (3) obligation under the *Public Interest Disclosure Act* to protect officers from reprisal; and
- (4) interests of subject officers.

If as a result of investigation, the information about wrongdoing provided in the public interest disclosure is substantiated, appropriate action will be taken.

Where the investigation does not substantiate wrongdoing, Council will review systems, policies, and procedures to identify whether there are improvements that can be made and consider if staff training is required. Council will provide the discloser with outcome advice including reasons for the decision.

The investigation process followed by the investigator will vary depending on the nature of the disclosure. The table below provides guidance on the relevant investigation process for each type of disclosure:

Disclosure relates to:	Investigation Process:	Relevant References:
Corrupt conduct	Crime and Corruption Commission	<i>Crime and Corruption Act 2001</i> CCC Resource material including Corruption in Focus
Maladministration - Employees	Complaints Management Process / Disciplinary Process	Complaints Management Policy and Process
Maladministration - Councillors	Office of the Independent Assessor	<i>Local Government Act 2009</i> Investigations Policy
Substantial misuse of public resources - Employees	Complaints Management Process / Disciplinary Process	Relevant legislation Complaints Management Policy and Process
Substantial misuse of public resources - Councillors	Office of the Independent Assessor	<i>Local Government Act 2009</i> Investigations Policy
Substantial and specific danger to public health or safety	Refer to appropriate State Agency or Complaints Management Process / Disciplinary Process	Relevant legislation Complaints Management Policy and Process
Substantial and specific danger to a person with a disability	Refer to appropriate State Agency or Complaints Management Process / Disciplinary Process	Relevant legislation Complaints Management Policy and Process
Substantial and specific danger to the environment	Refer to appropriate State Agency or Complaints Management Process	Relevant legislation Complaints Management Policy and Process
Reprisal	Crime and Corruption Commission or Complaints Management Process / Disciplinary Process	Relevant legislation Complaints Management Policy and Process

17. Rights of subject officers

Council acknowledges that for officers who are the subject of a public interest disclosure the experience may be stressful. Council will protect their rights by:

- (1) assuring them that the public interest disclosure will be dealt with impartially, fairly, and reasonably in accordance with the principles of natural justice;
- (2) confirming that the public interest disclosure is an allegation only until information or evidence obtained through an investigation substantiates the allegation;
- (3) providing them with information about their rights and the progress and outcome of any investigation; and
- (4) referring them to the Employee Assistance Programme for support.

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

18. Record-keeping

In accordance with its obligations under the *Public Interest Disclosure Act* and the [Public Records Act 2002](#), Council will ensure that:

- (1) accurate data is collected about the receipt and management of public interest disclosures; and
- (2) anonymised data is reported to the Office of the Queensland Ombudsman in its role as the oversight agency, through the public interest disclosure 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 public interest disclosure.

19. Definitions (meanings of words used in this Procedure)

Term	Definition
Administrative action	<p>(a) means any action about a matter of administration, including, for example:</p> <ol 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> <ol style="list-style-type: none"> (i) information about the identity, occupation, residential or work address or whereabouts of a person — <ol 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 (iv) information that, if disclosed, may cause detriment to a person; and <p>(b) does not include information publicly disclosed in a public interest disclosure made to a court, tribunal or other entity that may receive evidence under oath, unless further disclosure of the information is prohibited by law.</p>
Corrupt conduct	As defined in section 15 of the Crime and Corruption Act 2001 :

	<p>(1) Corrupt conduct means conduct of a person, regardless of whether the person holds or held an appointment, that—</p> <p>(a) adversely affects, or could adversely affect, directly or indirectly, the performance of functions or the exercise of powers of—</p> <p>(i) a unit of public administration; or</p> <p>(ii) a person holding an appointment; and</p> <p>(b) results, or could result, directly or indirectly, in the performance of functions or the exercise of powers mentioned in paragraph (a) in a way that—</p> <p>(i) is not honest or is not impartial; or</p> <p>(ii) involves a breach of the trust placed in a person holding an 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>
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) <i>financial loss; and</i></p> <p>(f) <i>damage to reputation, including, for example, personal, professional or business reputation.</i></p>
Disability	<p>As defined in section 11 of the Disability Services Act 2006, for the purposes of this procedure:</p> <p>(1) <i>A disability is a person's condition that—</i></p> <p style="padding-left: 20px;">(a) <i>is attributable to—</i></p> <p style="padding-left: 40px;">(i) <i>an intellectual, psychiatric, cognitive, neurological, sensory or physical impairment; or</i></p> <p style="padding-left: 40px;">(ii) <i>a combination of impairments mentioned in subparagraph (i); and</i></p> <p style="padding-left: 20px;">(b) <i>results in—</i></p> <p style="padding-left: 40px;">(i) <i>a substantial reduction of the person's capacity for communication, social interaction, learning, mobility or self-care or management; and</i></p> <p style="padding-left: 40px;">(ii) <i>the person needing support.</i></p> <p>(2) <i>For subsection (1), the impairment may result from an acquired brain injury.</i></p> <p>(3) <i>The disability must be permanent or likely to be permanent.</i></p> <p>(4) <i>The disability may be, but need not be, of a chronic episodic nature.</i></p>
Discloser	A person who makes a disclosure in accordance with the Public Interest Disclosure Act 2010 .
Employee	Of an entity, includes a person engaged by the entity 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 public interest disclosure 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	<p>As defined in schedule 4 of the Public Interest Disclosure Act 2010, maladministration is administrative action that—</p> <p>(a) <i>was taken contrary to law; or</i></p> <p>(b) <i>was unreasonable, unjust, oppressive, or improperly discriminatory; or</i></p> <p>(c) <i>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</i></p> <p>(d) <i>was taken—</i></p> <p style="padding-left: 20px;">(i) <i>for an improper purpose; or</i></p> <p style="padding-left: 20px;">(ii) <i>on irrelevant grounds; or</i></p> <p style="padding-left: 20px;">(iii) <i>having regard to irrelevant considerations; or</i></p> <p>(e) <i>was an action for which reasons should have been given, but were not given; or</i></p> <p>(f) <i>was based wholly or partly on a mistake of law or fact; or</i></p> <p>(g) <i>was wrong.</i></p>
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.

	<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"> (a) avoid bias; (b) give a fair hearing; and (c) act only on the basis of logically probative evidence.
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"> (a) providing moral and emotional support; (b) advising disclosers about agency resources available to handle any concerns they have as a result of making their disclosure; (c) appointing a mentor, confidante or other support officer to assist the discloser through the process; (d) referring the discloser to the agency's Employee Assistance Programme or arranging for other professional counselling; (e) generating support for the discloser in their work unit where appropriate; (f) ensuring that any suspicions of victimisation or harassment are dealt with; (g) maintaining contact with the discloser; and (h) negotiating with the discloser and their support officer a formal end to their involvement with the support programme when it is agreed that they no longer need assistance.
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 being the Mayor, Councillors and Employees.
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) <i>a reasonable appraisal of the employee's work performance;</i> (b) <i>a reasonable requirement that the employee undertake counselling;</i> (c) <i>a reasonable suspension of the employee from the employment workplace;</i> (d) <i>a reasonable disciplinary action;</i> (e) <i>a reasonable action to transfer or deploy the employee;</i> (f) <i>a reasonable action to end the employee's employment by way of redundancy or retrenchment;</i> (g) <i>a reasonable action in relation to an action mentioned in paragraphs (a) to (f);</i> (h) <i>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.</i>
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"> (a) has made or intends to make a disclosure; or (b) has been or intends to be involved in a proceeding under the disclosure Act against any person.

	Reprisal under the Public Interest Disclosure Act 2010 is a criminal offence and investigations may be undertaken by the Queensland Police Service.
Subject officer	An officer who is the subject of allegations of wrongdoing made in a disclosure.
Substantial and specific	Substantial means 'of a significant or considerable degree'. It must be more than trivial or minimal and have some weight or importance. 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.

20. **Relevant Legislation**

- (1) [Anti-Discrimination Act 1991](#)
- (2) [Crime and Corruption Act 2001](#)
- (3) [Human Rights Act 2019](#)
- (4) [Local Government Act 2009](#)
- (5) [Ombudsman Act 2001](#)
- (6) [Public Interest Disclosure Act 2010](#)
- (7) [Public Records Act 2002](#)
- (8) [Public Sector Ethics Act 1994](#)

21. **Related Policies and Procedures**

- (1) Public Interest Disclosure - Organisational Policy
- (2) Administrative Action Complaints Policy and Process
- (3) Employee Code of Conduct and Standards of Conduct
- (4) Code of Conduct for Councillors in Queensland
- (5) Confidentiality Policy
- (6) Investigations Policy

22. **Supporting information**

- (1) [Public Interest Disclosure Standard No. 1/2019](#)
- (2) [Public Interest Disclosure Standard No. 2/2019](#)
- (3) [Public Interest Disclosure Standard No. 3/2019](#)
- (4) [Disclosure Fact sheet 1: What is a disclosure](#)
- (5) [Disclosure Fact sheet 2: Checklist for making a disclosure](#)
- (6) [Disclosure Fact sheet 3: Discloser information and support](#)